

TABLE 5 TO PARAGRAPH (b)(11)(ii)—Continued

U.S. Code citation	Maximum penalty after 2023 annual inflation adjustment
47 U.S.C. 223(b) .....	\$147,529.
47 U.S.C. 227(b)(4)(B) .....	\$59,316, plus an additional penalty not to exceed \$11,580; \$593,170, plus an additional penalty not to exceed \$11,580; \$237,268, plus an additional penalty not to exceed \$11,580; \$2,372,677, plus an additional penalty not to exceed \$11,580; \$479,945, plus an additional penalty not to exceed \$11,580; \$4,430,255, plus an additional penalty not to exceed \$11,580; \$23,727, plus an additional penalty not to exceed \$11,580; \$177,951, plus an additional penalty not to exceed \$11,580; \$136,258, plus an additional penalty not to exceed \$11,580; \$1,362,567, plus an additional penalty not to exceed \$11,580.
47 U.S.C. 227(e) .....	\$13,625, \$40,875, \$1,362,567.
47 U.S.C. 362(a) .....	\$11,864.
47 U.S.C. 362(b) .....	\$2,374.
47 U.S.C. 386(a) .....	\$11,864.
47 U.S.C. 386(b) .....	\$2,374.
47 U.S.C. 503(b)(2)(A) .....	\$59,316, \$593,170.
47 U.S.C. 503(b)(2)(B) .....	\$237,268, \$2,372,677.
47 U.S.C. 503(b)(2)(C) .....	\$479,945, \$4,430,255.
47 U.S.C. 503(b)(2)(D) .....	\$23,727, \$177,951.
47 U.S.C. 503(b)(2)(F) .....	\$136,258, \$1,362,567.
47 U.S.C. 507(a) .....	\$2,350.
47 U.S.C. 507(b) .....	\$345.
47 U.S.C. 511 .....	\$2,316,034, \$115,802.
47 U.S.C. 554 .....	\$1,052.
Sec. 6507(b)(4) of Tax Relief Act .....	\$1,276,024/incident.
Sec. 6507(b)(5) of Tax Relief Act .....	\$127,602/call.

\* \* \* \* \*  
 [FR Doc. 2022-28493 Filed 1-4-23; 8:45 am]  
 BILLING CODE 6712-01-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 635**

[Docket No. 220919-0193; RTID 0648-XC610]

**Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; General Category January Through March Quota Transfer**

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

**ACTION:** Temporary rule; quota transfer.

**SUMMARY:** NMFS is transferring 20.5 metric tons (mt) of Atlantic bluefin tuna (BFT) quota from the General category December 2023 subquota to the January through March 2023 subquota period. The adjusted General category January through March 2023 subquota is 58.2 mt. This action provides further opportunities for General category fishermen to participate in the January through March General category fishery, based on consideration of the regulatory determination criteria regarding inseason adjustments. This action would affect Atlantic Tunas General category (commercial) permitted vessels

and Highly Migratory Species (HMS) Charter/Headboat permitted vessels with a commercial sale endorsement when fishing commercially for BFT.

**DATES:** Effective January 3, 2023, through March 31, 2023.

**FOR FURTHER INFORMATION CONTACT:** Larry Redd, Jr., *larry.redd@noaa.gov*, 301-427-8503, Ann Williamson, *ann.williamson@noaa.gov*, 301-427-8503, or Nicholas Velseboer, *nicholas.velsboer@noaa.gov*, 978-281-9260.

**SUPPLEMENTARY INFORMATION:** Atlantic HMS fisheries, including BFT fisheries, are managed under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*). The 2006 Consolidated Atlantic HMS Fishery Management Plan (FMP) and its amendments are implemented by regulations at 50 CFR part 635. Section 635.27 divides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and as implemented by the United States among the various domestic fishing categories, per the allocations established in the 2006 Consolidated HMS FMP and its amendments. NMFS is required under the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest quotas under relevant international fishery agreements such as the ICCAT

Convention, which is implemented domestically pursuant to ATCA.

The baseline General category quota is 710.7 mt. The General category baseline subquotas for the January through March time-period and for the December time-period are 37.7 mt and 37.0 mt, respectively. In this action, NMFS is transferring 20.5 mt from the December 2023 subquota period to the January through March subquota period. This transfer results in 58.2 mt (37.7 mt + 20.5 mt = 58.2 mt) being available for the January through March 2023 subquota period and 16.5 mt (37.0 - 20.5 = 16.5 mt) being available for the December 2023 subquota period.

**Transfer From the December 2023 Subquota to the January Through March 2023 Subquota**

Under § 635.27(a)(1)(ii), NMFS has the authority to transfer subquota from one time period to another time period through inseason action after considering determination criteria provided under § 635.27(a)(8). NMFS has considered all of the relevant determination criteria and their applicability to this inseason quota transfer. These considerations include, but are not limited to, the following.

Regarding the usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock (§ 635.27(a)(8)(i)), biological samples collected from BFT landed by General category fishermen continue to provide NMFS with valuable parts and data for ongoing scientific studies of

BFT age and growth, migration, and reproductive status. Additional opportunity to land BFT in the General category would support the continued collection of a broad range of data for these studies and for stock monitoring purposes.

NMFS also considered recent catches of the General category quota (including in December 2022 and during the January through March fishery in the last several years) and the likelihood of closure of that segment of the fishery if no adjustment is made (§ 635.27(a)(8)(ii) and (ix)). Without a quota transfer from the December 2023 subquota period, the quota available for the 2023 January through March period would be 37.7 mt and participants would have to stop BFT fishing activities once that amount is met, while commercial-sized BFT remain available in the areas where General category permitted vessels operate. A quota transfer of 20.5 mt would provide limited additional opportunities to harvest the U.S. BFT quota while avoiding exceeding it.

Regarding the projected ability of the vessels fishing under the General category quota to harvest the additional amount of BFT quota transferred before the end of the fishing year (§ 635.27(a)(8)(iii)), NMFS considered General category landings over the last several years. Landings are highly variable and depend on access to commercial-sized BFT and fishing conditions, among other factors. NMFS may adjust each period's subquota based on overharvest or underharvest in the prior period and may transfer subquota from one time period to another time period. By allowing for such quota adjustments and transfers, NMFS anticipates that the General category quota would be used before the end of the fishing year. For 2022, NMFS transferred 19.5 mt of quota from the December 2022 subquota period to the January through March 2022 subquota period, resulting in an adjusted subquota of 49 mt for the January through March 2022 period and an adjusted subquota of 9.4 mt for the December 2022 period (86 FR 72857, December 23, 2021). NMFS also made a transfer of 26 mt from the Reserve to the General category effective January 28, 2022, resulting in an adjusted subquota of 75 mt for the January through March 2022 period (87 FR 5737, February 2, 2022), and closed the General category fishery for the January through March subquota period effective February 11, 2022 (87 FR 8432, February 15, 2022).

NMFS also considered the estimated amounts by which quotas for other gear categories of the BFT fishery might be exceeded (§ 635.27(a)(8)(iv)) and the

ability to account for all 2023 landings and dead discards. In the last several years, total U.S. BFT landings have been below the available U.S. quota such that the United States has carried forward the maximum amount of underharvest allowed by ICCAT from one year to the next. NMFS will need to account for 2023 landings and dead discards within the adjusted U.S. quota, consistent with ICCAT recommendations, and anticipates having sufficient quota to do that.

NMFS also considered the effects of the adjustment on the BFT stock and the effects of the transfer on accomplishing the objectives of the 2006 Consolidated FMP (§ 635.27(a)(8)(v) and (vi)). This transfer would be consistent with established quotas and subquotas, which are implemented consistent with ICCAT recommendations (established in Recommendation 21-07), ATCA, and the objectives of the 2006 Consolidated HMS FMP and amendments. In establishing these quotas and subquotas and associated management measures, ICCAT and NMFS considered the best scientific information available, objectives for stock management and status, and effects on the stock. This quota transfer is in line with the established management measures and stock status determinations. Another principal consideration is the objective of providing opportunities to harvest the available General category quota without exceeding the annual quota, based on the objectives of the 2006 Consolidated HMS FMP and its amendments, including to achieve optimum yield on a continuing basis and to allow all permit categories a reasonable opportunity to harvest available BFT quota allocations (related to § 635.27(a)(8)(x)). Specific to the General category, this includes providing opportunities equitably across all time periods.

Given these considerations, NMFS is transferring 20.5 mt from the December 2023 period to the January through March 2023 period, resulting in an adjusted January through March 2023 subquota of 58.2 mt and an adjusted December 2023 subquota of 16.5 mt. The General category fishery will remain open until March 31, 2023, or until the adjusted General category quota is reached, whichever comes first.

#### Monitoring and Reporting

NMFS will continue to monitor the BFT fishery closely. Dealers are required to submit landing reports within 24 hours of a dealer receiving BFT. Late reporting by dealers compromises NMFS' ability to timely implement actions such as quota and retention

limit adjustments, as well as closures, and may result in enforcement actions. Additionally, and separate from the dealer reporting requirement, General category and HMS Charter/Headboat vessel owners are required to report the catch of all BFT retained or discarded dead within 24 hours of the landing(s) or the end of each trip, by accessing [hmspermits.noaa.gov](https://hmspermits.noaa.gov) or by using the HMS Catch Reporting app or calling (888) 872-8862 (Monday through Friday from 8 a.m. until 4:30 p.m.).

Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional adjustments are necessary to ensure available quota is not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas. If needed, subsequent adjustments will be published in the **Federal Register**. In addition, fishermen may call the Atlantic Tunas Information Line at (978) 281-9260, or access [hmspermits.noaa.gov](https://hmspermits.noaa.gov), for updates on quota monitoring and inseason adjustments.

#### Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act and regulations at 50 CFR part 635 and is exempt from review under Executive Order 12866.

The Assistant Administrator for NMFS (AA) finds that pursuant to 5 U.S.C. 553(b)(B), it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons. Specifically, the regulations implementing the 2006 Consolidated HMS FMP and amendments provide for inseason retention limit adjustments to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Providing prior notice and opportunity for public comment on this quota transfer for the January through March 2023 time period is impracticable. NMFS could not have proposed this action earlier, as it needed to consider and respond to updated landings data, including the recently available December 2022 data, in deciding to transfer a portion of the December 2023 subquota to the January through March 2023 subquota. Delaying this action is contrary to public interest, not only because it would likely result in a General category closure and associated costs to the fishery, but also administrative costs due to further agency action needed to re-open the fishery after quota is transferred. The

delay would preclude the fishery from harvesting BFT that are available on the fishing grounds that might otherwise become unavailable during a delay. This action does not raise conservation and management concerns. Transferring quota within the General category does not affect the overall U.S. BFT quota, and the adjustment would have a minimal risk of exceeding the ICCAT-allocated quota. NMFS notes that the public had an opportunity to comment on the underlying rulemakings that established the U.S. BFT quota and the inseason adjustment criteria.

For all of the above reasons, the AA finds that pursuant to 5 U.S.C. 553(d), there also is good cause to waive the 30-day delay in effective date.

**Authority:** 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: December 30, 2022.

**Jennifer M. Wallace,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 2022-28635 Filed 1-3-23; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 221228-0283]

RTID 0648-XC484

#### Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; Final 2023 Atlantic Deep-Sea Red Crab Specifications

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

**ACTION:** Final rule.

**SUMMARY:** We are finalizing specifications for the 2023 Atlantic deep-sea red crab fishery, including an annual catch limit, and total allowable landings limit. This action is necessary to fully implement previously projected allowable red crab harvest levels that will prevent overfishing and allow harvesting of optimum yield. This action is intended to establish the allowable 2023 harvest levels, consistent with the Atlantic Deep-Sea Red Crab Fishery Management Plan.

**DATES:** The final specifications for the 2023 Atlantic deep-sea red crab fishery are effective March 1, 2023, through February 29, 2024.

**FOR FURTHER INFORMATION CONTACT:** Laura Deighan, Fishery Management Specialist, (978) 281-9184.

**SUPPLEMENTARY INFORMATION:** The Atlantic deep-sea red crab fishery is managed by the New England Fishery Management Council. The Atlantic Deep-Sea Red Crab Fishery Management Plan includes a specification process that requires the Council to recommend an acceptable biological catch, an annual catch limit, and total allowable landings every four years. Collectively, these are the red crab specifications. Prior to the start of fishing year 2020, the Council recommended specifications for the 2020-2023 fishing years (Table 1).

**TABLE 1—COUNCIL-APPROVED 2020–2023 RED CRAB SPECIFICATIONS**

	Metric ton	Million lb
Acceptable Biological Catch .....	2,000	4.41
Annual Catch Limit .....	2,000	4.41
Total Allowable Landings	2,000	4.41

On April 14, 2020, we approved the Council-recommended specifications for the 2020 fishing year, effective through February 28, 2021, and we projected the continuation of those specifications for 2021-2023 (85 FR 20615). At the end of each fishing year, we evaluate catch information and determine if the quota has been exceeded. If a quota is exceeded, the regulations at 50 CFR 648.262(b) require a pound-for-pound reduction in a subsequent fishing year. We have reviewed available 2022 fishery information against the projected 2023 specifications. There have been no annual catch limit or total allowable landings overages, nor is there any new biological information that would require altering the projected 2023 specifications published in 2020. Based on this information, we are finalizing specifications for fishing year 2023, as projected in the 2020 specifications rule, and outlined above in Table 1. These specifications are not expected to result in overfishing, and they adequately account for scientific uncertainty. This is the final year of these specifications, and new specifications will be developed by the Council for 2024 and beyond.

#### Classification

The NMFS Assistant Administrator has determined that this final rule is consistent with the Atlantic Deep-Sea Red Crab Fishery Management Plan, the Magnuson-Stevens Fishery

Conservation and Management Act, and other applicable law.

This rule is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), we find good cause to waive prior public notice and opportunity for public comment on the catch limit and allocation adjustments, because allowing time for notice and comment would be contrary to the public interest. The proposed rule for the 2020-2023 specifications provided the public with the opportunity to comment on the specifications, including the projected 2021 through 2023 specifications (85 FR 9717, February 20, 2020). We received no comments on the proposed rule announcing the projected 2021-2023 specifications and the process for announcing finalized interim year quotas. Further, this final rule contains no changes from the projected 2023 specifications that were included in both the February 20, 2020, proposed rule and the April 14, 2020, final rule. The public and industry participants expect this action. Through both the proposed rule for the 2020-2023 specifications and the final rule for the 2020 specifications, we alerted the public that we would conduct a review of the latest available catch information in each of the interim years of the multi-year specifications and announce the final quota prior to the March 1 start of the fishing year. Thus, the proposed and final rules that contained the projected 2021-2023 specifications provided a full opportunity for the public to comment on the substance and process of this action.

The Chief Counsel for Regulation, Department of Commerce, previously certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that the 2020-2023 red crab specifications would not have a significant economic impact on a substantial number of small entities. Implementing the 2023 specifications will not change the conclusions drawn in that previous certification to the SBA. Because advance notice and the opportunity for public comment are not required for this action under the Administrative Procedure Act, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, do not apply to this rule. Therefore, no new regulatory flexibility analysis is required and none has been prepared.

This action does not contain a collection of information requirement for the purposes of the Paperwork Reduction Act.

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