

28, 2017) and final rule for that action both clearly described the recreational fishing season in the preamble, but neglected to include the measure in the regulatory text. The Amendment 6 final rule clearly intended to implement the recreational closure, and included formal responses to public comments regarding the closure. The recreational season was also included in our public outreach material about the amendment.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Assistant Administrator for Fisheries, NOAA, has determined that this rule is consistent with the Tilefish FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

The Assistant Administrator for Fisheries finds that there is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delayed effectiveness provision of the Administrative Procedure Act for these specifications. This action will increase the annual total allowable landings for the commercial and recreational fisheries by 15 percent and will increase the commercial possession limit from 300 lb (136 kg) to 500 lb (227 kg) per trip. It would be unnecessary and contrary to the public interest to provide for prior notice and an opportunity for public comment for the implementation of the blue-line tilefish recreational season. The Tilefish Amendment 6 proposed rule (82 FR 29263; June 28, 2017) described the recreational fishing season in the preamble and solicited public comment. The November 15, 2017, final rule (82 FR 52851) included our response to public comments on the measure, and stated the season would be implemented as proposed. Seeking additional public comment at this point would be unlikely to provide new insight and would further delay final implementation of the recreational season. Similarly, the need to implement this measure in a timely manner to avoid fishing during a period we had previously announced the fishery would be closed constitutes good cause under authority contained in 5 U.S.C. 553(d)(3), to waive the 30-day delay in effective date. A delay in the effective date of the recreational season would seemingly conflict with the November 15, 2017, final rule and would cause confusion among the public about whether or not the blue-line tilefish recreational fishery is open.

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for this certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 6, 2019.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.14, paragraph (u)(2)(x) is added to read as follows:

§ 648.14 Prohibitions.

* * * * *

- (u) * * *
- (2) * * *

(x) Engage in recreational fishing for blue-line tilefish outside of the recreational open season specified at § 648.296(b).

* * * * *

■ 3. In § 648.295, paragraphs (b)(1) and (2) are revised to read as follows:

§ 648.295 Tilefish commercial trip limits and landing condition.

* * * * *

- (b) * * *

(1) *Commercial possession limit.* Any vessel of the United States fishing under a tilefish permit, as described at § 648.4(a)(12), is prohibited from possessing more than 500 lb (227 kg) of gutted blue-line tilefish per trip in or from the Tilefish Management Unit.

(2) *In-season adjustment of possession limit.* The Regional Administrator will monitor the harvest of the blue-line tilefish commercial TAL based on dealer reports and other available information.

(i) When 70 percent of the blue-line tilefish commercial TAL will be landed, the Regional Administrator may publish

a notice in the **Federal Register** notifying vessel and dealer permit holders that, effective upon a specific date, the blue-line tilefish commercial possession limit is reduced to 300 lb (136 kg) of gutted blue-line tilefish per trip in or from the Tilefish Management Unit.

(ii) When 100 percent of the blue-line tilefish commercial TAL will be landed, the Regional Administrator will publish a notice in the **Federal Register** notifying vessel and dealer permit holders that, effective upon a specific date, the blue-line tilefish commercial fishery is closed for the remainder of the fishing year. No vessel may retain or land blue-line tilefish in or from the Tilefish Management Unit after the announced closure date.

* * * * *

■ 4. In § 648.296, paragraph (b) introductory text is added to read as follows:

§ 648.296 Tilefish recreational possession limits and gear restrictions.

* * * * *

(b) * * * The recreational blue-line tilefish fishery is open May 1 through October 31, and closed November 1 through April 30.

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[FR Doc. 2019-01929 Filed 2-11-19; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 170816769-8162-02]

RIN 0648-XG972

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 50 Feet Length Overall Using Hook-and-Line Gear in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher vessels less than 50 feet length overall (LOA) using hook-and-line gear in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2019 Pacific cod total allowable catch apportioned to catcher

vessels less than 50 feet LOA using hook-and-line gear in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), February 7, 2019, through 1200 hours, A.l.t., June 10, 2019.

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

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (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. Regulations governing sideboard protections for GOA groundfish fisheries appear at subpart B of 50 CFR part 680.

The A season allowance of the 2019 Pacific cod total allowable catch (TAC) apportioned to catcher vessels less than 50 feet LOA using hook-and-line gear in the Central Regulatory Area of the GOA is 530 metric tons (mt), as established by the final 2018 and 2019 harvest specifications for groundfish of the GOA (83 FR 8768, March 1, 2018).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the A season allowance of the 2019 Pacific cod TAC apportioned to catcher vessels less than 50 feet LOA using hook-and-line gear in the Central Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 455 mt and is setting aside the remaining 75 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher vessels less than 50 feet LOA using hook-and-line gear in the Central Regulatory Area of the GOA. After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

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 the directed fishing closure of Pacific cod by catcher vessels less than 50 feet LOA using hook-and-line gear in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of February 5, 2019.

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 is exempt from review under Executive Order 12866.

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

Dated: February 7, 2019.

Jennifer M. Wallace,

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

[FR Doc. 2019-02038 Filed 2-7-19; 4:15 pm]

BILLING CODE 3510-22-P