

from January through July 26, leaving 98 t available for catch and retention. Based on average bigeye tuna catch rates by the U.S. longline fishery in the month of December in calendar years 2012 to 2018, we estimate that the fishery could catch 98 t in five calendar days. Accordingly, this rule reopens the fishery for five days, after which, the closure published on July 24, 2019 (84 FR 35568), will again, take effect through December 31, 2019.

To prevent a disruption to the continuity of fishing operations, the reopening will begin the day after the date that NMFS stops attributing catch to American Samoa. All fishing under the remaining 98 t limit must be done in accordance with the regulations at 50 CFR 300.224 and any other applicable regulations.

Classification

There is good cause under 5 U.S.C. 553(b)(B) to waive prior notice and opportunity for public comment on this action. Compliance with the notice and comment requirement would be unnecessary and contrary to the public interest. Because the fishery closure on July 27, 2019 was based upon estimated landings, this action simply provides an opportunity to harvest unused catch that remains available in 2019. The action is a benefit to fishermen since they would not be able to access the fishery after December 22, 2019. Moreover, NMFS solicited and responded to public comments on the rule establishing the calendar year bigeye tuna catch limit of 3,554 t (83 FR 33851, July 18, 2018). Although this action is being implemented without the opportunity for prior notice and comment, NMFS is soliciting and will respond to public comments from those affected by or otherwise interested in this rule.

Additionally, NMFS has determined that good cause exists to waive the 30-day delay in effectiveness of this rule because, under 5 U.S.C. 553(d), this rule relieves a restriction on the regulated community, and requiring a 30-day delay would be contrary to the public interest. NMFS closed the U.S. longline fishery for bigeye tuna in the Convention Area through a temporary rule effective on July 27, 2019, through December 31, 2019. The closure does not apply to vessels operating identified in a valid specified fishing agreement under 50 CFR 665.819(c), in accordance with 50 CFR 300.224(f)(1)(iv).

Currently, vessels in the U.S. longline fishery are operating under a valid specified fishing agreement between American Samoa and HLA, which allocates 1,000 t of bigeye tuna to vessel

identified in the agreement. NMFS forecasts that the fishery will reach the American Samoa allocation limit by December 22, 2019, and will stop attributing bigeye tuna to American Samoa on that date. If the effectiveness of this rule is delayed, the fishery would once again, be subject to the July 27, 2019 closure through December 31, 2019, and would be unable to access the remainder of the available 2019 bigeye tuna limit. Because this rule relieves a restriction by temporarily reopening the fishery for bigeye tuna, it is not subject to the 30-day delayed effectiveness pursuant to 5 U.S.C. 553(d)(1).

This action is taken under 50 CFR 300.224(e) and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 6901 *et seq.*

Dated: December 10, 2019.

Jennifer M. Wallace,

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

[FR Doc. 2019-26902 Filed 12-12-19; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 100217097-1757-02; RTID 0648-XS019]

Reef Fish Fishery of the Gulf of Mexico; 2019 Commercial and Recreational Accountability Measure and Closures for Gulf of Mexico Lane Snapper

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure (AM) for the lane snapper commercial and recreational sectors in the exclusive economic zone (EEZ) of the Gulf of Mexico (Gulf) for the 2019 fishing year through this temporary rule. NMFS has projected that the 2019 stock annual catch limit (ACL) for Gulf lane snapper has been met. Therefore, NMFS closes the commercial and recreational sectors for Gulf lane snapper on December 13, 2019, and they will remain closed through the end of the current fishing year on December 31, 2019. These closures are necessary to protect the Gulf lane snapper resource.

DATES: This temporary rule is effective from 12:01 a.m., local time, on

December 13, 2019, until 12:01 a.m., local time, on January 1, 2020.

FOR FURTHER INFORMATION CONTACT:

Kelli O'Donnell, NMFS Southeast Regional Office, telephone: 727-824-5305, email: Kelli.ODonnell@noaa.gov.

SUPPLEMENTARY INFORMATION:

NMFS manages the Gulf reef fish fishery, which includes lane snapper, 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 (Council) and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) through regulations at 50 CFR part 622. All lane snapper weights discussed in this temporary rule are in round weight.

The stock annual catch limit (ACL) for Gulf lane snapper is 301,000 lb (136,531 kg). As specified in 50 CFR 622.41(k), if during a fishing year the sum of the commercial and recreational lane snapper landings exceeds the stock ACL, then during the following fishing year, if the sum of commercial and recreational landings reaches or is projected to reach the stock ACL, NMFS is required to close the commercial and recreational sectors for the remainder of that fishing year. In the 2018 fishing year, lane snapper landings exceeded the stock ACL by 58,551 lb (26,558 kg). For the 2019, fishing year, NMFS has determined that the 2019 stock ACL for Gulf lane snapper has been met.

Accordingly, this temporary rule closes the commercial and recreational sectors for Gulf lane snapper effective at 12:01 a.m., local time, on December 13, 2019 and both sectors will remain closed through the end of the current fishing year on December 31, 2019.

During the commercial and recreational closures, the commercial sale or purchase of lane snapper taken from the Gulf EEZ is prohibited and the recreational bag and possession limits for lane snapper in or from the Gulf EEZ are zero. The prohibition on possession of Gulf lane snapper also applies in Gulf state waters for a vessel issued a valid Federal charter vessel/headboat permit for Gulf reef fish. During the closures, the operator of a vessel with a valid commercial vessel permit for Gulf reef fish having lane snapper on board must have landed and bartered, traded, or sold such lane snapper prior to 12:01 a.m., local time, on December 13, 2019. The prohibition on the sale or purchase of lane snapper does not apply to fish that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, on

December 13, 2019, and were held in cold storage by a dealer or processor.

Classification

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

This action is taken under 50 CFR 622.41(k) 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 NOAA Fisheries (AA) finds that the need to immediately implement this action to close the commercial and recreational sectors for lane snapper constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment on this temporary rule pursuant to the authority set forth in 5 U.S.C. 553(b)(B), because such procedures are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule establishing the closure provisions was already subject to notice and comment, and all that remains is to

notify the public of the closures. Such procedures are contrary to the public interest because of the need to immediately implement this action to protect lane snapper. Prior notice and opportunity for public comment would require time and would potentially allow the sectors to further exceed the stock ACL.

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

Dated: December 10, 2019.

Jennifer M. Wallace,

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

[FR Doc. 2019-26933 Filed 12-10-19; 4:15 pm]

BILLING CODE 3510-22-P