brakes provided the combination of vehicles meets the requirements of § 393.52.

* * * * *

■ 3. Amend § 393.71 by revising paragraphs (a)(3) and (c)(4) to read as follows:

§ 393.71 Coupling devices and towing methods, driveaway-towaway operations.

(a) * * *

(3) When motor vehicles are towed by means of triple saddle-mounts, all but the final towed vehicle must have brakes acting on all wheels in contact with the roadway.

* * * * *

(c) * * *

(4) If a motor vehicle towed by means of a saddle-mount has any vehicle full-mounted on it, the saddle-mounted vehicle must at all times while so loaded have effective brakes acting on all wheels in contact with the roadway.

* * * * *

Issued on: September 8, 2011.

Anne S. Ferro,

Administrator.

[FR Doc. 2011–23344 Filed 9–12–11; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 101013504–0610–02]

RIN 0648–XA529

Atlantic Surfclam and Ocean Quahog Fisheries; 2012 Fishing Quotas for Atlantic Surfclams and Ocean Quahogs; and Suspension of Minimum Atlantic Surfclam Size Limit

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

ACTION: Temporary rule.

SUMMARY: NMFS suspends the minimum size limit for Atlantic surfclams for the 2012 fishing year. NMFS also announces that the quotas for the Atlantic surfclam and ocean quahog fisheries for 2012 will remain status quo. Regulations governing these fisheries require NMFS to notify the public in the **Federal Register** of the allowable harvest levels for Atlantic surfclams and ocean quahogs from the Exclusive Economic Zone if the previous year's quota specifications remain unchanged.

DATES: Effective January 1, 2012, through December 31, 2012.

ADDRESSES: Written inquiries may be sent to: Regional Administrator, National Marine Fisheries Service, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930–2298.

FOR FURTHER INFORMATION CONTACT: Jason Berthiaume, Fishery Management Specialist, (978) 281–9177; fax (978) 281–9135.

SUPPLEMENTARY INFORMATION: Section 648.72(c) of the regulations implementing the fishery management plan (FMP) for the Atlantic surfclam and ocean quahog fisheries authorizes the Administrator, Northeast Region, NMFS (Regional Administrator), to suspend annually, by publication of a notification in the **Federal Register**, the minimum size limit for Atlantic surfclams. This action may be taken unless discard, catch, and biological sampling data indicate that 30 percent or more of the Atlantic surfclam resource is smaller than 4.75 inches (120 mm) and the overall reduced size is not attributable to harvest from beds where growth of the individual clams has been reduced because of density-dependent factors.

At its June 2011 meeting, the Mid-Atlantic Fishery Management Council (Council) voted to recommend that the Regional Administrator suspend the minimum size limit for Atlantic surfclams for the 2012 fishing year. Commercial surfclam data for 2011 were analyzed to determine the percentage of surfclams that were smaller than the minimum size requirement. The analysis indicated that 4.3 percent of the overall commercial landings were composed of surfclams that were less than 4.75 inches (120 mm). Based on these data, the Regional Administrator concurs with the Council's recommendation and suspends the minimum size limit for Atlantic surfclams from January 1 through December 31, 2012.

The FMP for the Atlantic surfclam and ocean quahog fisheries requires that NMFS issue notification in the **Federal Register** of the upcoming year's quota, even in cases where the quota remains unchanged from the previous year. At its June 2011 meeting, the Council also voted that no action be taken to change the quota specifications for Atlantic surfclams and ocean quahogs for the 2012 fishing year (January 1 through December 31, 2013), and recommended maintaining the 2011 quota levels of 3.4 million bu (181 million L) for Atlantic surfclams, 5.333 million bu (284 million L) for ocean quahogs, and 100,000 Maine bu (3.524 million L) for Maine ocean quahogs, as announced in the **Federal Register** on December 27, 2010 (75 FR 81142).

Classification

This action is authorized by 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: September 7, 2011.

James P. Burgess,

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

[FR Doc. 2011–23373 Filed 9–12–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 100923469–1543–05]

RIN 0648–BA27

Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Framework Adjustment (FW) 45; Adjustments for Fishing Year (FY) 2011

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

ACTION: Interim final rule; request for comments.

SUMMARY: NMFS adjusts the differential days-at-sea (DAS) rate for common pool vessels for FY 2011 due to overages of FY 2010 catch levels. This measure will help prevent FY 2011 catch levels from being exceeded. NMFS also announces the amount of unused FY 2010 annual catch entitlement (ACE) carryover available to each sector in FY 2011, and adjusts the final number of vessels fishing in a sector in FY 2011.

DATES: Effective September 8, 2011 through April 30, 2012. Written comments must be received on or before September 28, 2011.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2010–0198, by any one of the following methods:

• *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal: *http://www.regulations.gov*. To submit comments via the e-Rulemaking Portal, first click the ''submit a comment'' icon, then enter NOAA–NMFS–2010–0198 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 the right of that line.

• *Mail:* Submit written comments to Patricia A. Kurkul, Regional Administrator, 55 Great Republic Drive, Gloucester, MA 01930.

• *Fax:* (978) 281–9135; Attn: Sarah Heil.

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 *http://www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, *etc.*) 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: Sarah Heil, Fishery Policy Analyst, (978) 281–9257.

SUPPLEMENTARY INFORMATION:

FY 2011 Differential DAS Counting for Common Pool Vessels

Based on preliminary FY 2010 common pool catch information available in February 2011, NMFS previously estimated that common pool catch of witch flounder would exceed the common pool sub-annual catch limit (sub-ACL) by 32 percent. Based on this information, the final rule for FW 45 (76 FR 23042, April 25, 2011) implemented a differential DAS rate of 1.3 on May 1, 2011, in the Offshore Gulf of Maine (GOM), the Inshore Georges Bank (GB), and the Offshore GB Differential DAS areas for common pool vessels. These areas are where witch flounder are predominately caught. The differential DAS rate applies to all Category A DAS used by common pool vessels, and is applied to the time spent in the applicable DAS counting area where a vessel fishes. Updated end-of-year 2010 catch estimates show that the common pool sub-ACL for witch flounder was only exceeded by 20 percent, and the total ACL for northern windowpane flounder was exceeded by 27 percent. Therefore, this rule reduces the differential DAS rate to 1.2 in the Offshore GOM and the Inshore GB Differential DAS areas due to the overage of witch flounder. This lower rate will be applied retroactively to all applicable trips taken since the start of FY 2011 on May 1, 2011. The differential DAS rate for the Offshore GB Differential DAS area will remain at 1.3 due to the overage of northern windowpane flounder. Northern windowpane flounder are predominately caught in this area. These accountability measures (AMs) are meant to prevent overages of FY 2011 catch levels. Further adjustments to the common pool differential DAS rate are likely based on final 2010 catch estimates for components of the groundfish fishery that have not yet been fully evaluated, such as the recreational fishery, exempted fisheries, non-groundfish vessels (e.g., scallop vessels), and state-only permitted vessels.

FY 2011 Final Sector Rosters

A final rule was published on June 15, 2011 (76 FR 34903), announcing the FY 2011 sector and common pool sub-ACLs based on final sector rosters as of May 1, 2011. On the same day, a permit issued to a vessel that had previously elected to fish in a sector in FY 2011 was permanently cancelled and was removed from the FY 2011 roster for the particular sector. This rule announces the final number of permits (as tracked by moratorium right identifiers (MRIs)) participating in each sector during FY 2011 (see Table 1). Calculation of potential sector contributions (PSCs) for FY 2012 for each limited access permit will include the re-distribution of any PSC associated with this cancelled permit. This rule does not change the FY 2011 sector or common pool catch limits.

TABLE 1—FINAL SECTOR MEMBERSHIP FOR FY 2011

Sector name*	Moratorium right identifier count
FGS	96
MPBS	8
NCCS	29
NEFS 2	83
NEFS 3	93
NEFS 4	41
NEFS 5	32
NEFS 6	21
NEFS 7	20
NEFS 8	20
NEFS 9	60
NEFS 10	51
NEFS 11	46
NEFS 12	11
NEFS 13	35
PCCGS	39
SHS 1	108
SHS 3	16
TSS	19
All Sectors Combined	828

*Georges Bank Cod Fixed Gear Sector (FGS), Maine Permit Bank Sector (MPBS), Northeast Coastal Communities Sector (NCCS), Northeast Fishery Sectors (NEFS), Port Clyde Community Groundfish Sector (PCCGS), Sustainable Harvest Sector (SHS), and Tri-State Sector (TSS).

FY 2010 Sector ACE Carryover

The regulations allow each sector to carry over up to 10 percent of its initial allocation for all but one groundfish stock into the following fishing year. Unused ACE for GB yellowtail flounder cannot be carried over because catch levels for this stock are set each year by the U.S./Canada Resource Sharing Understanding. The amount of unused FY 2010 ACE was calculated as the difference of a sector's final FY 2010 ACE for each stock, including all ACE trades, and the sector's FY 2010 catch. FY 2010 ACE carryover information for all sectors combined is presented in Table 2. FY 2010 ACE carryover amounts for each sector are presented in Table 3 and Table 4.

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Table 2. Summary of FY 2010 ACE Carryover for All Sectors Combined (lb and mt)

Stock	FY 2010 Total ACE		FY 2010 Catch		FY 2010 ACE Carryover Cap		FY 2010 ACE Carryover	
	lb	mt	lb	mt	lb	mt	lb	mt
GB Cod	7,280,541	3,302	6,053,375	2,745.8	728,054	330	699,321	317.2
GOM Cod	9,540,389	4,327	7,974,284	3,617.1	954,039	433	949,413	430.6
GB Haddock	88,593,877	40,186	18,183,697	8,248.0	8,859,388	4,019	8,859,388	4,018.6
GOM Haddock	1,761,206	799	816,869	370.5	176,121	80	173,501	78.7
SNE/MA Yellowtail*	517,372	235	336,125	152.5	51,737	23	51,603	23.4
CC/GOM Yellowtail Flounder*	1,608,084	729	1,234,074	559.8	160,808	73	155,812	70.7
Plaice	6,058,149	2,748	3,315,063	1,503.7	605,815	275	605,815	274.8
Witch Flounder	1,824,125	827	1,533,027	695.4	182,413	83	177,788	80.6
GB Winter Flounder	4,018,496	1,823	3,047,725	1,382.4	401,850	182	401,850	182.3
GOM Winter Flounder	293,736	133	177,934	80.7	29,374	13	27,953	12.7
Redfish	14,894,618	6,756	4,725,257	2,143.3	1,489,462	676	1,489,462	675.6
White Hake	5,522,677	2,505	4,884,630	2,215.6	552,268	251	544,996	247.2
Pollock	35,666,741	16,178	12,014,768	5,449.8	3,566,674	1,618	3,566,674	1,617.8

*Southern New England (SNE)/Mid-Atlantic (MA), Cape Cod (CC)

Table 3. FY 2010 ACE Carryover Available to Each Sector in FY 2011 by Stock (lb)

Sector Name*	GB Cod	GOM Cod	GB Haddock	GOM Haddock	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	Redfish	White Hake	Pollock
FGS	209,599	19,084	571,007	2,338	126	3,130	3,467	1,416	109	778	43,627	26,702	284,318
NCCS	910	4,171	10,780	410	360	687	858	391	281	93	6,696	4,157	16,184
NEFS 2	40,246	191,736	1,036,450	32,157	1,146	32,756	51,713	24,757	6,907	6,809	249,448	34,514	448,499
NEFS 3	7,179	160,084	14,304	19,686	43	14,188	26,945	5,566	75	3,465	21,938	28,504	268,569
NEFS 4	35,620	86,791	483,429	11,430	1,834	12,329	57,885	17,405	2,900	1,748	97,417	44,624	205,928
NEFS 5	21,216	2,308	473,561	1,220	18,123	2,717	12,980	4,730	10,415	235	6,165	2,021	14,893
NEFS 6	14,157	17,001	238,478	5,382	3,314	3,529	21,298	7,828	3,435	1,139	78,504	20,577	116,702
NEFS 7	29,304	6,122	468,442	1,319	2,834	8,318	25,213	4,864	69,492	1,116	7,420	4,316	27,381
NEFS 8	55,653	490	589,310	364	4,074	7,486	15,281	4,073	84,235	1,166	6,584	2,878	23,371
NEFS 9	85,101	16,770	919,926	7,546	4,880	16,485	47,321	14,308	137,395	895	87,264	22,926	139,284
NEFS 10	7,063	51,304	23,050	4,976	131	20,090	10,879	5,485	24	5,681	8,644	5,203	52,585
NEFS 11	2,995	137,516	3,298	5,842	9	3,793	11,722	3,487	14	739	28,310	27,164	337,985
NEFS 12	61	12,695	14	238	1	831	2,279	517	0	113	1,013	195	1,917
NEFS 13	56,906	7,002	1,253,929	1,063	7,197	5,337	21,401	8,470	44,114	486	68,225	9,932	80,351
PCCGS	788	47,354	4,275	4,161	343	1,673	39,854	8,325	28	747	38,536	25,831	155,758
SHS	126,112	180,176	2,638,689	75,003	6,359	18,663	249,455	63,719	34,516	2,497	739,479	284,748	1,390,871
TSS	6,410	8,810	130,445	365	830	3,800	7,264	2,447	7,909	247	192	700	2,078

Table 4. FY 2010 ACE Carryover Available to Each Sector in FY 2011 by Stock (mt)

Sector Name	GB Cod	GOM Cod	GB Haddock	GOM Haddock	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	Redfish	White Hake	Pollock
FGS	95.1	8.7	259.0	1.1	0.1	1.4	1.6	0.6	0.0	0.4	19.8	12.1	129.0
NCCS	0.4	1.9	4.9	0.2	0.2	0.3	0.4	0.2	0.1	0.0	3.0	1.9	7.3
NEFS 2	18.3	87.0	470.1	14.6	0.5	14.9	23.5	11.2	3.1	3.1	113.1	15.7	203.4
NEFS 3	3.3	72.6	6.5	8.9	0.0	6.4	12.2	2.5	0.0	1.6	10.0	12.9	121.8
NEFS 4	16.2	39.4	219.3	5.2	0.8	5.6	26.3	7.9	1.3	0.8	44.2	20.2	93.4
NEFS 5	9.6	1.0	214.8	0.6	8.2	1.2	5.9	2.1	4.7	0.1	2.8	0.9	6.8
NEFS 6	6.4	7.7	108.2	2.4	1.5	1.6	9.7	3.6	1.6	0.5	35.6	9.3	52.9
NEFS 7	13.3	2.8	212.5	0.6	1.3	3.8	11.4	2.2	31.5	0.5	3.4	2.0	12.4
NEFS 8	25.2	0.2	267.3	0.2	1.8	3.4	6.9	1.8	38.2	0.5	3.0	1.3	10.6
NEFS 9	38.6	7.6	417.3	3.4	2.2	7.5	21.5	6.5	62.3	0.4	39.6	10.4	63.2
NEFS 10	3.2	23.3	10.5	2.3	0.1	9.1	4.9	2.5	0.0	2.6	3.9	2.4	23.9
NEFS 11	1.4	62.4	1.5	2.6	0.0	1.7	5.3	1.6	0.0	0.3	12.8	12.3	153.3
NEFS 12	0.0	5.8	0.0	0.1	0.0	0.4	1.0	0.2	0.0	0.1	0.5	0.1	0.9
NEFS 13	25.8	3.2	568.8	0.5	3.3	2.4	9.7	3.8	20.0	0.2	30.9	4.5	36.4
PCCGS	0.4	21.5	1.9	1.9	0.2	0.8	18.1	3.8	0.0	0.3	17.5	11.7	70.7
SHS	57.2	81.7	1196.9	34.0	2.9	8.5	113.2	28.9	15.7	1.1	335.4	129.2	630.9
TSS	2.9	4.0	59.2	0.2	0.4	1.7	3.3	1.1	3.6	0.1	0.1	0.3	0.9

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the NMFS Assistant Administrator has determined that this final rule is consistent with the NE Multispecies Fishery Management Plan, other provisions of the Magnuson-Stevens Act, and other applicable law.

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA finds good cause under 5 U.S.C. 553(b)(B) and (d)(3) to waive prior notice and the delayed effectiveness for this action because notice and a delayed effectiveness would be unnecessary, impracticable, and contrary to the public interest. Both the FW 45 final rule and the FY 2011 adjustment rule based on final sector rosters indicated that future adjustments may be made based on updated FY 2010 catch estimates and final sector rosters; these catch estimates and final rosters only recently became available, and this rule implements the anticipated adjustments. Prior opportunity for public comment is unnecessary and impracticable because the public was provided the opportunity to comment on the possibility of the anticipated adjustments, including the basis for such adjustments. However, NMFS is requesting public comment on this action because the actual adjustments in this rule were not specifically stated.

NMFS also finds good cause pursuant to 5 U.S.C. 553(d)(3) to waive the delay in effectiveness of this action as contrary to the public interest. Any delay in making these adjustments would cause Category A DAS common pool vessels to operate under a more restrictive differential DAS rate than required in certain areas. Fishermen participating in the common pool fishery make business decisions based on the number of DAS available to them. A delay in this action would prolong the time period that the fishery would be operating under an incorrect differential DAS rate, which may prevent a vessel from gaining the maximum benefit from available fishing opportunities during the summer months, which generally have better weather conditions. NMFS is making this adjustment now because FY 2010 catch information supporting the change only recently became available.

A delay in the announcement of the FY 2010 ACE carryover is also contrary to the public interest because a delay could disrupt sector operations and prevent sectors from planning for the fishing year based on the amount of ACE available to them in FY 2011. FY 2010 ACE carryover may increase the fishing opportunities available to each sector in FY 2011, especially if a sector has a small allocation for particular stocks. A delay in this action could result in foregone fishing opportunities during the summer months, when weather conditions are generally better. Because ACE may be traded between sectors, a delay in this action could also affect the ACE available to the market for trading, to the economic detriment of the fishery.

Because prior notice and an opportunity for comment are not required for this rule by 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* are inapplicable.

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

Dated: September 7, 2011.

Samuel D. Rauch III,

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

[FR Doc. 2011–23369 Filed 9–8–11; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 101102552–1319–02]

RIN 0648–BA35

Fisheries Off West Coast States; Highly Migratory Species Fisheries; Annual Catch Limits and Accountability Measures

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule under authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to implement Amendment 2 to the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP). NMFS approved Amendment 2 on June 12, 2011. The final rule implements regulatory components specified under Amendment 2 by changing the suite of management unit species and modifying the process for revising numerical estimates of maximum sustainable yield and optimal yield, and specify status determination criteria so that overfishing and overfished determinations can be made for all management unit species. The final rule is necessary to ensure that the HMS FMP is consistent with the objectives of National Standard 1 in the MSA. National Standard 1 mandates that ''Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the U.S. fishing industry.''

DATES: This final rule is effective October 13, 2011.

FOR FURTHER INFORMATION CONTACT: Craig Heberer, Sustainable Fisheries Division, NMFS, 760–431–9440, ext. 303.

SUPPLEMENTARY INFORMATION:

Electronic Access

This final rule is also accessible at (*http://swr.nmfs.noaa.gov/*). An electronic copy of the current HMS FMP and accompanying appendices, including Amendments 1 and 2, are available on the Pacific Fishery Management Council's Web site at *http://www.pcouncil.org/hms/hmsfmp.html.*

The HMS FMP was developed by the Pacific Fishery Management Council (Council) in response to the need to coordinate state, Federal, and international management of HMS stocks. The management unit in the FMP consists of several highly migratory species (tunas, billfish, and sharks) that occur within the West Coast (California, Oregon, and Washington) Exclusive Economic Zone (EEZ) and to a limited extent on adjacent high seas waters. The National Marine Fisheries Service (NMFS), on behalf of the U.S. Secretary of Commerce, partially approved the HMS FMP on February 4, 2004. NMFS implements the Council's recommended management measures through the Federal regulatory process.

In June 2010, the Council took final action to recommend adoption of Amendment 2 to the HMS FMP, which addresses statutory requirements of the MSA National Standard Guidelines in regard to the establishment of annual catch limits (ACLs) and accountability measures (AMs). The Council transmitted Amendment 2 to NMFS on March 14, 2011. NMFS approved Amendment 2 on June 12, 2011. This final rule implements Amendment 2. In Amendment 2, the Council recommended and NMFS concurred that all 11 MUS will fall under the international exemption for setting ACLs and AMs as described at 50 CFR