

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 20, 2010. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: October 7, 2010.

Dennis J. McLerran,
Regional Administrator, Region 10.

[FR Doc. 2010-26258 Filed 10-18-10; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA-2010-0003]

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated in the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Roy E. Wright, Deputy Director, Risk Analysis Division, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3461, or (e-mail) roy.e.wright@dhs.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Federal Insurance and Mitigation Administrator has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the

proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601-612, a regulatory flexibility analysis is not required.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This final rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This final rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

■ 1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

| Flooding source(s) | Location of referenced elevation | * Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified | Communities affected |
|--------------------|----------------------------------|---|----------------------|
|--------------------|----------------------------------|---|----------------------|

Marion County, Alabama, and Incorporated Areas Docket No.: FEMA-B-1041

| | | | |
|-----------------------------------|--|------|-----------------|
| Unnamed Tributary to Reddy Creek. | At the confluence with Reedy Creek | +458 | Town of Gu-Win. |
|-----------------------------------|--|------|-----------------|

| Flooding source(s) | Location of referenced elevation | * Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified | Communities affected |
|--------------------|---|---|----------------------|
| | Approximately 1,825 feet upstream of the confluence with Reedy Creek. | +459 | |

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Town of Gu-Win

Maps are available for inspection at 4835 U.S. Route 43, Gu-Win, AL 35563.

Cowley County, Kansas, and Incorporated Areas Docket No.: FEMA-B-1016

| | | | |
|-------------------------------|--|----------------|--|
| Black Crook Creek | Approximately 0.38 mile upstream of Simpson Avenue | +1154 | City of Winfield, Unincorporated Areas of Cowley County. |
| Black Crook Creek Tributary 1 | Approximately 0.16 mile upstream of 152nd Street Approximately 0.36 mile downstream of 101st Road | +1244 +1120 | Unincorporated Areas of Cowley County. |
| Black Crook Creek Tributary 2 | Approximately 0.91 mile upstream of 103rd Road At the confluence with Black Crook Creek | +1188 +1132 | City of Winfield, Unincorporated Areas of Cowley County. |
| | Approximately 350 feet upstream of K-360 | +1183 | |

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Winfield

Maps are available for inspection at the City Office, 200 East 9th Avenue, Winfield, KS 67156.

Unincorporated Areas of Cowley County

Maps are available for inspection at the Cowley County Office, 311 East 9th Avenue, Winfield, KS 67156.

Edmonson County, Kentucky, and Incorporated Areas Docket No.: FEMA-B-1074

| | | | |
|---|---|------|---|
| Alexander Creek (backwater effects from Green River). | From the confluence with the Green River to approximately 240 feet upstream of the confluence with Alexander Creek Tributary 3. | +446 | Unincorporated Areas of Edmonson County. |
| Bear Creek (backwater effects from Green River). | From the confluence with the Green River to approximately 3.8 miles upstream of the confluence with the Green River. | +438 | Unincorporated Areas of Edmonson County. |
| Beaverdam Creek South (backwater effects from Green River). | From the confluence with the Green River to approximately 3.4 miles upstream of the confluence with the Green River. | +449 | City of Brownsville, Unincorporated Areas of Edmonson County. |
| Beaverdam Creek Tributary 6 (backwater effects from Green River). | From the confluence with Beaverdam Creek South to approximately 1,400 feet upstream of the confluence with Beaverdam Creek South. | +449 | City of Brownsville, Unincorporated Areas of Edmonson County. |
| Brier Creek (backwater effects from Nolin Lake). | From the confluence with Nolin Lake to approximately 0.6 mile upstream of the confluence with Nolin Lake. | +560 | Unincorporated Areas of Edmonson County. |
| Bylew Creek (backwater effects from Green River). | From the confluence with the Nolin River to approximately 1.2 miles upstream of the confluence with the Nolin River. | +455 | Unincorporated Areas of Edmonson County. |
| Dog Creek (backwater effects from Nolin Lake). | From the county boundary to approximately 0.6 mile upstream of the confluence with Dog Creek Tributary 1. | +560 | Unincorporated Areas of Edmonson County. |
| Green River | At the confluence with Bear Creek | +438 | City of Brownsville, Unincorporated Areas of Edmonson County. |
| | Approximately 3.4 miles upstream of the confluence with Ugly Creek. | +480 | |
| Green River Tributary 4 (backwater effects from Green River). | From the confluence with the Green River to approximately 0.6 mile upstream of the confluence with the Green River. | +445 | Unincorporated Areas of Edmonson County. |

| Flooding source(s) | Location of referenced elevation | * Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified | Communities affected |
|--|---|---|---|
| Honey Creek (backwater effects from Green River). | From the confluence with the Green River to approximately 1.6 miles upstream of the confluence with the Green River. | +443 | Unincorporated Areas of Edmonson County. |
| Indian Creek (backwater effects from Green River). | From the confluence with the Green River to approximately 0.9 mile upstream of the confluence with the Green River. | +452 | City of Brownsville, Unincorporated Areas of Edmonson County. |
| Laurel Branch (backwater effects from Green River). | From the confluence with Beaverdam Creek South to approximately 0.5 mile upstream of the confluence with Beaverdam Creek South. | +449 | City of Brownsville. |
| Little Beaverdam Creek (backwater effects from Green River). | From the confluence with the Green River to approximately 1 mile upstream of the confluence with Sally Branch. | +442 | Unincorporated Areas of Edmonson County. |
| Nolin Lake | Entire shoreline within Edmonson County | +560 | Unincorporated Areas of Edmonson County. |
| Nolin River (backwater effects from Green River). | From the confluence with the Green River to approximately 0.8 mile upstream of the confluence with Bylew Creek. | +455 | Unincorporated Areas of Edmonson County. |
| Sally Branch (backwater effects from Green River). | From the confluence with Little Beaverdam Creek to approximately 0.6 mile upstream of the confluence with Little Beaverdam Creek. | +442 | Unincorporated Areas of Edmonson County. |
| Ugly Creek (backwater effects from Green River). | From the confluence with the Green River to approximately 1.1 miles upstream of the confluence with the Green River. | +477 | Unincorporated Areas of Edmonson County. |
| Wolf Creek (backwater effects from Nolin Lake). | From the confluence with Dog Creek to approximately 1 mile upstream of the confluence with Dog Creek. | +560 | Unincorporated Areas of Edmonson County. |

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES**City of Brownsville**

Maps are available for inspection at 121 Washington Street, Brownsville, KY 42210.

Unincorporated Areas of Edmonson County

Maps are available for inspection at 108 North Main Street, Brownsville, KY 42210.

**Luna County, New Mexico, and Incorporated Areas
Docket No.: FEMA-B-1065**

| | | | |
|---------------------|---|-------|--------------------------------------|
| Mimbres River | Approximately 2.1 miles upstream of State Road 549 Southeast. | +4151 | Unincorporated Areas of Luna County. |
| | Approximately 1,500 feet downstream of I-10 | +4282 | |

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES**Unincorporated Areas of Luna County**

Maps are available for inspection at 201 East Cody Street, Deming, NM 88030.

**Washington County, Rhode Island (All Jurisdictions)
Docket No.: FEMA-B-1075**

| | | | |
|----------------------------------|--|-----|--------------------------------------|
| Mattatuxet River | At the confluence with the Pettaquamscutt River | +10 | Town of North Kingstown. |
| | At the downstream side of the Gilbert Stuart Dam | +10 | |
| Narragansett Bay (Mill Creek) .. | From a point approximately 500 feet northwest of the intersection of Asqah Drive and Camp Avenue, extending northeast to Quonset Road and following the unnamed tributary to Mill Creek, to a point approximately 600 feet east of the intersection of Camp Avenue and Gateway Road. | +12 | Town of North Kingstown. |
| Pawcatuck River | Approximately 70 feet upstream of Ashaway Road (State Route 3). | +33 | Town of Hopkinton, Town of Richmond. |
| Pettaquamscutt River | Approximately 1,518 feet upstream of Biscuit City Road ... | +89 | |
| | At the Town of North Kingstown/ | +10 | Town of North Kingstown. |
| | South Kingstown/Narragansett corporate limits (approximately 5,060 feet upstream of Bridgetown Road). | | |

| Flooding source(s) | Location of referenced elevation | * Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified | Communities affected |
|----------------------|---|---|----------------------|
| Tomaquag Brook | At the confluence with the Mattatuxet River At the confluence with the Pawcatuck River Approximately 1,210 feet downstream of Chase Hill Road | +10 +35 +35 | Town of Hopkinton. |

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES**Town of Hopkinton**

Maps are available for inspection at the Town Hall, 1 Town House Road, Hopkinton, RI 028330.

Town of North Kingstown

Maps are available for inspection at the Department of Public Works and Engineering, 2050 Davisville Road, North Kingstown, RI 02852.

Town of Richmond

Maps are available for inspection at the Richmond Town Hall, 5 Richmond Townhouse Road, Wyoming, RI 02898.

Spink County, South Dakota, and Incorporated Areas
Docket No.: FEMA-B-1069

| | | | |
|-------------------|---|-------|---------------------------------------|
| James River | Approximately 2.8 miles upstream of 188th Street | +1253 | Unincorporated Areas of Spink County. |
| | Approximately 7,920 feet downstream of 149th Street | +1275 | |

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES**Unincorporated Areas of Spink County**

Maps are available for inspection at 210 East 7th Avenue, Redfield, SD 57469.

Houston County, Tennessee, and Incorporated Areas
Docket No.: FEMA-B-1066

| | | | |
|-----------------------|---|------|---|
| Tennessee River | Houston County boundary (approximately at River Mile 74.3). | +375 | Unincorporated Areas of Houston County. |
| | Houston County boundary (approximately at River Mile 82.5). | +375 | |

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES**Unincorporated Areas of Houston County**

Maps are available for inspection at 31 East Main Street, 101 Courthouse, Erin, TN 37061.

Macon County, Tennessee, and Incorporated Areas
Docket No.: FEMA-B-1047

| | | | |
|-----------------------|---|------|---------------------------------------|
| Salt Lick Creek | Approximately 1,624 feet upstream of State Route 151 | +778 | Unincorporated Areas of Macon County. |
| | Approximately 1,965 feet upstream of State Route 151 | +778 | |

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES**Unincorporated Areas of Macon County**

Maps are available for inspection at 201 County Courthouse, Lafayette, TN 37083.

Stewart County, Tennessee, and Incorporated Areas
Docket No.: FEMA-B-1065

| | | | |
|-----------------------|--|------|---|
| Tennessee River | At the Houston County boundary (approximately at River Mile 74.2). | +375 | Unincorporated Areas of Stewart County. |
|-----------------------|--|------|---|

| Flooding source(s) | Location of referenced elevation | * Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified | Communities affected |
|--------------------|--|---|----------------------|
| | At the State of Kentucky/State of Tennessee boundary (approximately at River Mile 49.2). | +375 | |

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of Stewart County

Maps are available for inspection at 226 Lakeview Drive, Dover, TN 37058.

Bowie County, Texas, and Incorporated Areas Docket No.: FEMA-B-1034

| | | | |
|-----------------------------------|--|------|---------------------------------------|
| Days Creek | Approximately 4,910 feet downstream of Loop 151 | +255 | Unincorporated Areas of Bowie County. |
| | Approximately 1,480 feet upstream of Lubbock Street | +273 | |
| No Name Creek | Approximately 1,015 feet upstream of Lakeridge Drive | +281 | Unincorporated Areas of Bowie County. |
| | Approximately 1,273 feet downstream of Lakeridge Drive | +290 | |
| Unnamed Tributary of Day's Creek. | At the confluence with Unnamed Tributary and Days Creek. | +259 | Unincorporated Areas of Bowie County. |
| | Approximately 2,663 feet upstream of the confluence with Days Creek. | +261 | |

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of Bowie County

Maps are available for inspection at the Bowie County Courthouse, 710 James Bowie Drive, New Boston, TX 75570.

Goliad County, Texas, and Incorporated Areas Docket Nos.: FEMA-B-7774 and FEMA-B-1060

| | | | |
|----------------------------|---|------|--|
| Maddox Branch | Approximately 65 feet upstream of Fulcord Street | +142 | City of Goliad. |
| | Approximately 1,550 feet upstream of U.S. Route 183 | +199 | |
| San Antonio River | Approximately 600 feet upstream of the confluence with Maddox Branch. | +142 | City of Goliad, Unincorporated Areas of Goliad County. |
| | Approximately 1,300 feet upstream of South San Patricio Street. | +147 | |
| Southwest City Drain | Approximately 950 feet downstream of Fannin Street | +147 | City of Goliad. |
| | Approximately 150 feet upstream of West Oak Street | +199 | |
| Sparrow Branch | Approximately 475 feet downstream of Hord Street | +146 | City of Goliad. |
| | Approximately 825 feet upstream of Sunset Avenue | +199 | |

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Goliad

Maps are available for inspection at 152 West End Street, Goliad, TX 77963.

Unincorporated Areas of Goliad County

Maps are available for inspection at 127 North Courthouse Square, Goliad, TX 77963.

Karnes County, Texas, and Incorporated Areas Docket Nos.: FEMA-B-7774 and FEMA-B-1061

| | | | |
|-----------------------|---|------|--|
| Escondido Creek | Approximately 700 feet downstream of the confluence with Nichols Creek. | +258 | City of Kenedy, Unincorporated Areas of Karnes County. |
| | Approximately 450 feet upstream of the confluence with Panther Creek. | +274 | |

| Flooding source(s) | Location of referenced elevation | * Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified | Communities affected |
|-------------------------|--|---|--|
| Marcelinas Creek | Approximately 730 feet upstream of the confluence with Tributary 1 to Marcelinas Creek Watershed. | +300 | City of Falls City, Unincorporated Areas of Karnes County. |
| | Approximately 830 feet upstream of the confluence with Tributary 8 to Marcelinas Creek Watershed. | +307 | |
| Nichols Creek | Approximately 265 feet downstream of South 2nd Street .. | +269 | City of Kenedy. Town of Runge, Unincorporated Areas of Karnes County. |
| Ojo de Agua Creek | Approximately 1,050 feet downstream of FM 81 | +262 | |
| | Approximately 860 feet upstream of the confluence with Tributary 9 to Ojo de Agua Watershed. | +287 | City of Falls City, Unincorporated Areas of Karnes County. |
| San Antonio River | Approximately 460 feet downstream of the confluence with Marcelinas Creek. | +300 | |
| | Approximately 1,440 feet downstream of the confluence with Tributary 199 to Lower San Antonio River Watershed. | +304 | |

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Falls City

Maps are available for inspection at 208 North Irvin Street, Falls City, TX 78113.

City of Kenedy

Maps are available for inspection at 303 West Main Street, Kenedy, TX 78119.

Town of Runge.

Maps are available for inspection at 109 North Helena, Runge, TX 78151.

Unincorporated Areas of Karnes County

Maps are available for inspection at the Karnes County Courthouse, 101 North Panna Maria, Karnes City, TX 78118.

Upshur County, Texas, and Incorporated Areas Docket No.: FEMA-B-1066

| | | | |
|----------------------|---|------|--|
| Victory Branch | Approximately 680 feet downstream of Salt Water Road .. | +315 | Unincorporated Areas of Upshur County. |
| | Approximately 650 feet downstream of Salt Water Road .. | +315 | |

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of Upshur County

Maps are available for inspection at the Upshur County Courthouse, 100 West Tyler Street, Gilmer, TX 75644.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: October 14, 2010.

Edward L. Connor,

Acting Federal Insurance and Mitigation Administrator, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2010-26311 Filed 10-18-10; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 040205043-4043-01]

RIN 0648-XY49

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2010 Gulf of Mexico Commercial Sector for Greater Amberjack

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS closes the commercial sector for greater amberjack in the exclusive economic zone (EEZ) of the Gulf of Mexico (Gulf). NMFS has determined that the commercial greater amberjack quota will have been reached by October 28, 2010. This closure is necessary to prevent overfishing of Gulf greater amberjack.

DATES: Closure is effective 12:01 a.m., local time, October 28, 2010, until 12:01 a.m., local time, on January 1, 2011.

FOR FURTHER INFORMATION CONTACT: Catherine Bruger, telephone 727-551-5727, fax 727-824-5308, e-mail Catherine.Bruger@noaa.gov.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf of Mexico is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. The regulations set the commercial quota for greater amberjack in the Gulf at 503,000 lb (228,157 kg), round weight, however in 2009, the commercial quota was exceeded by 129,928 lb (58,934 kg), and, therefore, a reduced quota of 373,072 lb

(169,222 kg) was implemented for the 2010 fishing year.

Background

Constraining harvest to the quota is crucial to meeting the legal requirements to prevent and end overfishing and rebuild greater amberjack in the Gulf. On August 4, 2008, new fishing regulations were implemented by NMFS (73 FR 38139) to reduce the harvest and discard of greater amberjack in the Gulf reef fish fishery. Regulatory changes for commercial greater amberjack included implementing a quota of 503,000 lb (228,157 kg), round weight and accountability measures.

The accountability measures state, as described in § 622.49(a)(1)(i), when the applicable commercial quota is reached, or projected to be reached, the Assistant Administrator for Fisheries, NOAA (AA), will close the commercial sector of greater amberjack for the remainder of the fishing year. If despite such closure, commercial landings exceed the quota, the AA will reduce the quota the year following an overage by the amount of the overage of the prior fishing year.

NMFS published a temporary rule on June 22, 2010 (75 FR 35335) to implement the 2010 accountability measures for Gulf greater amberjack, including a reduced 2010 commercial quota and an estimated season length for the 2010 recreational sector. In 2009, the commercial sector of greater amberjack was closed on November 7, when the commercial quota of 503,000 lb (228,157 kg) was determined to be reached. Finalized 2009 commercial landings data determined the commercial quota was exceeded by 25.8 percent, or 129,928 lb (58,934 kg). Therefore, in accordance with the accountability measures, the reduced 2010 commercial quota for Gulf greater amberjack is 373,072 lb (169,222 kg).

Under 50 CFR 622.43(a), NMFS is required to close harvest for a species or species group when the quota for that species or species group is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. Based on current statistics, NMFS has determined that the available commercial quota of 373,072 lb (169,222 kg), round weight for greater amberjack will be reached on or before October 28, 2010. Accordingly, NMFS is closing commercial harvest of greater amberjack in the Gulf EEZ from 12:01 a.m., local time, on October 28, 2010, until 12:01 a.m., local time, on January 1, 2011. The operator of a vessel with a valid commercial vessel permit for Gulf reef fish having greater amberjack aboard must have landed and bartered,

traded, or sold such greater amberjack prior to 12:01 a.m., local time, October 28, 2010.

During the closure, all harvest or possession of greater amberjack in or from the Gulf of Mexico EEZ, and the sale or purchase of greater amberjack taken from the EEZ is prohibited. The prohibition on sale or purchase does not apply to sale or purchase of greater amberjack that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, October 28, 2010, and were held in cold storage by a dealer or processor. In addition to the Gulf EEZ closure, a person on board a vessel for which a commercial vessel permit for Gulf reef fish has been issued must comply with these closure provisions regardless of where the Gulf greater amberjack are harvested, i.e., in state or Federal waters. This closure is intended to prevent overfishing of Gulf greater amberjack and increase the likelihood that the 2010 quota will not be exceeded.

Classification

This action responds to the best available information recently obtained from the fishery. The AA finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(3)(B). Such procedures would be unnecessary because the rule implementing the quota and the associated requirement for closure of commercial harvest when the quota is reached or projected to be reached already has been subject to notice and comment, and all that remains is to notify the public of the closure.

Providing prior notice and opportunity for public comment on this action would be contrary to the public interest because any delay in the closure of commercial harvest could result in the commercial quota for greater amberjack being exceeded, which in turn, would trigger the accountability measure for greater amberjack. The accountability measure would require NMFS to reduce the quota for the following year by the amount of the quota overage from the prior fishing year. Reducing the quota the following year would produce additional adverse economic impacts for Gulf reef fish fishermen. There is a need to implement this measure in a timely fashion to prevent a quota overrun of the commercial greater amberjack sector, given the capacity of the fishing fleet to harvest the quota quickly.

For the aforementioned reasons, the AA also finds good cause to waive the