

a. Excess Escrow Amount \$ _____
 III. Plus the Required Fixed Amount:
 \$ _____
 IV. Total Required in Escrow:
 \$ _____
 V. Current Balance in Escrow Account:
 \$ _____
 VI. Amount to be Deposited in Escrow
 Account: \$ _____
 VII. Amount of Escrow Account available to
 Operator: \$ _____
 VIII. I declare under penalty of perjury that
 the above information is true and correct.
 Dated: _____

(Signature)

Name: Title:

(Signature)

Name: Title:

By the Commission.

Karen V. Gregory,
Secretary.

[FR Doc. 2013-04417 Filed 2-26-13; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 1206013412-2517-02]

RIN 0648-XC467

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2013 Accountability Measures for Gulf of Mexico Commercial Greater Amberjack

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

ACTION: Temporary rule; accountability
 measures.

SUMMARY: NMFS implements
 accountability measures (AMs) for
 commercial greater amberjack in the
 Gulf of Mexico (Gulf) reef fish fishery
 for the 2013 fishing year through this
 temporary final rule. This rule reduces
 the Gulf greater amberjack 2013
 commercial annual catch target (ACT)
 (equal to the commercial quota) to
 338,157 lb (153,385 kg) and reduces the
 2013 commercial annual catch limit
 (ACL) to 410,157 lb (186,044 kg), based
 on the 2012 commercial ACL overage.
 These actions are necessary to reduce
 overfishing of the Gulf greater amberjack
 resource.

DATES: This rule is effective February
 27, 2013, through December 31, 2013.

ADDRESSES: Electronic copies of
 Amendment 35 to the Fishery
 Management Plan for the Reef Fish

Resources of the Gulf (FMP), which
 includes an environmental assessment,
 an initial regulatory flexibility analysis,
 and a regulatory impact review, may be
 obtained from the Southeast Regional
 Office Web site at [http://
 sero.nmfs.noaa.gov/sf/
 GrouperSnapperandReefFish.htm](http://sero.nmfs.noaa.gov/sf/GrouperSnapperandReefFish.htm).

FOR FURTHER INFORMATION CONTACT: Rich
 Malinowski, telephone: 727-824-5305,
 or email: Rich.Malinowski@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS
 manages the reef fish fishery of the Gulf,
 which includes greater amberjack,
 under the FMP. The Gulf of Mexico
 Fishery Management Council (Council)
 prepared the FMP and NMFS
 implements the FMP under the
 authority of the Magnuson-Stevens
 Fishery Conservation and Management
 Act (Magnuson-Stevens Act) by
 regulations at 50 CFR part 622. All
 greater amberjack weights discussed in
 this temporary rule are in round weight.

Background

The 2006 reauthorization of the
 Magnuson-Stevens Act established new
 requirements including ACLs and AMs
 to end overfishing and prevent
 overfishing from occurring. AMs are
 management controls to prevent ACLs
 from being exceeded, and correct or
 mitigate overages of the ACL if they
 occur. Section 303(a)(15) of the
 Magnuson-Stevens Act mandates the
 establishment of ACLs at a level such
 that overfishing does not occur in the
 fishery, including measures to ensure
 accountability.

On November 13, 2012, NMFS
 published a final rule for Amendment
 35 (77 FR 67574). That final rule
 established the Gulf greater amberjack
 stock ACL equal to the greater
 amberjack stock allowable biological
 catch (ABC) at 1,780,000 lb (807,394 kg),
 with the greater amberjack stock ACT at
 1,539,000 lb (698,079 kg) based on the
 ACT Control Rule developed in the
 Generic Annual Catch Limits/
 Accountability Measures Amendment
 (Generic ACL Amendment) (76 FR
 82044, December 29, 2011).

Sector allocations were established in
 Amendment 30A to the FMP (73 FR
 38139, July 3, 2008) with 27 percent of
 the ACL allocated to the commercial
 sector and 73 percent of the ACL
 allocated to the recreational sector.
 Based on these allocations, the final rule
 for Amendment 35 established a greater
 amberjack commercial ACL of 481,000
 lb (218,178 kg) and the commercial ACT
 (equivalent to the commercial quota) of
 409,000 lb (185,519 kg). The commercial
 ACT is set 15 percent below the ACL to
 account for management uncertainty.

Accountability measures for Gulf
 greater amberjack were also revised by
 the final rule for Amendment 35. In
 accordance with regulations at 50 CFR
 622.49(a)(1)(i), when the commercial
 ACT (commercial quota) is reached, or
 projected to be reached, the Assistant
 Administrator for Fisheries, NOAA,
 (AA), will file a notification with the
 Office of the Federal Register to close
 the commercial sector for the remainder
 of the fishing year. If despite such
 closure, commercial landings exceed the
 commercial ACL, then during the
 following fishing year, both the
 commercial ACT (commercial quota)
 and the commercial ACL will be
 reduced by the amount of the prior
 year's commercial ACL overage.

Additionally, the final rule for
 Amendment 35 established a
 commercial trip limit for greater
 amberjack of 2,000 lb (907 kg). This trip
 limit is applicable until the commercial
 ACT (commercial quota) is reached or
 projected to be reached during a fishing
 year and the commercial sector is
 closed.

Management Measures Contained in This Temporary Rule

In 2012, the commercial sector of
 greater amberjack was closed on March
 1, when the adjusted commercial quota
 of 237,438 (107,700 kg), based on the
 2011 quota overage, was determined to
 be reached. Finalized 2012 commercial
 landings data indicated the adjusted
 2012 commercial quota of 237,438 lb
 (107,700 kg) was exceeded by 29.8
 percent, or 70,843 lb (32,134 kg).
 Therefore, the reduced 2013 commercial
 ACT (commercial quota) for Gulf greater
 amberjack is 338,157 lb (153,385 kg)
 (*i.e.*, 409,000-lb (185,519-kg)
 commercial ACT minus the overage of
 70,843 lb (32,134 kg)). The reduced
 2013 commercial ACL for Gulf greater
 amberjack is 410,157 lb (186,044 kg)
 (*i.e.*, 481,000-lb (218,178-kg)
 commercial ACL minus the overage of
 70,843 lb (32,134 kg)).

The 2014 commercial ACT
 (commercial quota) for greater
 amberjack will return to 409,000 lb
 (185,519 kg), as specified at 50 CFR
 622.42(a)(1)(v), and the commercial ACL
 for greater amberjack will return to
 481,000 lb (218,178 kg), as specified in
 50 CFR 622.49(a)(1)(i)(C), unless AMs
 are implemented due to a commercial
 ACL overage, or the Council takes
 subsequent regulatory action to adjust
 the commercial ACT (commercial quota)
 and commercial ACL.

Classification

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

The temporary rule has been determined to be not significant for purposes of 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.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive the requirements to provide prior notice and opportunity for public comment on this temporary

rule. Such procedures are unnecessary because the AMs established by Amendment 35 and located at 50 CFR 622.49(a)(1)(i) authorize the AA to file a notification with the Office of the Federal Register to reduce the commercial ACT (commercial quota) and commercial ACL the following fishing year when the commercial ACL is exceeded. The proposed rule for Amendment 35 (77 FR 42476, July 19, 2012) that implemented these AMs was already subject to notice and comment and all that remains is to notify the public of the 2013 commercial ACT (commercial quota) and commercial ACL for Gulf greater amberjack.

Additionally, prior notice and opportunity for public comment would be contrary to the public interest. Given the ability of the commercial sector to rapidly harvest fishery resources, there

is a need to immediately implement the reduced commercial ACT (commercial quota) and commercial ACL for the 2013 fishing year. Taking time to provide prior notice and opportunity for public comment creates a higher likelihood of the reduced commercial ACT (commercial quota) and commercial ACL being exceeded.

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: February 22, 2013.

Kara Meckley,

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

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