

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 648****[Docket No. 111220786–1781–01]****RIN 0648–XC396****Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer**

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

**ACTION:** Temporary rule; quota transfer.

**SUMMARY:** NMFS announces that the State of North Carolina is transferring a portion of its 2012 commercial summer flounder quota to the Commonwealth of Virginia, the State of North Carolina is transferring a portion of its 2012 commercial summer flounder quota to the State of Connecticut, and the Commonwealth of Massachusetts is transferring a portion of its 2012 commercial summer flounder quota to the State of Rhode Island. NMFS is adjusting the quotas and announcing the revised commercial quota for each state involved.

**DATES:** Effective December 27, 2012, through December 31, 2012.

**FOR FURTHER INFORMATION CONTACT:** Carly Bari, Fishery Management Specialist, 978–281–9224.

**SUPPLEMENTARY INFORMATION:**

Regulations governing the summer flounder fishery are in 50 CFR part 648, and require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state are described in § 648.102.

The final rule implementing Amendment 5 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, which was published on December 17, 1993 (58 FR 65936), provided a mechanism for summer flounder quota to be transferred from one state to another. Two or more states, under mutual agreement and with the concurrence of the Administrator, Northeast Region, NMFS (Regional Administrator), can transfer or combine summer flounder commercial quota under § 648.102(c)(2). The Regional Administrator is required to consider the criteria in § 648.102(c)(2)(i) to evaluate requests for quota transfers or combinations.

North Carolina has agreed to transfer 13,503 lb (6,124 kg) of its 2012 commercial quota to Virginia. This transfer was prompted by summer flounder landings of a number of North Carolina vessels that were granted safe harbor in Virginia due to mechanical failures and hazardous weather, between November 1, 2012, and November 30, 2012, thereby requiring a quota transfer to account for an increase in Virginia's landings that would have

otherwise accrued against the North Carolina quota. North Carolina has agreed to transfer 20,000 lb (9,071 kg) of its 2012 commercial quota to Connecticut. This transfer was prompted by the diligent efforts of the state officials in Connecticut not to exceed the commercial summer flounder quota. Massachusetts has agreed to transfer 7,034 lb (3,190 kg) of its 2012 commercial quota to Rhode Island. This transfer was prompted by the diligent efforts of state officials in Rhode Island not to exceed the commercial summer flounder quota. The Regional Administrator has determined that the criteria set forth in § 648.102(c)(2)(i) have been met. The revised summer flounder quotas for calendar year 2012 are: North Carolina, 1,667,438 lb (765,409 kg); Virginia, 4,704,093 lb (2,133,741 kg); Connecticut, 322,490 lb (146,279 kg); Massachusetts, 888,902 lb (403,199 kg); and Rhode Island, 2,081,075 lb (943,959 kg).

**Classification**

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

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

Dated: December 27, 2012.

**Lindsay Fullenkamp,**

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

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