

While this information was previously provided to sectors, it is necessary to finalize the regulations that put in place the process NMFS outlined to the Court, sectors, and the public. It is also important that NMFS provide information on how the remaining accounting process will occur, which is also provided in this rule. To the extent that flexibility in the measures could be provided, NMFS has done so. While formal public comment was not sought through rulemaking, NMFS did consider feedback on potential approaches to satisfy the remand, provided by the plaintiffs Conservation Law Foundation, sector managers, the Council, and the public.

Similarly, the need to implement these measures in a timely manner to respond to the Court constitutes good cause under authority contained in 5 U.S.C. 553(d)(3), to make this rule effective upon publication in the Federal Register. Given the need to respond to the Court remand and to inform the public of the measures NMFS intended to implement through this rule so that they may plan for the changes, the provisions of this rule have already been conveyed to the public. Additional delay in making this rule's measures effective would be contrary to the public interest. Additionally, the public has already been notified in advance of the rule's publication what measures would be put in place. This is highly unusual, but was necessary given the timing of the Court's decision relative to the end of the fishing year.

This rule has been determined to be not significant for purposes of Executive Order 12866.

This emergency rule is exempt from the procedures of the Regulatory Flexibility Act because the rule is issued without opportunity for prior notice and opportunity for public comment. Accordingly, no Regulatory Flexibility Analysis is required and none has been prepared.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: June 23, 2014.

Eileen Sobeck,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons stated in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.87, effective June 27, 2014, remove paragraph (b)(1)(i)(C), and add paragraphs (b)(1)(i)(C) heading, (b)(1)(i)(C)(1) introductory text, (b)(1)(i)(C)(1)(i) through (ii), and (b)(1)(i)(C)(2) to read as follows:

§ 648.87 Sector allocation.

- * * * * *
- (b) * * *
- (1) * * *
- (i) * * *

(C) *Carryover.* (1) With the exception of GB yellowtail flounder, a sector may carryover an amount of ACE equal to 10 percent of its original ACE for each stock that is unused at the end of one fishing year into the following fishing year.

(i) *Eastern GB Stocks Carryover.* Any unused ACE allocated for Eastern GB stocks in accordance with paragraph (b)(1)(i)(B) of this section will contribute to the 10 percent carryover allowance for each stock, as specified in this paragraph ((b)(1)(i)(C)(1)), but will not increase in individual sectors allocation of Eastern GB stocks during the following year.

(ii) This carryover ACE remains effective during the subsequent fishing year even if vessels that contributed to the sector allocation during the previous fishing year are no longer participating in the same sector for the subsequent fishing year.

(2) *Carryover accounting.* (i) [Reserved]

(ii) Beginning in FY 2014, carryover of a particular stock attributed to a sector, other than the NMFS-specified *de minimis* amount, shall be counted against the sector's ACE for purposes of determining an overage subject to the AM in paragraph (b)(4)(iii) of this section if the overall stock-level ACL has been exceeded.

(iii) NMFS shall determine and announce the *de minimis* amount for FY 2014 and may modify each subsequent year. *De minimis* determinations shall be made consistent with the APA.

(iv) The Council may request, on an annual basis, for NMFS to reduce the amount of the available eligible carryover amount to ensure the total potential catch, the stock-level ACL plus the carryover amount, does not exceed the stock overfishing limit. Any such reduction of carryover amount shall be done consistent with the APA.

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■ 3. In § 648.87, effective June 27, 2014, through December 24, 2014, add paragraph (b)(1)(i)(C)(2)(i) to read as follows:

§ 648.87 Sector allocation.

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- (b) * * *
- (1) * * *
- (i) * * *
- (C) * * *
- (2) * * * (i) For FY 2013, carryover of

a particular stock from FY 2012 attributed to a sector, other than the NMFS-specified *de minimis* amount, shall be counted against the sector's ACE for purposes of determining an overage subject to the AM in paragraph (b)(4)(iii) of this section if both the overall stock-level ACL and sector sub-ACL for a particular stock have been exceeded.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 131021878-4158-02]

RIN 0648-XD348

Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole for the Bering Sea and Aleutian Islands Trawl Limited Access Sector 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; modification of closure.

SUMMARY: NMFS is opening directed fishing for the Bering Sea and Aleutian Islands trawl limited access sector's yellowfin sole fishery in the Bering Sea and Aleutian Islands Management Area (BSAI). This action is necessary to fully use the 2014 total allowable catch (TAC) of yellowfin sole for the BSAI trawl limited access sector in the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), June 25, 2014, through 2400 hrs, A.l.t., December 31, 2014. Comments must be received at the following address no later than 4:30 p.m., A.l.t., July 9, 2014.

ADDRESSES: You may submit comments on this document, identified by NOAA-NMFS-2013-0152, by any of the following methods:

- Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to www.regulations.gov/

#/docketDetail;D=NOAA-NMFS-2013-0152, click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

• Mail: Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802-1668.

Instructions: 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 by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. 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, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT:

Mary Furuness, 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.

Pursuant to the final 2014 and 2015 harvest specifications for groundfish in the BSAI (79 FR 12108, March 4, 2014), NMFS closed the directed fishery for yellowfin sole for the BSAI trawl limited access sector on May 18, 2014 (79 FR 29136, May 21, 2014) under § 679.21(e)(7)(v).

As of June 18, 2014, NMFS has determined that approximately 60 metric tons of 2014 Pacific halibut bycatch allowance specified for vessels participating in the BSAI trawl limited access yellowfin sole fishery remains unharvested as established by the final 2014 and 2015 harvest specifications for groundfish in the BSAI (79 FR 12108, March 4, 2014) and reapportionment published in the **Federal Register** on June 25, 2014. Therefore, in accordance with § 679.25(a)(1)(i), (a)(2)(i)(C), and (a)(2)(iii)(D), and to fully utilize the 2014 TAC of yellowfin sole for the BSAI trawl limited access sector in the BSAI, NMFS is terminating the previous closure and is opening directed fishing for yellowfin sole for the BSAI trawl limited access sector in the BSAI. This will enhance the socioeconomic well-being of harvesters in this area. The Administrator, Alaska Region (Regional Administrator) considered the following factors in reaching this decision: (1) The current catch of yellowfin sole and halibut PSC by the BSAI trawl limited access sector in the BSAI and, (2) the harvest capacity and stated intent on future harvesting patterns of vessels in participating in this fishery.

Classification

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the

requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) and § 679.25(c)(1)(ii) as such requirement is impracticable and contrary to the public interest. This requirement is 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 opening of yellowfin sole for the BSAI trawl limited access sector 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 June 20, 2014.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

Without this inseason adjustment, NMFS could not allow the fishery for yellowfin sole for the BSAI trawl limited access sector in the BSAI to be harvested in an expedient manner and in accordance with the regulatory schedule. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until July 9, 2014.

This action is required by §§ 679.20, 679.21, and 679.25 and is exempt from review under Executive Order 12866.

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

Dated: June 24, 2014.

Emily H. Menashes,

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

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