

The AA finds that prior notice and the opportunity for public comment would be contrary to the public interest, consistent with 5 U.S.C. 553(b)(B). The purpose of this action is to allocate quotas to sectors and to authorize vessels to fish under the sector operations plans during the 2017 fishing year. The sector operations plans must be approved before sector vessels can fish in the sector fishery. In 2015, Framework Adjustment 55 to the NE Multispecies FMP set 2017 annual catch limits for groundfish stocks. However, in January 2017 the New England Fishery Management Council approved Framework Adjustment 56 to the FMP which would change the annual catch limits for 2017 for some stocks (some stocks would increase and others would decrease). To avoid public confusion and a mid-year change in allocations, we initially developed this rule to complement the Framework 56 rulemaking process. Typically, the framework rulemaking and related sector operations rule are completed in time for the start of the fishing year on May 1. However, the Council did not formally submit Framework 56 to us until April 13, 2017, which prohibited us from coordinating the publication of the two actions. Due to the late submission of Framework 56, this rule instead makes allocations based on the quota previously set by Framework 55. This rule could not be revised, as necessary, in time to provide prior notice and comment and still be effective for the start of the 2017 fishing year on May 1, 2017.

Delaying the effective date of this action past the beginning of the fishing year on May 1 would cause a major disruption in sector member fishing plans and impose substantial opportunity costs through lost fishing opportunities. Sectors include 838 permits and 99 percent of fishing activity. Thus, any delay past the beginning of the fishing year would effectively shut down nearly the entire groundfish fishery during that delay. This delay may also require sector members to reconsider their decision and plans to fish in the sector rather than the common pool. Shutting down the fishery and disrupting business plans is contrary to this rule's intended purpose of providing operational flexibility and maximum opportunity for catching up to the fishery's allocated amounts. Further, these allocated amounts are gauged to achieve Optimum Yield and producing the greatest benefit to the nation as required by the Magnuson-Stevens Fishery Conservation and Management Act. A

delay in the beginning of the fishery would be contrary to this statutory requirement and FMP goal. The economic loss from this lost opportunity and disruption would further exacerbate the severe economic impacts experienced by the groundfish fishery that have resulted from the substantial catch limit reductions for many key groundfish stocks over the past 5 years. For these reasons, delaying the effective date of this action to provide prior opportunity for public comment is contrary to the public interest. The AA finds that there is adequate justification under 5 U.S.C. 553(d)(1) to waive the 30-day delay in effective date because this rule relieves several restrictions. This action allocates quotas and approves sector operations plans for fishing year 2017. A delay in effectiveness would not be in the public interest because this rule does not impose any new requirements or costs on industry for which industry needs time to prepare to comply. Further, if the effectiveness of this action is delayed beyond the May 1, 2017, start of the fishing year, the 838 permits enrolled to fish in a sector in 2017 would either need to cease fishing on May 1, until this rule became effective, or forego fishing as part of a sector, including the associated regulatory exemptions, for the entirety of the fishing year and instead fish under the effort control regulations of the common pool. For example, vessels fishing in the common pool would be subject to effort controls that do not apply to vessels fishing under an approved sector operations plan. Common pool vessels will have their catch limited each trip, will be further limited in the number of days they could fish, and will be subject to several seasonal closures that sector vessels will be exempted from.

Additionally, there is good cause under 5 U.S.C. 553(d)(3), to waive the 30-day delay in effectiveness so that the purpose of this rule is not undermined. As stated above, the purpose of this action is to allocate quotas to sectors and to authorize vessels to fish under the sector operations plans during the 2017 fishing year. If the effectiveness of this action is delayed beyond the May 1, 2017, start of the fishing year, the 838 permits enrolled to fish in a sector in 2017 would either need to cease fishing on May 1 until this rule became effective, or forego fishing as part of a sector, including the associated regulatory exemptions, for the entirety of the fishing year and instead fish under the effort control regulations of the common pool. Preventing vessels from fishing under the provisions of an

approved operations plan either for the whole year, or a portion of the year, would severely disrupt the sector fishery and have direct negative economic effects on the affected vessels.

This interim final rule does not contain policies with Federalism or "takings" implications as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

This interim final 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.

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

Dated: April 25, 2017.

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[FR Doc. 2017-08617 Filed 4-27-17; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 150630567-7360-02]

RIN 0648-BF26

#### Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Groundfish Fishery; Amendment 18

#### Correction

In rule document 2017-8035 beginning on page 18706 in the issue of Friday, April 21, 2017, make the following correction:

On page 18713, in the first column, in the second paragraph, the first sentence should read "This final rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA) and which has been approved by OMB under control number 0648-0752."

[FR Doc. C1-2017-08035 Filed 4-27-17; 8:45 am]

**BILLING CODE 1301-00-D**