

a tariff containing rates and regulations applicable to the portion or through service it furnishes in conjunction with another subject carrier.

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[FR Doc. 2011-25201 Filed 9-28-11; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Hunting and Fishing

CFR Correction

In Title 50 of the Code of Federal Regulations, Parts 18 to 199, revised as of October 1, 2010, on page 448, in § 32.60, in the Ernest F. Hollings ACE Basin National Wildlife Refuge, reinstate paragraph D, to read as follows:

§ 32.60 South Carolina.

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Ernest F. Hollings ACE Basin National Wildlife Refuge

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■ *D. Sport Fishing.* We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

- 1. We allow fishing in impounded waters contained within dikes and levees in the Beaufort County portion of the refuge annually from April 1 through August 31 during daylight hours. We close fishing during all remaining times within all refuge-impounded waters.
- 2. We prohibit boat use within refuge-impounded waters. We only allow bank fishing.
- 3. We only allow hook and line sport fishing utilizing rod and reel or pole.
- 4. We only open access into refuge areas to fishing by foot or bicycle.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 100903433-1531-02]

RIN 0648-BA22

Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab; Amendment 3

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

ACTION: Final rule.

SUMMARY: This final rule implements measures that were approved in Amendment 3 to the Atlantic Deep-Sea Red Crab Fishery Management Plan (FMP). The New England Fishery Management Council (Council) developed Amendment 3 to bring the FMP into compliance with the annual catch limit (ACL) and accountability measure (AM) requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). This rule establishes the mechanisms for specifying an ACL and AMs and sets the total allowable landings (TAL) for red crab for the 2011-2013 fishing years (FY). NMFS disapproved two proposed measures in Amendment 3. This final rule implements additional management measures to promote efficiency in the red crab fishery.

DATES: This rule is effective September 29, 2011.

ADDRESSES: An environmental assessment (EA) was prepared for Amendment 3 that describes the proposed action and other considered alternatives, and provides a thorough analysis of the impacts of the proposed measures and alternatives. Copies of Amendment 3, including the EA and the Initial Regulatory Flexibility Analysis (IRFA), are available on request from Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950. These documents are also available online at <http://www.nefmc.org>.

FOR FURTHER INFORMATION CONTACT: Moira Kelly, Fishery Policy Analyst, (978) 281-9218; fax: (978) 281-9135.

SUPPLEMENTARY INFORMATION:

Background

This final rule implements approved measures in Amendment 3, which was

partially approved by NMFS on behalf of the Secretary of Commerce (Secretary). A proposed rule to implement the measures in Amendment 3 published in the **Federal Register** on July 6, 2011 (76 FR 39369), with public comments accepted through August 5, 2011. Details concerning the development of Amendment 3 were contained in the preamble of the proposed rule and are not repeated here. A Notice of Availability (NOA) for Amendment 3 was published in the **Federal Register** on June 22, 2011 (76 FR 36511), with public comments accepted through August 22, 2011.

Amendment 3 was initiated to bring the Red Crab FMP into compliance with the Magnuson-Stevens Act and establish a framework for an ACL and AMs. Red crab is a data-poor stock and, in the absence of better scientific information, the SSC recommended setting the acceptable biological catch (ABC) equal to the long-term (1974-2008) average landings of the directed red crab fishery (3.91 million lb; 1,774 mt). The SSC determined that the results from the December 2008 Data Poor Stocks Working Group were an underestimate of the maximum sustainable yield (MSY) for red crab, but could not determine by how much, so the SSC did not recommend an estimate of MSY. As a result, the MSY estimate in the FMP was rejected, but a new estimate could not be determined. Because the SSC could not determine MSY, a new value for optimum yield (OY) could not be developed. The overfishing limit (OFL) is an estimate of the catch level above which overfishing is occurring, but based on the available information, the SSC determined that an OFL could not be estimated for the red crab fishery at this time. The SSC concluded that scientific uncertainty is accounted for by using the precautionary approach of the status quo, so setting ACL equal to ABC is appropriate. The SSC also concluded that the undeterminable level of discards associated with the long-term average landings is sustainable, and that setting the TAL equal to ACL is also appropriate.

Disapproved Measures

1. Modification to Trap Limit Restrictions

Changing the trap limit regulations to depth-based trap limits as proposed by the Council would be unenforceable and inconsistent with the policy of the Magnuson-Stevens Act that the management program be based on the Federal capabilities in carrying out enforcement (Magnuson-Stevens Act section 2(c)(3)). Depth-based provisions