

Regulations at 50 CFR 622.388(d)(1)(i) require NMFS to close the commercial sector for Atlantic Spanish mackerel in the southern zone when the commercial quota is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has determined the commercial quota of 2,667,330 lb (1,209,881 kg) for Atlantic Spanish mackerel in the southern zone will be reached by February 5, 2019. Accordingly, the commercial sector for Atlantic Spanish mackerel in the southern zone is closed effective at 6:00 a.m., local time, on February 5, 2019, through February 28, 2019, the end of the current fishing year. Commercial harvest of Atlantic Spanish mackerel for the 2019–2020 fishing year begins on March 1, 2019.

During the commercial closure, a person on board a vessel that has been issued a valid Federal permit to harvest Atlantic Spanish mackerel may continue to retain this species in the southern zone under the recreational bag and possession limits specified in 50 CFR 622.382(a)(1)(iii) and (a)(2), as long as the recreational sector for Atlantic Spanish mackerel is open (50 CFR 622.384(e)(1)).

Also during the closure, Atlantic Spanish mackerel from the closed zone, including those harvested under the bag and possession limits, may not be purchased or sold. This prohibition does not apply to Atlantic Spanish mackerel from the closed zone that were harvested, landed ashore, and sold prior to the closure and were held in cold storage by a dealer or processor (50 CFR 622.384(e)(2)).

Classification

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

This action is taken under 50 CFR 622.8, 622.384(e), and 622.388(d)(1)(i) 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 opportunity for comment.

This action responds to the best scientific information available. The Assistant Administrator for NOAA Fisheries (AA) finds good cause to waive the requirements 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

procedures are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule implementing the commercial quota and the associated AM has already been subject to notice and public comment, and all that remains is to notify the public of the closure. Additionally, allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action to protect the Atlantic Spanish mackerel stock, because the capacity of the fishing fleet allows for rapid harvest of the commercial quota. Prior notice and opportunity for public comment would require time and could potentially result in a harvest well in excess of the established commercial quota.

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

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

Dated: January 31, 2019.

Karen H. Abrams,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 2019-01117 Filed 1-31-19; 4:15 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 180921861–8861–01]

RIN 0648–XG503

Revisions to Framework Adjustment 57 to the Northeast Multispecies Fishery Management Plan and Sector Annual Catch Entitlements; Updated Annual Catch Limits for Sectors and the Common Pool for Fishing Year 2018

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

ACTION: Final rule; adjustment to specifications.

SUMMARY: Under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), this final rule adjusts the 2018 fishing year allocations to sectors and the common pool specified in Framework Adjustment 57 to the Northeast Multispecies Fishery Management Plan; makes other minor adjustments based on final 2017 catch information; and distributes sector

allocation carried over from fishing year 2017 into fishing year 2018 as required by the sector regulations. The revisions are necessary to account for changes to 2018 sub-annual catch limits based on final 2018 sector rosters. These adjustments are routine and formulaic and are intended to ensure that final allocations are based on the best scientific information available.

DATES: Effective February 4, 2019, through April 30, 2019.

FOR FURTHER INFORMATION CONTACT: Claire Fitz-Gerald, Fishery Management Specialist, (978) 281–9255.

SUPPLEMENTARY INFORMATION: We recently approved Framework Adjustment 57, which set annual catch limits for 20 groundfish stocks for the 2018 fishing year. This action became effective on May 1, 2018 (83 FR 18985; May 1, 2018). Framework 57 included preliminary allocations for sectors and the common pool based on final sector enrollment for the 2017 fishing year. A sector receives an allocation of each stock, or annual catch entitlement (referred to as ACE, or allocation), based on its members' catch histories. State-operated permit banks also receive an allocation that can be transferred to qualifying sector vessels. The sum of all sector and state-operated permit bank allocations is referred to as the sector sub-annual catch limit (sub-ACL). The groundfish allocations remaining after sectors and state-operated permit banks receive their allocations are then allocated to the common pool (*i.e.*, vessels not enrolled in a sector), which is referred to as the common pool sub-ACL.

The MSA at section 305(d) gives us the responsibility and authority to carry out fishery management plans. Using this authority, this rule adjusts the 2018 fishing year sector and common pool sub-ACLs and sector ACEs based on final sector membership as of May 1, 2018. Permits enrolled in a sector and the vessels associated with those permits have until April 30, the last day prior to the beginning of a new fishing year, to withdraw from a sector and fish in the common pool. As a result, the actual sector enrollment for the new fishing year is unknown when the final specifications are published. Each year, we subsequently publish an adjustment rule modifying sector and common pool allocations based on final sector enrollment. The Framework 57 proposed and final rules both explained that sector enrollments may change and that there would be a need to adjust the sub-ACLs and sector ACEs accordingly. Table 1 shows the changes to the sub-

ACLs between Framework 57 and this adjustment rule.

In contrast to Framework 57, this year's sector rule provided sector ACE for 17 sectors based on preliminary fishing year 2018 potential sector

contributions and the preliminary fishing year 2018 sector rosters that were submitted on March 26, 2018 (83 FR 18965; May 1, 2018). An interim final sector rule allocated ACE to the 2 remaining sectors on July 20, 2018 (83

FR 34492; July 20, 2018). There were no changes to sector enrollment following submission of the preliminary rosters. Therefore, the sector-specific allocations described in the sector rules are correct and do not require adjustment.

TABLE 1—SUB-ACL COMPARISON BETWEEN FRAMEWORK 57 FINAL RULE AND ADJUSTMENT RULE (mt)

Stock	Final Framework 57 sector sub-ACL	Final adjusted sector sub-ACL	Final Framework 57 common pool sub-ACL	Final adjusted common pool sub-ACL
GB Cod	1,335	1,170	25	24
GOM Cod	377	357	13	12
GB Haddock	44,348	44,340	311	319
GOM Haddock	8,643	8,641	95	98
GB Yellowtail Flounder	167	167	3	3
SNE/MA Yellowtail Flounder	34	34	8	8
CC/GOM Yellowtail Flounder	381	381	18	17
American Plaice	1,550	1,552	29	28
Witch Flounder	830	811	19	18
GB Winter Flounder	725	725	6	6
GOM Winter Flounder	339	339	18	18
SNE/MA Winter Flounder	456	456	62	62
Redfish	10,696	10,705	59	50
White Hake	2,713	2,715	22	21
Pollock	37,163	37,170	237	230
N. Windowpane Flounder	na	na	63	63
S. Windowpane Flounder	na	na	53	53
Ocean Pout	na	na	94	94
Atlantic Halibut	na	na	77	77
Atlantic Wolffish	na	na	82	82

Sector regulations at 50 CFR 648.87(c) require us to adjust ACE carryover to ensure that the total unused ACE combined with the overall sub-ACL does not exceed the acceptable biological catch (ABC) for the fishing year in which the carryover may be harvested. We have completed 2017 fishing year data reconciliation with sectors and determined final 2017 fishing year sector catch and the amount of allocation that sectors may carry over from the 2017 to the 2018 fishing year. A sector may carry over up to 10 percent of unused ACE for each stock, except in instances where the amount of unused ACE was reduced so as not to exceed the ABC. Accordingly, fishing year 2017 carryover to 2018 was reduced for the

following stocks: Georges Bank haddock; Gulf of Maine haddock; Southern New England/Mid-Atlantic yellowtail flounder; Cape Cod/Gulf of Maine yellowtail flounder; American plaice; witch flounder; Georges Bank winter flounder; Gulf of Maine winter flounder; Southern New England/Mid-Atlantic winter flounder; redfish; white hake; and pollock. Complete details on carryover reduction percentages can be found at: https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/Groundfish_Catch_Accounting.htm. Table 2 includes the maximum amount of allocation that sectors may carry over from the 2017 to the 2018 fishing year.

Table 3 includes the *de minimis* amount of carryover for each sector for the 2018 fishing year. If the overall ACL for any allocated stock is exceeded for the 2018 fishing year, the allowed carryover harvested by a sector, minus the pounds in the sector's *de minimis* amount, will be counted against its allocation to determine whether an overage subject to an accountability measure occurred. Tables 4 and 5 list the final ACE available to sectors for the 2018 fishing year, including finalized carryover amounts for each sector, as adjusted down when necessary to equal each stock's ABC.

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Table 2. Maximum Carryover ACE from Fishing Year 2017 to Fishing Year 2018 (lb)

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	0	7,196	1,843	0	540,838	13,338	0	110	1,402	1,382	2,570	12	10,785	1,988	36,319	21,211	170,062
MCCS	0	145	2,832	0	81,933	41,083	0	382	1,489	17,417	8,922	288	2,468	1,264	77,548	38,093	226,469
NCCS	0	45	418	0	29,965	4,900	0	210	868	601	1,493	23	1,698	150	13,000	7,015	36,244
NEFS 1	0	0	3	0	0	1	0	0	1	3	0	0	1	0	0	0	0
NEFS 2	0	6,851	9,269	0	909,738	110,485	0	519	9,007	16,367	3,655	1,383	14,891	2,979	193,330	23,400	241,455
NEFS 3	0	858	4,716	0	4,310	44,069	0	20	2,784	424	1,457	5	5,542	316	9,818	11,760	84,025
NEFS 4	0	4,874	6,559	0	456,352	12,258	0	706	1,236	11,602	4,952	298	5,514	1,091	41,930	15,176	134,736
NEFS 5	0	562	0	0	69,557	22	0	6,288	94	727	667	188	14	10,190	189	342	900
NEFS 6	0	2,577	1,829	0	249,627	24,854	0	1,583	1,710	3,133	6,217	649	3,618	1,647	69,157	14,211	70,085
NEFS 7	0	1,468	497	0	115,352	3,820	0	742	1,038	1,301	1,118	552	1,892	682	4,648	2,025	9,636
NEFS 8	0	7,626	96	0	507,233	441	0	1,568	1,189	3,671	2,915	9,128	539	7,625	6,600	1,692	13,001
NEFS 9	0	13,949	1,864	0	958,954	47,832	0	2,620	3,445	8,586	0	14,047	2,336	15,255	117,873	23,156	134,875
NEFS 10	0	396	1,450	0	14,040	8,066	0	164	1,835	1,559	2,018	4	7,100	414	4,233	2,229	14,758
NEFS 11	0	475	6,323	0	3,174	19,925	0	5	1,081	2,755	1,876	1	1,652	17	25,586	17,157	191,196
NEFS 12	0	565	859	0	8,018	6,764	0	3	2,750	886	679	0	6,078	171	2,310	1,072	17,491
NEFS 13	0	14,254	379	0	1,715,481	6,798	0	6,318	4,046	14,921	11,106	7,688	2,418	14,110	55,775	7,801	55,533
SHS1	0	3,127	3,686	0	215,159	30,836	0	94	1,474	11,052	5,092	1,678	3,706	568	71,461	30,544	154,465
SHS2	0	337	181	0	34,257	463	0	674	306	1,258	734	96	737	495	3,399	1,100	5,619
SHS3	0	19,251	5,680	0	2,551,754	208,259	0	2,234	3,918	50,054	30,501	5,839	3,959	9,373	496,994	121,517	507,374
Total	0	84,556	48,484	0	8,465,742	584,214	0	24,240	39,673	147,699	85,972	41,879	74,948	68,335	1,230,170	339,501	2,067,924

Georges Bank Cod Fixed Gear Sector (FGS), Maine Coast Community Sector (MCCS), Maine Permit Bank (MPB), New Hampshire Permit Bank (NHPB), Northeast Coastal Communities Sector (NCCS), Northeast Fishery Sectors (NEFS), and Sustainable Harvest Sector (SHS)

Table 3. De Minimis Carryover ACE from Fishing Year 2017 to Fishing Year 2018 (lb)

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	0	7,196	335	0	64,475	6,253	0	8	400	464	530	12	1,189	325	7,942	4,199	76,366
MCCS	0	145	776	0	11,973	12,349	0	12	260	3,619	1,434	117	214	173	14,706	6,419	89,210
NCCS	0	45	87	0	1,312	1,108	0	2	49	48	27	4	81	39	1,081	495	3,917
NEFS 1	0	0	2	0	0	1	0	0	1	3	0	0	0	0	0	0	0
NEFS 2	0	1,645	1,735	0	105,241	36,838	0	18	1,957	3,709	2,618	518	1,717	461	35,620	4,596	104,093
NEFS 3	0	90	568	0	274	8,957	0	0	307	260	109	1	317	34	1,364	1,246	22,549
NEFS 4	0	1,097	862	0	52,680	12,258	0	21	532	3,270	1,592	111	547	99	15,939	4,878	52,424
NEFS 5	0	127	0	0	8,030	7	0	197	18	151	103	70	1	1,383	34	57	350
NEFS 6	0	760	240	0	28,867	7,411	0	50	328	1,358	953	243	359	225	12,607	2,362	27,275
NEFS 7	0	1,468	245	0	110,945	3,820	0	80	927	1,301	1,118	552	232	682	4,648	2,025	9,636
NEFS 8	0	1,981	67	0	71,367	441	0	74	424	1,003	630	3,483	230	1,158	2,041	618	8,869
NEFS 9	0	10	0	0	256	0	0	0	1	0	0	14	0	1	0	0	6
NEFS 10	0	138	200	0	1,740	2,470	0	5	375	376	374	2	716	69	794	395	6,292
NEFS 11	0	107	1,010	0	366	5,949	0	0	221	725	363	1	168	2	4,659	2,852	74,409
NEFS 12	0	166	232	0	923	1,953	0	0	687	175	104	0	593	25	538	170	6,391
NEFS 13	0	3,208	74	0	198,029	2,027	0	197	776	2,955	1,700	2,871	240	1,896	10,156	1,296	21,608
SHS1	0	554	255	0	23,550	7,437	0	1	275	1,679	680	921	355	63	10,060	2,621	22,994
SHS2	0	305	181	0	7,956	463	0	21	93	1,258	551	75	114	126	3,399	1,100	5,619
SHS3	0	4,193	617	0	289,108	57,303	0	69	739	8,941	4,280	2,169	365	1,972	86,150	18,452	181,265
Total	0	23,235	7,486	0	977,092	167,045	0	755	8,370	31,295	17,166	11,164	7,438	8,733	211,738	53,781	713,273

Table 4. Total ACE Available to Sectors in Fishing Year 2018 with Finalized Carryover (mt)

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	74	272	16	1,022	2,148	290	1	0	19	22	25	1	59	16	377	200	3,541
MCCS	3	11	36	190	391	579	3	1	12	172	69	5	11	8	702	308	4,149
MPB	0	1	4	7	13	98	0	0	1	18	6	0	2	0	88	45	634
NCCS	0	2	4	21	52	52	0	0	3	2	2	0	4	2	55	26	194
NEFS 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NEFS 2	16	62	83	1,668	3,519	1,721	3	1	93	176	120	24	85	22	1,703	219	4,831
NEFS 3	1	4	28	4	10	426	0	0	15	12	6	0	17	2	66	62	1,061
NEFS 4	11	41	42	835	1,762	758	4	1	25	154	74	5	27	5	742	228	2,439
NEFS 5	1	5	0	127	269	0	2	12	1	7	5	3	0	67	2	3	16
NEFS 6	7	28	12	457	965	347	5	3	16	63	46	11	18	11	603	114	1,269
NEFS 7	34	124	11	1,758	3,327	649	43	4	43	152	78	244	11	91	976	175	2,378
NEFS 8	19	74	3	1,131	2,336	50	23	4	20	47	30	162	11	56	96	29	408
NEFS 9	0	7	1	4	443	22	0	1	2	4	0	7	1	7	53	11	61
NEFS 10	1	5	10	28	58	116	0	0	18	18	18	0	36	3	38	19	292
NEFS 11	1	4	49	6	12	279	0	0	11	34	17	0	8	0	223	137	3,462
NEFS 12	2	6	11	15	31	92	0	0	32	8	5	0	30	1	25	8	298
NEFS 13	31	121	4	3,138	6,623	95	58	12	37	141	82	134	12	92	486	62	1,005
NHPB	0	0	4	0	0	3	0	0	0	0	0	0	0	0	2	2	42
SHS1	5	21	13	373	793	351	2	0	13	81	33	43	18	3	489	133	1,113
SHS2	3	11	17	126	250	284	4	1	4	78	25	3	6	6	403	196	2,462
SHS3	41	158	31	4,581	9,690	2,694	19	4	35	428	208	101	18	94	4,133	892	8,452
Total	252	957	379	15,489	32,691	8,906	167	45	399	1,619	850	744	373	487	11,263	2,869	38,108

Table 5. Total ACE Available to Sectors in Fishing Year 2018 with Finalized Carryover (1,000 lb)

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	163	600	35	2,252	4,736	639	3	1	41	48	56	1	130	34	831	441	7,807
MCCS	7	24	80	418	861	1,276	6	2	28	379	152	12	24	19	1,548	680	9,148
MPB	1	3	9	15	28	217	0	0	3	41	13	0	3	0	195	100	1,397
NCCS	1	4	9	46	115	116	0	0	6	5	4	0	10	4	121	57	428
NEFS 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NEFS 2	35	136	183	3,676	7,758	3,794	7	2	205	387	265	53	187	49	3,755	483	10,651
NEFS 3	2	8	61	10	22	940	0	0	33	26	12	0	37	4	146	136	2,339
NEFS 4	24	91	93	1,840	3,884	1,671	8	3	54	339	164	11	60	11	1,636	503	5,377
NEFS 5	3	10	0	280	592	1	5	26	2	16	11	7	0	148	4	6	36
NEFS 6	16	62	26	1,008	2,128	766	10	7	35	139	101	25	40	24	1,330	250	2,798
NEFS 7	75	274	25	3,875	7,334	1,430	95	9	94	336	172	537	25	201	2,151	387	5,242
NEFS 8	43	163	7	2,493	5,151	110	51	9	44	104	66	357	24	123	211	63	900
NEFS 9	0	15	2	9	976	48	0	3	4	9	0	15	2	15	118	23	135
NEFS 10	3	11	21	61	127	255	0	1	39	39	39	0	79	7	84	42	644
NEFS 11	2	9	107	13	27	615	0	0	23	75	38	0	18	0	491	302	7,632
NEFS 12	4	14	24	32	68	202	0	0	71	18	11	0	65	3	56	18	657
NEFS 13	69	266	8	6,918	14,601	209	129	26	82	310	181	295	26	204	1,071	137	2,216
NHPB	0	0	9	0	0	6	0	0	0	1	0	0	0	0	5	5	92
SHS1	12	47	29	823	1,748	775	4	0	29	179	73	94	39	7	1,078	293	2,454
SHS2	7	24	37	278	552	626	8	3	10	172	56	8	12	13	889	431	5,429
SHS3	90	348	67	10,099	21,364	5,939	41	9	78	944	458	223	40	207	9,112	1,967	18,634
Total	555	2,109	835	34,147	72,072	19,634	368	100	880	3,569	1,875	1,640	822	1,074	24,830	6,324	84,014

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This rule also adjusts the common pool allocation based on fishing year

2018 final rosters. The common pool sub-ACL for each stock (except for SNE/

MA winter flounder, windowpane flounder, ocean pout, Atlantic wolffish, and Atlantic halibut) is divided into trimester total allowable catches (TAC). In addition, Framework 57 specified incidental catch limits (or incidental total allowable catches, "Incidental

TACs") applicable to the common pool and groundfish Special Management Programs for the 2018 fishing year, including the B day-at-sea (DAS) Program. Because the Trimester and incidental TACs are based on the common-pool allocation, they also must

be revised to match the final common pool allocation. Final common pool trimester quotas and incidental catch limits are included in Tables 6–10 below.

TABLE 6—FINAL FISHING YEAR 2018 COMMON POOL TRIMESTER TACS

Stock	Percentage of sub-ACL			2018 Trimester TAC (mt)		
	Trimester 1	Trimester 2	Trimester 3	Trimester 1	Trimester 2	Trimester 3
GB Cod	28	34	38	6.8	8.2	9.2
GOM Cod	49	33	18	5.8	3.9	2.1
GB Haddock	27	33	40	86.1	105.2	127.5
GOM Haddock	27	26	47	26.3	25.4	45.9
GB Yellowtail Flounder	19	30	52	0.5	0.8	1.3
SNE/MA Yellowtail Flounder	21	28	51	1.7	2.3	4.2
CC/GOM Yellowtail Flounder	57	26	17	9.7	4.4	2.9
American Plaice	74	8	18	20.6	2.2	5.0
Witch Flounder	55	20	25	10.1	3.7	4.6
GB Winter Flounder	8	24	69	0.5	1.4	4.1
GOM Winter Flounder	37	38	25	6.5	6.7	4.4
Redfish	25	31	44	12.5	15.5	22.1
White Hake	38	31	31	7.8	6.4	6.4
Pollock	28	35	37	64.4	80.5	85.1

TABLE 7—FISHING YEAR 2018 COMMON POOL INCIDENTAL CATCH TACS

Stock	Percentage of common pool sub-ACL	2018 (mt)
GB cod	2	0.55
GOM cod	1	0.12
GB yellowtail flounder	2	0.05
CC/GOM yellowtail flounder	1	0.17
American Plaice	5	1.39
Witch Flounder	5	0.92
SNE/MA winter flounder	1	0.62

TABLE 8—DISTRIBUTION OF COMMON POOL INCIDENTAL CATCH TACS TO EACH SPECIAL MANAGEMENT PROGRAM

Stock	Regular B DAS program (%)	Closed area I hook gear haddock SAP (%)	Eastern U.S./CA haddock SAP (%)	Southern closed area II haddock SAP
GB cod	50	16	34	NA
GOM cod	100	NA	NA	NA
GB yellowtail flounder	50	NA	50	NA
CC/GOM yellowtail flounder	100	NA	NA	NA
American Plaice	100	NA	NA	NA
Witch Flounder	100	NA	NA	NA
SNE/MA winter flounder	100	NA	NA	NA

TABLE 9—FISHING YEAR 2018 COMMON POOL INCIDENTAL CATCH TACS FOR EACH SPECIAL MANAGEMENT PROGRAM (mt)

Stock	Regular B DAS program	Closed area I hook gear haddock SAP	Eastern U.S./Canada haddock SAP
GB cod	0.28	0.09	0.19
GOM cod	0.12	n/a	n/a
GB yellowtail flounder	0.03	n/a	0.03
CC/GOM yellowtail flounder	0.17	n/a	n/a
American Plaice	1.39	n/a	n/a
Witch Flounder	0.92	n/a	n/a

TABLE 9—FISHING YEAR 2018 COMMON POOL INCIDENTAL CATCH TACS FOR EACH SPECIAL MANAGEMENT PROGRAM (mt)—Continued

Stock	Regular B DAS program	Closed area I hook gear haddock SAP	Eastern U.S./Canada haddock SAP
SNE/MA winter flounder	0.62	n/a	n/a

TABLE 10—FISHING YEAR 2018 COMMON POOL REGULAR B DAS PROGRAM QUARTERLY INCIDENTAL CATCH TACS (mt)

Stock	1st quarter (13%)	2nd quarter (29%)	3rd quarter (29%)	4th quarter (29%)
GB cod	0.04	0.08	0.08	0.08
GOM cod	0.02	0.03	0.03	0.03
GB yellowtail flounder	0.003	0.007	0.007	0.007
CC/GOM yellowtail flounder	0.02	0.05	0.05	0.05
American Plaice	0.18	0.40	0.40	0.40
Witch Flounder	0.12	0.27	0.27	0.27
SNE/MA winter flounder	0.08	0.18	0.18	0.18

This action adjusts the New Hampshire Permit Bank's (NHPB) fishing year 2018 initial allocation. The NHPB ended fishing year 2017 with a 3-pound (1.36-kg) Georges Bank West cod overage and a 1-pound (0.45-kg) Georges Bank West haddock overage. Table 11 shows the adjustments to the NHPB's initial allocation for fishing year 2018 to account for these overages.

TABLE 11—ADJUSTMENTS TO NEW HAMPSHIRE PERMIT BANK'S INITIAL ALLOCATIONS FOR FISHING YEAR 2018 (lb)

Stock	Fishing year 2017 year-end balance	Fishing year 2018 initial allocation	Fishing year 2018 adjusted allocation
GB Cod West	-3	16	13
GB Haddock West	-1	21	20

Last, this rule confirms the Northeast Fishery Sector IX's (NEFS 9) initial allocation of witch flounder for the 2018 fishing year. On July 20, 2018, NOAA Fisheries published an interim final rule that approved sector operations plans and allocated ACE to NEFS 7 and 9 for the 2018 fishing year (83 FR 34492; July 20, 2018). The interim final rule described the requirement for NEFS 9 to payback 72,224-lb (32.7-mt) of witch flounder to account for the quota overage incurred in fishing year 2017. The data used to determine the payback amount announced in the interim final rule were preliminary. After finalizing the year-end catch data for sectors, we determined that NEFS 9 ended the 2017 fishing year with a 71,716 lb (32.5 mt) overage of witch flounder. NEFS 9 transferred in 71,716 lb (32.5 mt) of witch flounder quota to reconcile the overage during the fishing year 2017 post-year ACE trading window. NEFS 9 does not have any witch flounder to carry over into fishing year 2018 and the permits enrolled in NEFS 9 for fishing year 2018 have zero ACE for witch flounder. Therefore, the sector's initial

allocation of witch flounder for fishing year 2018 remains at zero pounds.

Classification

The NMFS Assistant Administrator has determined that this final rule is consistent with the Northeast Multispecies Fishery Management Plan, other provisions of the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable law.

This action is exempt from the procedures of Executive Order 12866 because this action contains no implementing regulations.

Pursuant to 5 U.S.C. 553(b)(3)(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 is impracticable, unnecessary, and contrary to the public interest. We also find good cause to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d)(3), so that this final rule may become effective upon filing.

There are several reasons that notice and comment and a 30-day delay in

effectiveness are impracticable, unnecessary, and contrary to the public interest. First, the proposed and final rules for Framework 57 explained the need and likelihood for adjustments of sector and common pool allocations based on final sector rosters. No comments were received on the potential for these adjustments, which provide an accurate accounting of a sector's or common pool's allocation. Second, this is an annual adjustment action that is expected by industry. These adjustments are routine and formulaic, required by regulation, or necessary to match allocations to sector enrollment. Finally, immediate implementation corrects the information published in Framework 57 and provides sector and common pool vessels with catch limit information that reflects their actual final allocations. Delaying these adjustments, which provide an accurate accounting of the sector and common pool allocations, could cause confusion to both sectors and the common pool.

Also, because advanced 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 final regulatory flexibility analysis is required and none has been prepared.

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

Samuel D. Rauch III,
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Regulatory Programs, National Marine
Fisheries Service.*

[FR Doc. 2019-00979 Filed 2-4-19; 8:45 am]

BILLING CODE 3510-22-P