

■ 15. Amend § 74.432 by revising paragraph (j) and removing the note at the end of the section to read as follows:

**§ 74.432 Licensing requirements and procedures.**

\* \* \* \* \*

(j) The license shall be retained in the licensee's files at the address shown on the authorization.

\* \* \* \* \*

**§ 74.564 [Removed]**

■ 16. Remove § 74.564.

**§ 74.664 [Removed]**

■ 17. Remove § 74.664.

**§ 74.733 [Amended]**

■ 18. Amend § 74.733 by removing paragraph (i), redesignating paragraph (j) as paragraph (i), and removing the note at the end of the section.

**§ 74.765 [Removed]**

■ 19. Remove § 74.765.

■ 20. Amend § 74.781 by revising paragraph (c) to read as follows:

**§ 74.781 Station records.**

\* \* \* \* \*

(c) The station records shall be maintained for inspection at a residence, office, or public building, place of business, or other suitable place, in one of the communities of license of the translator or booster, except that the station records of a booster or translator licensed to the licensee of the primary station may be kept at the same place where the primary station records are kept. The station records shall be made available upon request to any authorized representative of the Commission.

\* \* \* \* \*

**§ 74.787 [Amended]**

■ 21. Amend § 74.787(a)(5)(viii) by removing “§ 74.765 Posting of station and operator licenses”.

**§ 74.789 [Amended]**

■ 22. Amend § 74.789 by removing “§ 74.765 Posting of station and operator licenses”.

■ 23. Amend § 74.832 by revising paragraph (j) to read as follows:

**§ 74.832 Licensing requirements and procedures.**

\* \* \* \* \*

(j) The license shall be retained in the licensee's files at the address shown on the authorization.

**§ 74.1265 [Removed]**

■ 24. Remove § 74.1265.

■ 25. Amend § 74.1281 by revising paragraph (c) to read as follows:

**§ 74.1281 Station records.**

\* \* \* \* \*

(c) The station records shall be maintained for inspection at a residence, office, or public building, place of business, or other suitable place, in one of the communities of license of the translator or booster, except that the station records of a booster or translator licensed to the licensee of the primary station may be kept at the same place where the primary station records are kept. The station records shall be made available upon request to any authorized representative of the Commission.

\* \* \* \* \*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 622**

[Docket No. 160426363-7275-02]

RIN 0648-XG762

**Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region; Commercial Trip Limit Increase for King Mackerel in the Atlantic Southern Zone**

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

**ACTION:** Temporary rule; trip limit increase.

**SUMMARY:** NMFS increases the commercial trip limit for king mackerel in or from Federal waters in an area off the Florida east coast between the border of Flagler and Volusia Counties and the border of Miami-Dade and Monroe Counties in the Atlantic southern zone to 75 fish per day. This commercial trip limit increase is necessary to maximize the socioeconomic benefits associated with harvesting the commercial quota of Atlantic migratory group king mackerel. **DATES:** This temporary rule is effective from 12:01 a.m., local time, on February 7, 2019, through February 28, 2019.

**FOR FURTHER INFORMATION CONTACT:** Karla Gore, NMFS Southeast Regional Office, telephone: 727-824-5305, email: [karla.gore@noaa.gov](mailto:karla.gore@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The fishery for coastal migratory pelagic fish

includes king mackerel, Spanish mackerel, and cobia, and is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. All weights for Atlantic migratory group king mackerel (Atlantic king mackerel) below apply as either round or gutted weight.

On April 11, 2017, NMFS published a final rule to implement Amendment 26 to the FMP in the **Federal Register** (82 FR 17387). That final rule adjusted the management boundaries, zones, and annual catch limits for Atlantic king mackerel. The commercial quota for Atlantic king mackerel in the southern zone is 4,001,920 lb (1,815,240 kg) for the current fishing year, March 1, 2018, through February 28, 2019 (50 CFR 622.384(b)(2)(ii)). The seasonal quotas are 2,401,152 lb (1,089,144 kg) for the period March 1 through September 30 (50 CFR 622.384(b)(2)(ii)(A)), and 1,600,768 lb (726,096 kg) for October 1 through the end of February (50 CFR 622.384(b)(2)(ii)(B)).

The Atlantic king mackerel southern zone encompasses an area of Federal waters south of a line extending from the state border of North Carolina and South Carolina, as specified in 50 CFR 622.2, and north of a line extending due east from the border of Miami-Dade and Monroe Counties, Florida (50 CFR 622.369(a)(2)(ii)). From October 1 through January 31, the commercial trip limit for king mackerel in or from the southern zone that may be possessed on board or landed from a federally permitted vessel is 50 fish per day (50 CFR 622.385(a)(1)(ii)(C)).

However, if NMFS determines that less than 70 percent of the Atlantic southern zone commercial quota specified in 50 CFR 622.384(b)(2)(ii)(B) has been harvested by February 1, then during the month of February, the commercial trip limit for king mackerel in or from a specified area of the southern zone that may be possessed on board or landed from a federally permitted vessel is increased to 75 fish per day (50 CFR 622.385(a)(1)(ii)(D)). The area of the southern zone in which the commercial trip limit increase applies is in Federal waters south of 29°25' N lat., which is a line that extends due east from the border of Flagler and Volusia Counties, Florida, and north of 25°20'24" N lat., which is

a line that extends due east from the border of Miami-Dade and Monroe Counties, Florida.

NMFS has determined that less than 70 percent of the October 1 through the end of February commercial quota for Atlantic king mackerel in the southern zone was harvested by February 1, 2019. Accordingly, a 75-fish commercial trip limit applies to vessels fishing for king mackerel in or from Federal waters south of 29°25' N lat. and north of 25°20'24" N lat. off the east coast of Florida in the Atlantic southern zone effective at 12:01 a.m., local time, on February 7, 2019. The 75-fish trip limit will remain in effect through February 28, 2019, or until the commercial quota is reached and the southern zone closes. On March 1, 2019, the new fishing year begins and a commercial trip limit of 50 fish will again be in effect for this area.

#### Classification

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

This action is taken under 50 CFR 622.385(a)(1)(ii)(D) 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 NOAA Fisheries (AA) finds that the need to immediately implement this commercial trip limit increase constitutes 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), because prior notice and opportunity for public comment on this temporary rule is unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule establishing the commercial trip limits has already been subject to notice and comment, and all that remains is to notify the public of the trip limit increase. Such procedures are contrary to the public interest, because prior notice and opportunity for public comment would require time and delay the fishers' ability to catch more king mackerel to harvest the commercial quota and achieve optimum yield, and would prevent fishers from reaping the socioeconomic benefits associated with this increased commercial trip limit.

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

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

Dated: February 1, 2019.

**Alan D. Risenhoover,**

*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. 181031994-9022-02]

RIN 0648-XG608-X

#### Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustment to Atlantic Herring Specifications and Sub-Annual Catch Limits for 2019

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

**ACTION:** Final rule.

**SUMMARY:** This action implements an in-season adjustment to the Atlantic herring specifications and sub-annual catch limits for 2019. These adjustments are necessary to reduce 2018 herring catch limits that would otherwise remain in effect for 2019. This action is expected to prevent overfishing of the herring resource and lower the risk of the stock becoming overfished.

**DATES:** Effective February 8, 2019.

**ADDRESSES:** Copies of this action, including the Supplemental Environmental Assessment and the Regulatory Impact Review/Initial Regulatory Flexibility Analysis (SEA/RIR/IRFA) prepared in support of this action, are available from Michael Pentony, Regional Administrator, 55 Great Republic Drive, Gloucester, MA 01930. Documents are also accessible via the internet at: <https://www.nefmc.org>.

**FOR FURTHER INFORMATION CONTACT:** Carrie Nordeen, Fishery Policy Analyst, 978-281-9272.

#### SUPPLEMENTARY INFORMATION:

##### Background

We published a proposed rule for the in-season adjustment to Atlantic herring specifications and sub-annual catch

limits (ACLs) for 2019 on November 30, 2018 (83 FR 61593). The comment period on the proposed rule ended on December 31, 2018. We received 22 comment letters on the proposed rule, which are summarized in the Comments and Responses section of this final rule.

We implemented 2016–2018 herring specifications on November 1, 2016 (81 FR 75731), as recommended by the New England Fishery Management Council. The specifications included an overfishing limit (OFL) of 111,000 mt for 2018. The acceptable biological catch (ABC) for 2018 was also set at 111,000 mt. The ABC was based on the Council's interim control rule, set equal to the OFL with at least a 50-percent probability of preventing overfishing, and consistent with the Council's Scientific and Statistical Committee's (SSC) advice. The annual catch limit (ACL) for 2018 was 104,800 mt.

In June 2018, a new Northeast Regional Stock Assessment Workshop (SAW) for herring, reviewed by the Stock Assessment Review Committee (SARC), was completed. The assessment concluded that although herring was not overfished and overfishing was not occurring in 2017, poor recruitment would likely result in a substantial decline in herring biomass. The stock assessment estimated that recruitment had been at historic lows during the most recent 5 years (2013–2017). The assessment projected that biomass could increase, after reaching a low in 2019, if recruitment returns to average levels, but that herring catch would need to be reduced, starting in 2018, to prevent overfishing and lower the risk of the stock becoming overfished. The final assessment summary report is available on the Northeast Fisheries Science Center (NEFSC) website ([www.nefsc.noaa.gov/publications/](http://www.nefsc.noaa.gov/publications/)).

The Atlantic Herring Fishery Management Plan (FMP) allows NMFS to make in-season adjustments to the herring specifications and sub-ACLs to achieve conservation and management objectives, after consultation with the Council, consistent with the Herring FMP's objectives and other FMP provisions. In August 2018, at the request of the Council, we used an in-season adjustment to reduce the 2018 ACL from 104,800 mt to 49,900 mt to reduce the risk of overfishing in 2018 (83 FR 42450, August 22, 2018). This resulted in at least a 50-percent probability of preventing overfishing projected for 2018. However, assessment projections indicated that catch would need to be further reduced in 2019 to prevent overfishing and lower the risk of the stock becoming overfished.