

commercial ACL is 60,371 lb (27,384 kg), round weight, and the recreational ACL is 19,313 lb (8,760 kg), round weight.

The temporary rule and this extension also establish in-season AMs for bluefin tilefish to prevent these catch limits from being exceeded. If commercial landings for bluefin tilefish reach or are projected to reach the commercial ACL, NMFS will file a notification with the Office of the Federal Register to close the commercial sector for bluefin tilefish for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of bluefin tilefish is prohibited and harvest or possession of bluefin tilefish in or from the South Atlantic EEZ is limited to the bag and possession limit. This bag and possession limit applies in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.*, in state or Federal waters. During the 2014 commercial fishing season, through AMs implemented in the emergency rule, NMFS closed the commercial sector for bluefin tilefish on June 23, 2014, when NMFS determined the commercial ACL for bluefin tilefish was projected to be met (79 FR 35292, June 20, 2014). The commercial sector will reopen on January 1, 2015.

If recreational landings for bluefin tilefish reach or are projected to reach the recreational ACL, NMFS will file a notification with the Office of the Federal Register to close the recreational sector for bluefin tilefish for the remainder of the fishing year. On and after the effective date of such a notification, the bag and possession limit of bluefin tilefish in or from the South Atlantic EEZ would be zero. This bag and possession limit would also apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.*, in state or Federal waters.

The Council requested an extension of the temporary rule at its September 2014 meeting, and via an October 2, 2014, letter to NMFS, to ensure that management measures remain in effect for bluefin tilefish to reduce overfishing while more permanent measures are developed through Amendment 32 to the FMP. Section 305(c)(3)(B) of the Magnuson-Stevens Act allows for emergency regulations to be extended for one additional period of

186 days provided that the public has had an opportunity to comment on the emergency measures and the Council is actively preparing a plan amendment to address the overfishing on a permanent basis. If approved, Amendment 32 is scheduled to be implemented early in the 2015 fishing year.

Comments and Responses

Section 305(c)(3)(B) of the Magnuson-Stevens Act requires that the public has an opportunity to comment on emergency measures after the regulation is published and the Council is actively preparing a plan amendment to address overfishing on a permanent basis. NMFS solicited public comments in the April 17, 2014, temporary rule but received no comments on the temporary rule or the emergency measures.

Classification

This action is issued pursuant to section 305(c) of the Magnuson-Stevens Act, 16 U.S.C. 1855(c). The Assistant Administrator for Fisheries, NOAA (AA), has determined that the emergency measures this temporary rule extends are based upon the best scientific information available, are necessary for the conservation and management of the bluefin tilefish component of the snapper-grouper fishery and are consistent with the Magnuson-Stevens Act and other applicable laws. The Council is developing Amendment 32 to establish long-term measures to end overfishing of South Atlantic bluefin tilefish. Amendment 32, if approved, is not expected to become effective until the 2015 fishing year.

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

Because prior notice and opportunity for public 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. Accordingly, no Regulatory Flexibility Analysis is required and none has been prepared.

The AA finds good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B). Providing prior notice and opportunity for public comment on this action would be contrary to the public interest. This rule would continue emergency measures implemented by the April 17, 2014, temporary rule, for not more than an additional 186 days beyond the current expiration date of October 14, 2014. The conditions prompting the initial temporary rule still remain, and more

permanent measures to be completed through Amendment 32 have not yet been approved or implemented. Failure to extend these temporary measures, would result in additional overfishing of the South Atlantic bluefin tilefish stock, which is contrary to the public interest and in violation of National Standard 1 of the Magnuson-Stevens Act.

For the reasons listed above, the AA also finds good cause to waive the 30-day delay in effectiveness of the action under 5 U.S.C. 553(d)(3).

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

Dated: October 6, 2014.

Samuel D. Rauch III,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 131021878-4158-02]

RIN 0648-XD537

Fisheries of the Exclusive Economic Zone Off Alaska; "Other Rockfish" in the Aleutian Island Subarea of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting retention of "other rockfish" in the Aleutian Islands subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary because the 2014 total allowable catch (TAC) of "other rockfish" in the BSAI has been reached.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), October 6, 2014, through 2400 hrs, A.l.t., December 31, 2014.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands (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.

The 2014 TAC of “other rockfish” in the Aleutian Islands subarea of the BSAI is 473 metric tons (mt) as established by the final 2014 and 2015 harvest specifications for groundfish of the BSAI (79 FR 12108, March 4, 2014).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2014 TAC of “other rockfish” in the Aleutian Islands subarea of the BSAI has been reached. Therefore, NMFS is requiring that “other rockfish” caught in the Aleutian Islands subarea of the BSAI be treated as prohibited species in accordance with § 679.21(b).

Classification

This action responds to the best available information recently obtained from the fishery. The 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) 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 prohibiting the retention of “other rockfish” in the Aleutian Islands subarea of 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 October 3, 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.

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

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

Dated: October 6, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–24159 Filed 10–6–14; 4:15 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 131021878–4158–02]

RIN 0648–XD542

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Atka Mackerel 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; reallocation.

SUMMARY: NMFS is reallocating the projected unused amount of the 2014 Atka mackerel incidental catch allowance (ICA) for the Bering Sea subarea and Eastern Aleutian district (BS/EAI) to the Amendment 80 cooperatives in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to allow the 2014 total allowable catch of Atka mackerel in the BSAI to be fully harvested.

DATES: Effective October 9, 2014, through 2400 hrs, Alaska local time (A.l.t.), December 31, 2014.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7269.

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.

The 2014 Atka mackerel ICA for the BS/EAI is 1,000 metric tons (mt) and 2014 Atka mackerel total allowable catch allocated to the Amendment 80 cooperative is 16,419 mt as established by the final 2014 and 2015 harvest specifications for groundfish in the BSAI (79 FR 12108, March 4, 2014).

The Administrator, Alaska Region, NMFS, has determined that 750 mt of the Atka mackerel ICA for the BS/EAI will not be harvested. Therefore, in accordance with § 679.91(f), NMFS reallocates 750 mt of Atka mackerel from the BS/EAI ICA to the Amendment 80 cooperatives in the BSAI. In accordance with § 679.91(f), NMFS will reissue cooperative quota permits for the reallocated Atka mackerel following the procedures set forth in § 679.91(f)(3).

The harvest specifications for Atka mackerel included in the harvest specifications for groundfish in the BSAI (79 FR 12108, March 4, 2014) are revised as follows: 250 mt of Atka mackerel for the BS/EAI ICA and 17,169 mt of Atka mackerel for the Amendment 80 cooperatives in the BS/EAI. Table 4 is correctly revised and republished in its entirety as follows:

TABLE 4—FINAL 2014 AND 2015 SEASONAL AND SPATIAL ALLOWANCES, GEAR SHARES, CDQ RESERVE, INCIDENTAL CATCH ALLOWANCE, AND AMENDMENT 80 ALLOCATIONS OF THE BSAI ATKA MACKEREL TAC

[Amounts are in metric tons]

Sector ¹	Season ^{2,3,4}	2014 Allocation by area			2015 Allocation by area		
		Eastern Aleutian District/ Bering Sea	Central ⁵ Aleutian District	Western Aleutian District	Eastern Aleutian District/ Bering Sea	Central ⁵ Aleutian District	Western Aleutian District
TAC	n/a	21,652	9,670	1,000	21,769	9,722	1,000
CDQ reserve	Total	2,317	1,035	107	2,329	1,040	107
	A	1,158	517	54	1,165	520	54
	Critical Habitat ⁵	n/a	52	n/a	n/a	52	n/a
	B	1,158	517	54	1,165	520	54
	Critical Habitat ⁵	n/a	52	n/a	n/a	52	n/a
ICA	Total	250	75	40	1,000	75	40
Jig ⁶	Total	92	0	0	92	0	0