

The Magnuson-Stevens Act provides the statutory basis for this final rule. No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting, record-keeping, or other compliance requirements are introduced by this final rule.

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 rule would not have a significant adverse economic impact on a substantial number of small entities. The factual basis for this determination was published in the proposed rule and is not repeated here. No significant issues were raised by public comments related to the economic impacts on small entities, and no changes to this final rule were made in response to public comments. However, the final rule incorporates a correction to a commercial trip limit boundary position for the Atlantic king mackerel southern zone, and updates contact information for the NMFS Office of Law Enforcement specific to the Spanish mackerel transfer at sea provision which was not included in the proposed rule.

A current regulation incorrectly uses the same coordinates (29°25' N lat.) to define the Flagler/Volusia County, FL, boundary, and Miami-Dade/Monroe County, FL, boundary. The assessment of the economic impacts on small entities for the proposed rule did not repeat that error, and the correction does not invalidate the certification. In addition, the updated law enforcement contact information will have no additional impact on small entities. As a result, a final regulatory flexibility analysis was not required and none was prepared.

This final rule responds to the best scientific information available. Pursuant to 5 U.S.C. 553(d)(3), the AA finds good cause to waive the 30-day delay in the date of effectiveness of this final rule because such a delay would be contrary to the public interest. If this final rule were delayed by 30 days, king mackerel fishermen would not be able to fish under the revised, increased, commercial trip limit and realize the full level of economic opportunity this rule provides. Further, the correction to the boundary position for the Atlantic king mackerel southern zone and the update to the contact information for the NMFS Office of Law Enforcement provide accurate and beneficial information to the public, and a delay in their effectiveness would be contrary to the public interest.

In addition, because this measure increases the current Season 1 trip limit, it relieves a restriction, and therefore it also falls within the 5 U.S.C. 553(d)(1) exception to the 30-day delay in the date of effectiveness requirement. The current commercial trip limit is increased as a result of this final rule, and NMFS wants to allow king mackerel fishermen the earliest opportunity to harvest at the new trip limit, as intended by the Council in Framework Amendment 6. Waiving the 30-day delay in the date of effectiveness will allow this final rule to more fully benefit the fishery through increased fishing opportunities as described in Framework Amendment 6 and as intended by the Council.

Accordingly, the 30-day delay in effectiveness of the measures contained in this final rule is waived.

**List of Subjects in 50 CFR Part 622**

Fisheries, Fishing, King mackerel, South Atlantic, Trip limits.

Dated: September 5, 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 622 is amended as follows:

**PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC**

- 1. The authority citation for part 622 continues to read as follows:

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

- 2. In § 622.377, revise paragraph (b)(2)(vi)(C) to read as follows:

**§ 622.377 Gillnet restrictions.**

\* \* \* \* \*

- (b) \* \* \*
- (2) \* \* \*
- (vi) \* \* \*

(C) Prior to cutting the gillnet and prior to any transfer of Spanish mackerel from one vessel to another, the owner or operator of both vessels must contact NMFS Office for Law Enforcement, St Petersburg, Florida, phone: 1-727-824-5344.

- 3. In § 622.385, revise paragraphs (a)(1)(ii) introductory text and (a)(1)(ii)(A) and (B) and add paragraph (a)(1)(iii) to read as follows:

**§ 622.385 Commercial trip limits.**

\* \* \* \* \*

- (a) \* \* \*
- (1) \* \* \*

(ii) In the area between 29°25' N lat., which is a line directly east from the

Flagler/Volusia County, FL, boundary, and 28°47'48" N lat., which is a line directly east from the Volusia/Brevard County, FL, boundary, king mackerel in or from the EEZ may not be possessed on board or landed from a vessel in a day in amounts not to exceed:

- (A) From March 1 through March 31—75 fish.
- (B) From April 1 through September 30—3,500 lb (1,588 kg).

\* \* \* \* \*

(iii) In the area between 28°47'48" N lat., which is a line directly east from the Volusia/Brevard County, FL, boundary, and 25°20'24" N lat., which is a line directly east from the Miami-Dade/Monroe County, FL, boundary, king mackerel in or from the EEZ may not be possessed on board or landed from a vessel in a day in amounts not to exceed:

- (A) From March 1 through March 31—75 fish.
- (B) From April 1 through September 30—75 fish, unless NMFS determines that 75 percent or more of the quota specified in § 622.384(b)(2)(ii)(A) has been landed, then, 50 fish.
- (C) From October 1 through January 31—50 fish.

(D) From February 1 through the end of February—50 fish, unless NMFS determines that less than 70 percent of the quota specified in § 622.384(b)(2)(ii)(B) has been landed, then, 75 fish.

\* \* \* \* \*

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**DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 180831813-9170-02]

RIN 0648-XY013

**Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in 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 pollock in Statistical Area 610 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the C season allowance of the 2019 total allowable catch of pollock for Statistical Area 610 in the GOA.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), September 8, 2019, through 1200 hrs, A.l.t., October 1, 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.

The C season allowance of the 2019 total allowable catch (TAC) of pollock in Statistical Area 610 of the GOA is 11,590 metric tons (mt) as established by the final 2019 and 2020 harvest specifications for groundfish in the GOA (84 FR 9416, March 14, 2019). In accordance with § 679.20(a)(5)(iv)(B), the Regional Administrator hereby increases the C seasonal apportionment for Statistical Area 610 by 580 mt to account for the underharvest of the TAC in Statistical Area 610 and Statistical Area 620 in the B season. This increase is in proportion to the estimated pollock biomass and is not greater than 20

percent of the C seasonal apportionment of the TAC in Statistical Area 610. Therefore, the revised C seasonal apportionment of pollock TAC in Statistical Area 610 is 12,170 mt (11,590 mt plus 580 mt).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the C season allowance of the 2019 TAC of pollock in Statistical Area 610 of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 12,000 mt and is setting aside the remaining 170 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 pollock in Statistical Area 610 of the GOA.

While this closure is effective 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 closure of directed fishing for pollock in Statistical Area 610 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 September 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: September 6, 2019.

**Jennifer M. Wallace,**

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

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