

frequencies. This information collection includes rules to govern the operation and licensing of 700 MHz band systems to ensure that licensees continue to fulfill their statutory responsibilities in accordance with the Communications Act of 1934, as amended. Such information will continue to be used to verify that applicants are legally and technically qualified to hold licenses, and to determine compliance with Commission rules.

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 101206604-1758-02]

RIN 0648-XD586

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; 2014-2015 Accountability Measure and Closure for Gulf King Mackerel in the Florida West Coast Northern Subzone

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure (AM) for commercial king mackerel in the Florida west coast northern subzone of the eastern zone of the Gulf of Mexico (Gulf) in the U.S. exclusive economic zone (EEZ) through this temporary final rule. NMFS has determined that the quota for king mackerel in the Florida west coast northern subzone of the Gulf EEZ will have been reached by October 27, 2014. Therefore, NMFS closes the Florida west coast northern subzone to commercial king mackerel fishing in the EEZ on October 27, 2014, to protect the Gulf king mackerel resource.

DATES: The closure is effective noon, local time, October 27, 2014, until 12:01 a.m., local time, on July 1, 2015.

FOR FURTHER INFORMATION CONTACT: Susan Gerhart, telephone: 727-824-5305, email: susan.gerhart@noaa.gov.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, and cobia) is managed under the Fishery

Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The Gulf migratory group king mackerel is divided into western and eastern zones. The Gulf's eastern zone for king mackerel is further divided into the Florida west coast northern and southern subzones that have separate quotas. The December 29, 2011 (76 FR 82058), final rule specified the quota for the Florida west coast northern subzone at 178,848 lb (81,124 kg) (50 CFR 622.384(b)(1)(i)(B)(2)).

Because 75 percent of the Florida west coast northern subzone's quota had been harvested, NMFS published a temporary rule on October 14, 2014, to reduce the trip limit for the commercial sector of king mackerel in the Florida west coast northern subzone to 500 lb (227 kg) of king mackerel per day in or from the EEZ (79 FR 61585).

Regulations at 50 CFR 622.388(a)(1) and 50 CFR 622.384(e) require NMFS to close the commercial sector for Gulf migratory group king mackerel in the Florida west coast northern subzone when the quota is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. Based on the best scientific information available, NMFS has determined the commercial quota of 178,848 lb (81,124 kg) for Gulf migratory group king mackerel in the Florida west coast northern subzone will be reached by October 27, 2014. Accordingly, the northern Florida west coast subzone is closed effective noon, local time, October 27, 2014, through June 30, 2015, the end of the fishing year, to commercial fishing for Gulf migratory group king mackerel.

Except for a person aboard a charter vessel or headboat, during the closure, no person aboard a vessel for which a commercial permit for king mackerel has been issued may fish for or retain Gulf group king mackerel in the EEZ in the closed subzone (50 CFR 622.384(e)(1)). A person aboard a vessel that has a valid charter vessel/headboat permit for coastal migratory pelagic fish may continue to retain king mackerel in or from the closed subzone under the bag and possession limits set forth in 50 CFR 622.382(a)(1)(ii) and (a)(2), provided the vessel is operating as a charter vessel or headboat. A charter vessel or headboat that also has a commercial king mackerel permit is

considered to be operating as a charter vessel or headboat when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew.

During the closure, king mackerel from the closed subzone, including those harvested under the bag and possession limits, may not be purchased or sold. This prohibition does not apply to trade in king mackerel from the closed zones or subzones that were harvested, landed ashore, and sold prior to the closure and were held in cold storage by a dealer or processor (50 CFR 622.384(e)(3)).

The Florida west coast northern subzone is that part of the EEZ between 26°19.8' N. latitude (a line directly west from the boundary between Lee and Collier Counties, FL) and 87°31.1' W. longitude (a line directly south from the state boundary of Alabama and Florida).

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of Gulf migratory group king mackerel and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.388(a)(1) and 50 CFR 622.384(e) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best scientific information available. The Assistant Administrator for Fisheries, NOAA (AA), finds that the need to immediately implement this action to close the Florida west coast northern subzone of the Gulf eastern zone to commercial king mackerel fishing constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) because prior notice and opportunity for public comment is unnecessary and contrary to the public interest. Prior notice and public comment is unnecessary because the rule implementing the commercial quota and the associated requirement for closure of the commercial harvest when the quota is reached or projected to be reached has already been subject to notice and comment, and all that remains is to notify the public of the closure. Additionally, allowing prior notice and opportunity for public comment is contrary to the public

interest because of the need to immediately implement this action to protect the king mackerel resource because the capacity of the fishing fleet allows for rapid harvest of the quota. Prior notice and opportunity for public comment would require time and would potentially result in a harvest well in excess of the established quota.

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

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

Dated: October 22, 2014.

Emily H. Menashes,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 130919816-4205-02]

RIN 0648-XD570

Fisheries of the Northeastern United States; Atlantic Herring Fishery; 2014 Sub-Annual Catch Limit (ACL) Harvested for Management Area 1A

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

ACTION: Temporary rule; directed fishery closure.

SUMMARY: NMFS is closing the directed herring fishery in management Area 1A, because it projects that 92 percent of the 2014 catch limit for that area will have been caught by the effective date of this action. This action is necessary to comply with the regulations implementing the Atlantic Herring Fishery Management Plan and is intended to prevent excess harvest in Area 1A.

DATES: Effective 0001 hr local time, October 26, 2014, through December 31, 2014.

FOR FURTHER INFORMATION CONTACT: Carly Bari, Fishery Management Specialist, (978) 281-9224.

SUPPLEMENTARY INFORMATION: The reader can find regulations governing the herring fishery at 50 CFR part 648. The regulations require annual specification of the overfishing limit, acceptable biological catch, annual catch limit (ACL), optimum yield, domestic harvest

and processing, U.S. at-sea processing, border transfer, and sub-ACLs for each management area. The 2014 Domestic Annual Harvest is 107,800 metric tons (mt); the 2014 sub-ACL allocated to Area 1A is 31,200 mt (but was reduced to 12,775 mt to account for an overage in 2011), and 936 mt of the Area 1A sub-ACL is set aside for research (78 FR 61828, October 4, 2013). The 2014 Area 3 sub-ACL was increased to 33,967 mt to account for a 3,366 mt underharvest in 2012 (79 FR 15253, March 19, 2014).

The regulations at § 648.201 require that when the NMFS Administrator of the Greater Atlantic Region (Regional Administrator) projects herring catch will reach 92 percent of the sub-ACL allocated in any of the four management areas designated in the Atlantic Herring Fishery Management Plan (FMP), NMFS will prohibit herring vessel permit holders from fishing for, catching, possessing, transferring, or landing more than 2,000 lb (907.2 kg) of herring per trip or calendar day in or from the specified management area for the remainder of the fishing year. The Regional Administrator monitors the herring fishery catch in each of the management areas based on dealer reports, state data, and other available information. NMFS publishes notification in the **Federal Register** of the date that the catch is projected to reach 92 percent of the management area sub-ACL and closure of the directed fishery in the management area for the remainder of the fishing year. After the closure, no vessel may offload and/or sell more than 2,000 lb (907.2 kg) of herring from Area 1A unless that vessel entered port before the closure. During the directed fishery closure, vessels may transit Area 1A with more than 2,000 lb (907.2 kg) of herring on board only under the conditions specified below.

The Regional Administrator has determined, based on dealer reports and other available information, that the herring fleet will have caught 92 percent of the total herring sub-ACL allocated to Area 1A (31,249 mt) for 2014 by October 26, 2014. Therefore, effective 0001 hr local time, October 26, 2014, vessel issued a Federal herring permit may not fish for, catch, possess, transfer, or land more than 2,000 lb (907.2 kg) of herring per trip or calendar day, in or from Area 1A through December 31, 2014, except that vessels that have entered port before 0001 hr on October 26, 2014, may offload and sell more than 2,000 lb (907.2 kg) of herring from Area 1A from that trip after the closure. During the directed fishery closure, October 26, 2014, through December 31, 2014, a vessel may transit through Area 1A with

more than 2,000 lb (907.2 kg) of herring on board, provided the vessel did not fish for or catch more than 2,000 lb (907.2 kg) of herring in Area 1A and the vessel's gear is not available for immediate use as defined by § 648.2. Effective 0001 hr, October 26, 2014, federally permitted dealers may not receive herring from federally permitted herring vessels that harvest more than 2,000 lb (907.2 kg) of herring from Area 1A through 2400 hr local time, December 31, 2014, unless it is from a trip landed by a vessel that entered port before 0001 hr on October 26, 2014. During the seasonal period January 1, 2015, through May 31, 2015, vessels are prohibited from fishing for herring in or from Area 1A. Beginning on June 1, 2015, the 2015 allocation for Area 1A becomes available.

Classification

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

NMFS finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest and impracticable. This action closes the directed herring fishery for Management Area 1A through December 31, 2014, under current regulations. The regulations at § 648.201(a) require such action to ensure that herring vessels do not exceed the 2014 sub-ACL allocated to Area 1A. The herring fishery opened for the 2014 fishing year on January 1, 2014. Data indicating the herring fleet will have landed at least 92 percent of the 2014 sub-ACL allocated to Area 1A have only recently become available. If implementation of this closure is delayed to solicit prior public comment, the sub-ACL for Area 1A for this fishing year may be exceeded, thereby undermining the conservation objectives of the FMP. If sub-ACLs are exceeded, the excess must also be deducted from a future sub-ACL and would reduce future fishing opportunities. NMFS further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons stated above.

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

Dated: October 22, 2014.

Emily H. Menashes,

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

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