

or Federal waters, as specified in 50 CFR 622.190(c)(1)(ii).

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of snowy grouper and the South Atlantic snapper-grouper fishery and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.193(b)(1) 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 comment.

This action responds to the best scientific information available. The Assistant Administrator for Fisheries, NOAA (AA), finds that the need to immediately implement this action to close the commercial sector for snowy grouper constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures would be unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule itself has been subject to notice and comment, and all that remains is to notify the public of the closure. Such procedures are contrary to the public interest because of the need to immediately implement this action to protect snowy grouper since the capacity of the fishing fleet allows for rapid harvest of the commercial ACL (commercial quota). Prior notice and opportunity for public comment would require time and would potentially result in a harvest well in excess of the established commercial ACL (commercial quota).

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: September 16, 2015.

Alan D. Risenhoover,

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

[FR Doc. 2015-23604 Filed 9-16-15; 4:15 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 140214138-4482-02]

RIN 0648-XE189

Fisheries of the Northeastern United States; Bluefish Fishery and Summer Flounder Fishery; Commercial Quota Harvested for the State of Massachusetts

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

ACTION: Temporary rule; closures.

SUMMARY: NMFS announces that the 2015 commercial bluefish and summer flounder quota allocated to the Commonwealth of Massachusetts has been harvested. Vessels issued commercial Federal fisheries permits for these fisheries may not land bluefish or summer flounder in Massachusetts for the remainder of calendar year 2015, unless additional quota becomes available through a transfer from another state. Regulations governing these fisheries require publication of this notice to advise Massachusetts that the quota has been harvested, and to advise Federal vessel and dealer permit holders that no Federal commercial quota is available to land bluefish or summer flounder in Massachusetts.

DATES: Effective 0001 hours, September 17, 2015, through December 31, 2015 for summer flounder and effective 0001 hours, September 19, 2015, through December 31, 2015 for bluefish.

FOR FURTHER INFORMATION CONTACT: Reid Lichwell, (978) 281-9112, or Reid.Lichwell@noaa.gov.

SUPPLEMENTARY INFORMATION: Regulations governing the bluefish fishery and summer flounder fishery are found at 50 CFR part 648. The bluefish regulations require annual specification of a commercial quota that is apportioned on a percentage basis among the coastal states from Florida through Maine, while the summer flounder regulations require annual specification of commercial quota that is apportioned based on a percentage basis among coastal states from North Carolina through Maine. The processes to set the annual commercial quotas and the percent allocated to each state are described in § 648.162 and § 648.102 for bluefish and summer flounder, respectively.

The initial coastwide commercial quota for bluefish for the 2015 fishing year is 5,241,202 lb (2,377,371 kg) (80 FR 46848, August 6, 2015). The percent allocated to vessels landing bluefish in Massachusetts is 6.7167 percent, resulting in an initial commercial quota of 352,036 lb (159,681 kg). The 2015 allocation was adjusted to 602,036 lb (273,079 kg) to reflect quota transfers from other states.

The initial coastwide commercial quota for summer flounder for the 2015 fishing year was set at 11,069,410 lb (5,021,000 kg) (79 FR 78311, December 30, 2014). The percent allocated to vessels landing summer flounder in Massachusetts is 6.82046 percent, resulting in an initial commercial quota of 754,985 lb (340,165 kg). The 2015 allocation was adjusted to 760,785 lb (345,086 kg) to reflect quota overages from 2014 and quota transfers from other states.

The Administrator, Greater Atlantic Region, NMFS (Regional Administrator), monitors the state commercial quotas and determines when a state's commercial quota has been harvested. NMFS is required to publish a notice in the **Federal Register** alerting Federal commercial vessel and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available to land bluefish or summer flounder in that state. The Regional Administrator has determined, based upon dealer reports and other available information, that Massachusetts has harvested its quota for 2015.

Section 648.4(b) provides that Federal permit holders agree, as a condition of the permit, not to land bluefish or summer flounder in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, vessels holding Federal commercial permits are prohibited from landing summer flounder, effective 0001 hours, September 17, 2015 and/or bluefish, effective 0001 hours, September 19, 2015 for the remainder of the 2015 calendar year, unless additional quota becomes available through a transfer and is announced in the **Federal Register**. Federally permitted dealers are also notified that they may not purchase summer flounder, effective 0001 hours, September 17, 2015 and/or bluefish, effective 0001 hours, September 19, 2015 from federally permitted vessels that land in Massachusetts for the remainder of the calendar year, or until additional quota becomes available through a transfer from another state.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA (AA), finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest. This action closes the bluefish fishery and summer flounder fishery for Massachusetts until January 1, 2016, under current regulations. The regulations at § 648.103(b) require such action to ensure that vessels do not exceed state quotas. If implementation of this closure was delayed to solicit prior public comment, the quota for this fishing year would be exceeded, thereby undermining the conservation objectives of the Atlantic Bluefish Fishery Management Plan and the Summer Flounder Fishery Management Plan. The AA further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the thirty (30) day delayed effectiveness period for the reason stated above.

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

Dated: September 15, 2015.

Emily H. Menashes,

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

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 140117052-4402-02]

RIN 0648-XE156

Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2015 Winter II Quota

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; inseason adjustment.

SUMMARY: NMFS adjusts the 2015 Winter II commercial scup quota. This action complies with Framework Adjustment 3 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, which established a process to allow the rollover of unused commercial scup quota from the Winter I period to the Winter II period.

DATES: Effective November 1, 2015, through December 31, 2015.

FOR FURTHER INFORMATION CONTACT: Reid Lichwell, Fishery Management Specialist, (978) 281-9112.

SUPPLEMENTARY INFORMATION: NMFS published a final rule in the **Federal Register** on November 3, 2003 (68 FR 62250), implementing a process to roll over unused Winter I commercial scup quota (January 1 through April 30) to be added to the Winter II period quota (November 1 through December 31). This framework also allows adjustment of the commercial possession limit for the Winter II period dependent on the amount of quota rolled over from the Winter I period.

For 2015, the initial Winter II quota is 3,384,470 lb (1,535 mt), and the best available landings information indicates that 2,084,256 lb (945 mt) of the Winter I quota remains unused. The 2015 Winter I quota was 9,578,008 lb (4,344 mt). Consistent with the intent of Framework 3, the full amount of unused 2015 Winter I quota is transferred to Winter II, resulting in a revised 2015 Winter II quota of 5,468,726 lb (2,481 mt). Because the amount transferred is greater than 2,000,000 lb (907 mt), the per trip possession limit will increase from 12,000 lb (5,443 kg) to 18,000 lb (8,165 kg) during the Winter II quota period, consistent with the final rule that increased the Winter II trip limit, published on May 22, 2014 (79 FR 29371).

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA (AA), has determined good cause exists pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment on this in-season adjustment because it is impracticable and contrary to the public interest. The landings data upon which this action is based are not available on a real-time basis and, consequently, were compiled only a short time before the determination was made that this action is warranted. If implementation of this in-season action is delayed to solicit prior public comment, the objective of the fishery management plan to achieve the optimum yield from the fishery could be compromised; deteriorating weather conditions during the latter part of the fishing year will reduce fishing effort and could prevent the annual quota from being fully harvested. This would conflict with the agency's legal obligation under the Magnuson-Stevens Fishery Conservation and Management Act to achieve the optimum yield from a fishery on a continuing basis, resulting in a negative economic impact on vessels permitted to fish in this fishery.

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

Dated: September 16, 2015.

Alan D. Risenhoover,

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

[FR Doc. 2015-23622 Filed 9-18-15; 8:45 am]

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