

those 240,000 lb (108,863 kg) (76 FR 82404, December 30, 2011). In this scenario, all commercial fishermen are presently catching and landing larger parrotfish that are visibly greater than the minimum size limit and rarely, if at all, are catching any that will require a measurement. If true, the final rule will have little to no adverse economic impact beyond the \$5 to \$10 cost of acquiring a measuring tool and an additional 4 to 5 seconds needed to measure a rare small fish.

In the second scenario, it is assumed that commercial fishermen are not catching and landing larger parrotfish, and they cannot mitigate for losses of landings due to discarded undersized fish. If true, this final rule will result in an estimated total annual loss of parrotfish landings between 960 lb (435 kg) and 13,920 lb (6,314 kg). If the average ex-vessel price were \$5 per pound, the total annual revenue loss would be between \$4,800 and \$69,600, and the average revenue loss per small business would be from approximately \$34 to \$490 per year. Added to the loss of annual revenue will be higher time-related trip costs, especially fuel costs, because it takes 4 to 5 seconds to measure each of the parrotfish that are caught. The magnitudes of the revenue loss and additional trip costs will not be distributed equally among parrotfish harvest methods. Because pot-and-trap fishermen have landed the greatest percentage of smaller parrotfish compared to other methods of harvest, they will experience the greatest percent losses of annual revenues and greatest increase in time-related trip costs.

In the third scenario, fishermen are presumed to act to mitigate for potential losses of parrotfish landings by increasing fishing time and any bait and/or gear costs so that they catch enough legally sized parrotfish or other species to offset the pounds discarded in undersized parrotfish. In this third scenario, annual landings and revenues from those landings will be the same as baseline landings and revenues, but the costs of producing the landings increase. It is expected that small businesses that use pots and traps will incur the greatest increases in fuel, bait, and gear costs to mitigate for potential losses of parrotfish landings and revenues.

The second and third scenarios show disproportionate adverse economic impacts on fishermen who use pots and traps to catch parrotfish. It is unknown if the disproportionate adverse impacts also represent disproportionate adverse impacts on small businesses that are either owned and/or managed by individuals of a specific race, ethnicity,

or age, located within a small geographic area of St. Croix, or differentiated by business size.

Considered, but rejected, alternatives would have established larger minimum size limits for parrotfish in the St. Croix EEZ and caused larger adverse economic impacts. Also among the considered, but rejected, alternatives were establishing minimum size limits for parrotfish in the areas of the EEZ off Puerto Rico and St. Thomas/St. John, USVI, which would have increased the number of small businesses regulated and the magnitude of the adverse economic impacts.

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as small entity compliance guides. As part of the rulemaking process, NMFS prepared a fishery bulletin, which also serves as a small entity compliance guide. The fishery bulletin will be sent to all interested parties.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Minimum size limit, Parrotfish, St. Croix, Virgin Islands.

Dated: July 25, 2013.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, performing the functions and duties of the 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 § 622.436, paragraph (a) is revised and paragraphs (b) and (c) are added to read as follows:

§ 622.436 Size limits.

* * * * *

(a) *Yellowtail snapper.* The minimum size limit for yellowtail snapper is 12 inches (30.5 cm), TL.

(b) *Parrotfishes.* The minimum size limit for parrotfishes, except for redband parrotfish, in the St. Croix Management Area only (as defined in Table 2 of Appendix E to Part 622) is 9 inches

(22.9 cm), fork length. See § 622.434(c) for the current prohibition on the harvest and possession of midnight parrotfish, blue parrotfish, or rainbow parrotfish.

(c) *Redband parrotfish.* The minimum size limit for red band parrotfish in the St. Croix Management Area only (as defined in Table 2 of Appendix E to Part 622) is 8 inches (20.3 cm), fork length.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 120109034-2171-01]

RIN 0648-XC782

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trimester Closure for the Common Pool Fishery

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

ACTION: Temporary rule; closure.

SUMMARY: This action closes the Georges Bank (GB) cod Trimester Total Allowable Catch (TAC) Area for the remainder of Trimester 1, through August 31, 2013. Based on our projection, the common pool fishery has caught 90 percent of its GB cod Trimester 1 TAC triggering the regulatory requirement to close the TAC area for the remainder of the trimester. This action is intended to prevent an overage of the common pool's GB cod quota.

DATES: This action is effective July 30, 2013, through August 31, 2013.

FOR FURTHER INFORMATION CONTACT: Sarah Heil, Fishery Policy Analyst, 978-281-9257.

SUPPLEMENTARY INFORMATION: The regulations at § 648.82(n)(2)(ii) require the Regional Administrator to close the Trimester TAC Area for a stock when 90 percent of the Trimester TAC is projected to be caught. The fishing year (FY) 2013 common pool quota for GB cod is 32 mt (70,547.9 lb), which is divided into Trimester TACs. The Trimester 1 TAC is 8.0 mt (17,600 lb). Based on the most recent data, which include vessel trip reports (VTRs), dealer reported landings, and vessel monitoring system (VMS) information, we projected that 90 percent of the

Trimester 1 TAC for GB cod was caught by July 27, 2013. Therefore, effective July 30, 2013, the GB cod Trimester TAC Area is closed for the remainder of Trimester 1, through August 31, 2013, to all common pool vessels fishing with trawl gear, sink gillnet gear, and longline/hook gear. The GB cod Trimester TAC Area includes statistical areas 521, 522, 525, and 561. The GB cod Trimester TAC Area will reopen to common pool vessels fishing with trawl, sink gillnet, and longline/hook gear at the beginning of Trimester 2, on September 1, 2013.

We are required to deduct any overages of the GB cod Trimester 1 and 2 TACs from the Trimester 3 TAC. If the Trimester 1 or 2 TACs are not fully caught, the remaining portions will be carried over to Trimester 3. At the end of FY 2013, we will evaluate total common pool catch, and if the common pool fishery exceeds its annual quota for any stock, we are required to deduct the overage from the respective common pool quota for FY 2014. Uncaught portions of the common pool's annual quota may not be carried over to the next fishing year. Weekly quota monitoring reports for the common pool fishery can be found on our Web site at: <http://www.nero.noaa.gov/ro/fso/>

MultiMonReports.htm. We will continue to monitor common pool catch through VTRs, dealer-reported landings, VMS catch reports, and other available information, and if necessary, we will make additional adjustments to common pool management measures.

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) and 5 U.S.C. 553(d)(3) to waive prior notice and the opportunity for public comment and the 30-day delayed effectiveness period because it would be impracticable and contrary to the public interest.

The regulations require the Regional Administrator to close a trimester TAC area to the common pool fishery when 90 percent of the Trimester TAC for a stock has been caught. Updated catch information only recently became available indicating that the common pool fishery would catch 90 percent of its Trimester 1 TAC for GB cod by July 27, 2013. The time necessary to provide for prior notice and comment, and a 30-day delay in effectiveness, would prevent the immediate closure of the GB

cod Trimester 1 TAC area, and would increase the likelihood that the common pool fishery exceeds its quota of GB cod to the detriment of this stock.

Any overage of the Trimester 1 TAC is required to be deducted from the Trimester 3 TAC, which could cause the premature closure of Trimester 3, and have negative economic impacts on the common pool fishery. Any overage of the Trimester 1 TAC would also increase the likelihood that the common pool fishery exceeds its total annual quota for GB cod, which would trigger accountability measures in the 2014 fishing year. Overages would not only have negative economic impacts on the common pool fishery, but would also undermine the conservation objectives of the Northeast Multispecies Fishery Management Plan. As a result, immediate implementation of this action is necessary to help ensure that the common pool fishery does not exceed its GB cod quota.

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

Dated: July 26, 2013.

James P. Burgess,

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

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