that time, we will also make the
determinations and certifications
required by the various laws and
executive orders governing the
rulemaking process and include them in
the final rule.

List of Subjects in 30 CFR Part 943
Intergovernmental relations, Surface
mining, Underground mining.

Dated: August 16, 2012.
Ervin J. Barchenger,
Regional Director, Mid-Continent Region.

FOR FURTHER INFORMATION CONTACT:
Jamie Goen, phone: 206–526–4656, fax:
206–526–6736, and email jamie.goen@
noaa.gov.

SUPPLEMENTARY INFORMATION:
Electronic Access
This proposed rule is accessible via
the Internet at the Office of the Federal
Register’s Web site at
.html. Background information and
documents are available at the Pacific
Fishery Management Council’s Web site
at http://www.pcouncil.org/.

Background
In January 2011, NMFS implemented
a trawl rationalization program, a catch
share program, for the Pacific coast
groundfish fishery’s trawl fleet. The
trawl rationalization program consists of
an IFQ program for the shorebased trawl
fleet (including whiting and non-
whiting fisheries); and cooperative
(coop) programs for the at-sea
mothership and catcher/processor trawl
fleets (whiting only).
The Shorebased IFQ Program includes
a prohibition on processing non-whiting
groundfish at sea, as specified in the
Code of Federal Regulations (CFR) at 50
CFR 660.112(b)(1)(xii) and implemented
through a final rule published in the
Federal Register on December 15, 2010
(75 FR 78344). The prohibition was
implemented to ensure that shoreside
processing plants would continue to
have access to groundfish landed in the
Shorebased IFQ Program. The preamble
to the proposed rule dated August 31,
2010 (75 FR 53380) further described
the prohibition on processing at sea in
the Shorebased IFQ Program.

With the December 1, 2011 final rule
(also called the trawl rationalization
program improvement and
enhancement (PIE) rule), NMFS
implemented regulations providing a
one-time opportunity for vessels to
apply for an exemption from the
prohibition on processing non-whiting
groundfish at-sea in the Shorebased IFQ
Program. Between January and March of
2012, NMFS completed the application
and review process for an exemption
from the prohibition, as provided for in
Federal regulations at § 660.25(b)(6)(ii).
Effective March 16, 2012, two vessels
qualified for the exemption: F/V LAST
STRAW and F/V MISS LEONA. The
non-whiting at-sea processing
exemption is associated with those
specific vessels, not with the vessel
owner’s limited entry permit, and may
not be transferred to any other vessel,
vessel owner, or permit owner for any
reason.

Authority: 16 U.S.C. 1801 et seq.
Dated: November 1, 2012.
Lindsay Fullenkamp,
Acting Deputy Director, Office of Sustainable
Fisheries, National Marine Fisheries Service.

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric
Administration

50 CFR Part 660
RIN 0648–XC165

Fisheries Off West Coast States;
Pacific Coast Groundfish Fishery;
Trawl Rationalization Program; Notice
of Non-Whiting At-Sea Processing
Prohibition Exemption

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

ACTION: Notice of availability of
exemptions to the non-whiting at-sea
processing prohibition.

SUMMARY: NMFS announces the receipt
of applications for, and the issuance of,
exemptions to the prohibition of at-sea
processing for non-whiting groundfish
caught in the Shorebased Individual
Fishing Quota (IFQ) Program, as part of
the trawl rationalization program.

FOR FURTHER INFORMATION CONTACT:
Jamie Goen, phone: 206–526–4656, fax:
206–526–6736, and email jamie.goen@
noaa.gov.