

on January 1 in the amount equal to an expected reduction in the commercial quota.

The Council's Scientific and Statistical Committee (SSC) recently reviewed the results of an interim analysis performed by the Southeast Fisheries Science Center and recommended that the Council reduce the red grouper commercial and recreational ACLs and ACTs, effective for the 2019 fishing year. In addition, there have been recent decreases in red grouper landings and public testimony at the October Council meeting expressed concern about the status of the red grouper stock. Therefore, at its October 2018 meeting, the Council began developing a framework action to reduce the ACLs and ACTs. In the meantime, the Council requested that NMFS publish an interim or emergency rule to temporarily reduce the red grouper commercial and recreational ACLs and associated ACTs consistent with a red grouper stock ACL of 4.60 million lb (2.09 million kg), or the 2017 total red grouper landings, whichever is less. The 2017 combined red grouper commercial and recreational landings were approximately 4.16 million lb (1.89 million kg). Therefore, NMFS, is considering whether to issue an interim or emergency rule to reduce the red grouper ACLs and ACTs consistent with a stock ACL of 4.16 million lb (1.89 million kg).

If NMFS issues the interim or emergency rule, the commercial ACL for 2019 would be 3.16 million lb (1.43 million kg). This is approximately a 59.4 percent reduction from the current commercial ACL of 8.19 million lb (3.71 million kg). The commercial ACT is 95 percent of the ACL, and would be 3.00 million lb (1.36 million kg).

Based on the Council's request, NMFS expects a reduction in the red grouper quota to occur after January 1, 2019. Therefore, consistent with 50 CFR 622.22(a)(4) NMFS is withholding 4.78 million lb (2.17 million kg) of the red grouper commercial quota when allocation is distributed to shareholders on January 1, 2019. If a final rule implementing the quota reduction is not effective by June 1, 2019, NMFS will distribute the withheld allocation to the shareholders.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of red grouper in the Gulf reef fish fishery and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.22(a)(4) 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 public comment.

This action responds to the best scientific information available. The Assistant Administrator for NOAA Fisheries (AA) finds that the need to immediately implement this action to withhold a portion of the red grouper commercial quota constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment on this temporary rule pursuant to 5 U.S.C. 553(b)(B), because such procedures are unnecessary and contrary to the public interest. Such procedures are unnecessary because the ability to withhold a percentage of the commercial quota as specified at 50 CFR 622.22(a)(4) has already been subject to notice and public comment. All that remains is to notify the public of the amount of the applicable commercial quota to be withheld on January 1, 2019. Such procedures are contrary to the public interest because of the need to immediately implement this action to protect the red grouper stock and effectively manage the Gulf IFQ program.

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: December 11, 2018.

Jennifer M. Wallace,

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. 170828822-70999-04]

RIN 0648-XG669

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 Commonwealth of Virginia is transferring a portion of its 2018 commercial summer flounder quota to the State of Connecticut. This quota adjustment is necessary to comply with the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan quota transfer provisions. This announcement informs the public of the revised commercial quotas for Virginia and Connecticut.

DATES: Effective December 14, 2018, through December 31, 2018.

FOR FURTHER INFORMATION CONTACT: Cynthia Ferrio, Fishery Management Specialist, (978) 281-9180.

SUPPLEMENTARY INFORMATION:

Regulations governing the summer flounder fishery are found in 50 CFR 648.100 through 648.110. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.102, and the initial 2018 allocations were published on December 22, 2017 (82 FR 60682), and corrected January 30, 2018 (83 FR 4165).

The final rule implementing Amendment 5 to the Summer Flounder Fishery Management Plan, as published in the **Federal Register** on December 17, 1993 (58 FR 65936), provided a mechanism for transferring summer flounder commercial quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic 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)(A) through (C) in the evaluation of requests for quota transfers or combinations.

Virginia is transferring 20,000 lb (9,072 kg) of summer flounder commercial quota to Connecticut through mutual agreement of the states. Based on the initial quotas published in the 2018 Summer Flounder, Scup, and Black Sea Bass Specifications and subsequent adjustments, the revised summer flounder quotas for calendar year 2018 are now: Virginia, 1,351,972 lb (613,244 kg); and Connecticut, 167,768 lb (76,098 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 11, 2018.
Jennifer M. Wallace,
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. 180906820-8999-02]

RIN 0648-BI48

Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2019 Specifications

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

ACTION: Final rule.

SUMMARY: NMFS implements 2019 specifications for the summer flounder and black sea bass fisheries and maintains previously-established 2019 specifications for the scup fishery. Additionally, this action reopens the February 2018 black sea bass recreational fishery and adjusts the current commercial incidental possession limit for scup. The implementing regulations for the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan require us to publish specifications for the upcoming fishing year for each of these species. The intent of this action is to inform the public of the specifications and management measures for the start of the 2019 fishing year for these three species. These specifications may be revised mid-year based on the results of ongoing stock assessments.

DATES: Effective January 1, 2019.

ADDRESSES: An environmental assessment (EA) was prepared for this action that describes these measures and other considered alternatives, and

provides an analysis of the impacts of the measures and alternatives. Copies of the Summer Flounder, Scup, and Black Sea Bass 2019 Specifications, including the EA, are available on request from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 North State Street, Dover, DE 19901. These documents are also accessible via the internet at http://www.mafmc.org/s/SFSBSB_2019_specs_EA.pdf.

FOR FURTHER INFORMATION CONTACT: Emily Gilbert, Fishery Policy Analyst, (978) 281-9244.

SUPPLEMENTARY INFORMATION:

General Background

The Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission cooperatively manage the summer flounder, scup, and black sea bass fisheries. The Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) and its implementing regulations outline the Council’s process for establishing specifications. Specifications in these fisheries include various catch and landing subdivisions, such as the commercial and recreational sector annual catch limits (ACL), annual catch targets (ACT), and sector-specific landing limits (*i.e.*, the commercial fishery quota and recreational harvest limit), as well as management measures, as needed, that are designed to ensure these catch limits will not be exceeded. Annual specifications may be established for three-year periods, and, in interim years, specifications are reviewed by the Council to ensure previously established multi-year specifications remain appropriate. The FMP also contains formulas to divide the specification catch limits into commercial and recreational fishery allocations, state-by-state quotas, and quota periods, depending on the species in question. Rulemaking for measures used to manage the recreational fisheries (minimum fish sizes, open seasons, and bag limits) for these three species occurs separately, and typically takes place in the spring of each year.

This action sets 2019 specifications for summer flounder and black sea bass. The previously-approved 2019 scup specifications (82 FR 60682; December 22, 2017) remain unchanged from the current two-year specifications and are maintained through this action.

An ongoing summer flounder benchmark assessment incorporating updated Marine Recreational Information Program (MRIP) data is scheduled to be available in early 2019. Operational assessments for black sea bass and scup will also be completed in April 2019 to incorporate revised MRIP data. Because new information for all three species is likely in the next few months, the Council and Commission’s Summer Flounder, Scup, and Black Sea Bass Board only recommended interim specifications for 2019, and the Council and Board may develop mid-year changes to the summer flounder specifications, and possibly black sea bass specifications, to address the forthcoming updated assessment information.

The proposed rule for this action published in the **Federal Register** on November 15, 2018 (83 FR 57389), and comments were accepted through November 30, 2018. We received 11 comments.

2019 Summer Flounder Specifications

At their August 2018 meeting, the Council and Board recommended interim summer flounder specifications for the start of the 2019 fishing year (Table 1). Compared to 2018, the interim 2019 commercial quota and recreational harvest limit are a 16-percent increase. The Council and Board intend to consider revising these interim summer flounder specifications at a joint meeting in February 2019 to address the results of the benchmark stock assessment. If a change in catch limits is recommended by the Council and Board, we anticipate updated catch limits could be in place this spring and would announce any adjustments through a future rule.

TABLE 1—CURRENT 2018 AND FINAL 2019 SUMMER FLOUNDER SPECIFICATIONS

	2018 (current)		2019		Difference (%)
	million lb	mt	million lb	mt	
Overfishing Limits (OFL)	18.69	8,476	20.60	9,344	10
ABC	13.23	5,999	15.41	6,990	16
Commercial ACL	7.70	3,491	9.18	4,164	19
Commercial ACT	7.70	3,491	* 8.14	3,692	19
Projected Commercial Discards	1.07	485	1.47	667	2
Commercial Quota	6.63	3,006	* 6.67	3,030	16
Recreational ACL	5.53	2,508	6.22	2,821	12
Recreational ACT	5.53	2,508	6.22	2,821	12