

on May 29, 2013 (78 FR 32179), NMFS projects the recreational red snapper quota of 4.145 million lb (1.880 million kg), round weight (50 CFR 622.39(a)(2)(i)), to be harvested in 28 days. Therefore, NMFS closes the recreational sector for red snapper in the entire Gulf EEZ at 12:01 a.m., local time, June 29, 2013. The closure dates off individual Gulf states that published in the final rule on May 29, 2013 (78 FR 32179) are therefore no longer in effect.

During the Gulf-wide EEZ closure, the bag and possession limit for red snapper in or from the Gulf EEZ is zero. In addition, a person aboard a vessel for which a Federal charter vessel/headboat permit for Gulf reef fish has been issued must also abide by these closure provisions in state waters. NMFS has determined this action is necessary to prevent the recreational sector for red snapper from exceeding its quota for the fishing year.

#### Classification

The Regional Administrator, Southeast Region, NMFS, (RA) has determined this temporary rule is necessary for the conservation and management of Gulf red snapper and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.39(a)(2)(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 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 rule implementing the recreational red snapper quota and the rule implementing the requirement to close the recreational sector when the quota is reached or projected to be reached have already been subject to notice and comment, and NMFS must now notify the public of the adjusted closure. Such procedures are contrary to the public interest because the recreational fishing season opened 1 day after the Court set aside the emergency rule authorizing state specific EEZ closures, and the quota is projected to be reached quickly. Providing prior notice and opportunity for public comment on this action would also be contrary to the public interest because many of those affected by the length of the recreational fishing season, particularly charter vessel and headboat operations, book trips for clients in advance and, therefore need as much

time as possible to adjust business plans to account for the adjusted recreational fishing season.

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: June 5, 2013.

**Kara Meckley,**

*Acting Deputy 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. 120814336-3495-03]

RIN 0648-BC27

#### Magnuson-Stevens Act Provisions, Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Framework Adjustment 48; Final Rule; Correction

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

**ACTION:** Final rule; stay and correction.

**SUMMARY:** This action corrects the “Dates” section in the interim final rule for Northeast (NE) Multispecies Framework Adjustment 48, published on May 3, 2013. It also stays a provision that inadvertently was made effective on May 1, 2013.

**DATES:** Section 648.83(a)(1) is stayed effective from June 10, 2013 to July 1, 2013. The effective date of the addition of § 648.84(e) published May 3, 2013 (78 FR 26158) is corrected to June 10, 2013.

**FOR FURTHER INFORMATION CONTACT:** Liz Sullivan, *Liz.Sullivan@noaa.gov*, phone: 978-282-8493, fax: 978-281-9135.

**SUPPLEMENTARY INFORMATION:**

#### Background

This action corrects the “Dates” section referenced in the final rule for Framework Adjustment 48, published on May 3, 2013 (78 FR 26118). The Framework Adjustment 48 final rule states: “**DATES:** Effective May 1, 2013, except for the amendment to § 648.84, which is effective July 1, 2013.” This is incorrect. The correct language should have read: “**DATES:** Effective May 1, 2013, except for the amendment to § 648.83, which is effective July 1, 2013.”

Framework Adjustment 48 reduced the NE multispecies minimum fish sizes for several groundfish stocks. The regulations retaining to minimum fish sizes are found in § 648.83. Measure 13 of the final rule implementing Framework Adjustment 48 explains the need to address discrepancies between state and Federal minimum fish sizes, stating that different fish sizes could complicate compliance and enforcement of this measure. Because of this concern, NMFS intended to delay the effective date of the measure to reduce minimum sizes until July 1, 2013, to allow state agencies additional time to consider and make corresponding adjustments to their minimum sizes. However, the “Dates” section of the Framework Adjustment 48 final rule inadvertently stated that measures in § 648.84 were being delayed instead. Section 648.84 relates to gear-marking requirements and gear restrictions. The text of Framework Adjustment 48 did not specify an alternative effective date for revisions to § 648.84, and the intention was to have those revisions become effective with the remainder of the amendments to part 648 on May 1, 2013.

This action corrects this inadvertent error by staying § 648.83(a)(1) from June 10, 2013 to July 1, 2013, and making § 648.84(e) effective on June 10, 2013.

#### Classification

Pursuant to 5 U.S.C. 533(d), the Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the 30-day delay in effective date because it is contrary to the public interest to retain effective dates that merely reflect a typographical error. The correction to the effective date of the revisions to § 648.84 needs to be effective immediately in order to properly implement the rule as intended, and as described in the preamble to the published final rule (May 3, 2013, 78 FR 26118). A delay would be contrary to the public’s interest because it would leave in place the improperly delayed July 1, 2013, effective date for gear-marking requirements and gear restrictions (§ 648.84), and an incorrect May 1, 2013, effective date for new reductions in the multispecies minimum fish sizes (§ 648.83). Therefore, pursuant to 5 U.S.C. 553(d), the AA finds good cause to waive the 30-day delay in effective date.

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

Dated: May 30, 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.*

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