

2005 EA and FONSI, and no update is needed. If NMFS takes a management action, for example, through the development of a TRP, NMFS would first prepare an environmental document, as required under NEPA, specific to that action.

This rule would not affect species listed as threatened or endangered under the Endangered Species Act (ESA) or their associated critical habitat. The impacts of numerous fisheries have been analyzed in various biological opinions, and this rule will not affect the conclusions of those opinions. The classification of fisheries on the LOF is not considered to be a management action that would adversely affect threatened or endangered species. If NMFS takes a management action, for example, through the development of a TRP, NMFS would consult under ESA section 7 on that action.

This rule would have no adverse impacts on marine mammals and may have a positive impact on marine mammals by improving knowledge of marine mammals and the fisheries interacting with marine mammals through information collected from observer programs, stranding and sighting data, or take reduction teams.

This rule would not affect the land or water uses or natural resources of the coastal zone, as specified under section 307 of the Coastal Zone Management Act.

References

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- Waring, G.T., E. Josephson, K. Maze-Foley, and P.E. Rosel, editors. 2014. U.S. Atlantic and Gulf of Mexico Marine Mammal Stocks Assessments, 2013. NOAA Technical Memorandum NOAA-NE-228. 464 p.

Dated: December 19, 2014.

Samuel D. Rauch III,
*Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 140710571-4977-02]

RIN 0648-BE36

International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Restrictions on the Use of Fish Aggregating Devices in Purse Seine Fisheries for 2015; Correction

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

ACTION: Final rule; correction.

SUMMARY: NMFS published in the **Federal Register** of December 2, 2014, with an effective date of January 1, 2015, a final rule to establish restrictions on the use of fish aggregating devices (FADs) by U.S. purse seine vessels in the western and central Pacific Ocean (“International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Restrictions on the Use of Fish Aggregating Devices in Purse Seine Fisheries for 2015”). The final rule also included a requirement for the owners and operators of such vessels to submit “daily FAD reports” to NMFS. As indicated in the December 2, 2014, final rule, some of the FAD restrictions are to go into effect only if NMFS publishes a notice in the **Federal Register** announcing that they are in effect. NMFS intended to make the requirement to submit daily FAD reports also contingent on issuance of a **Federal Register** notice, but inadvertently wrote the final rule such that the reporting requirement would go into effect on January 1, 2015, irrespective of issuance by NMFS of a **Federal Register** notice. This document corrects that error in the final rule by making the requirement to submit daily FAD reports contingent on NMFS issuing a **Federal Register** notice announcing that it is in effect.

DATES: Effective January 1, 2015.

FOR FURTHER INFORMATION CONTACT: Tom Graham, NMFS Pacific Islands Regional Office, 808-725-5032.

SUPPLEMENTARY INFORMATION: NMFS published in the **Federal Register** of December 2, 2014 (79 FR 71327), a final rule to establish restrictions on the use of fish aggregating devices by U.S. purse seine vessels in the western and central Pacific Ocean (WCPO) during 2015. Some of the FAD restrictions in the final rule, specifically the FAD prohibitions during January and February and the limit of 3,061 FAD sets with associated prohibitions, were made contingent on NMFS issuing a subsequent **Federal Register** notice announcing that those restrictions are in effect. NMFS would issue such a **Federal Register** notice only if it determined that the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Commission) adopted particular arrangements at its Eleventh Regular Session, which took place December 1-5, 2014. The Commission did not adopt such arrangements at that session.

The final rule also included a requirement for vessel owners and operators to submit “daily FAD reports” to NMFS. The reports would be used by NMFS to estimate and project the number of sets on FADs with respect to the limit of 3,061 FAD sets. NMFS intended the daily FAD reporting requirement to be effective only if the limit of 3,061 FAD sets were put in effect. However, NMFS inadvertently wrote the final rule such that the daily FAD report requirement would go into effect on January 1, 2015, irrespective of the Commission decision or a subsequent **Federal Register** notice. This document corrects that error in the final rule by making the requirement to submit daily FAD reports contingent on NMFS issuing a **Federal Register** notice announcing that the reporting requirement is in effect.

Classification

This final rule has been determined to be not significant for the purposes of Executive Order 12866.

NMFS has determined that good cause exists to waive public notice and comment under 5 U.S.C. 553(b)(B) because it would be unnecessary and contrary to the public interest. It is unnecessary and contrary to the public interest because delaying this rule would only serve to place an unwarranted burden on the regulated community. If this correction to the final rule is not effective by January 1, 2015, then owners and operators of U.S. purse seine vessels in the WCPO would

be required to submit daily reports to NMFS that would not serve any useful purpose, which would be contrary to the public interest.

Further, NMFS has determined that good cause exists to waive the 30-day delay in effectiveness of this rule under 5 U.S.C. 553(d) because, as explained previously, this rule relieves a reporting requirement on the regulated community.

Because prior notice and opportunity for public comment for this correction to the final rule under 5 U.S.C. 553 have been waived, and are not required by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* are inapplicable.

Correction

Accordingly, the final rule, **Federal Register** Document Number 2014–28105, published on December 2, 2014, at 79 FR 71327, to be effective January 1, 2015, is corrected as follows:

On page 71330, in column 3, § 300.218(g) is correctly added to read as follows:

§ 300.218 Reporting and recordkeeping requirements.

* * * * *

(g) *Daily FAD reports.* If NMFS issues a notice in the **Federal Register** announcing that the requirement of this paragraph is in effect, the owner or operator of any fishing vessel of the United States equipped with purse seine gear must, within 24 hours of the end of each day that the vessel is at sea in the Convention Area, report to NMFS, in the format and manner directed by the Pacific Islands Regional Administrator, how many purse seine sets were made on FADs during that day.

Dated: December 16, 2014.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 120328229–4949–02]

RIN 0648–XD653

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

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

ACTION: Temporary rule; inseason General category bluefin tuna quota transfer and retention limit adjustment.

SUMMARY: NMFS is transferring 21 metric tons (mt) of Atlantic bluefin tuna (BFT) quota from the General category December 2015 subquota period to the January 2015 subquota period (from January 1 through March 31, 2015, or until the available subquota for this period is reached, whichever comes first). NMFS also is adjusting the Atlantic tunas General category BFT daily retention limit for the January 2015 subquota period to three large medium or giant BFT from the default retention limit of one. This action is based on consideration of the regulatory determination criteria regarding inseason adjustments and applies to Atlantic tunas General category (commercial) permitted vessels and Highly Migratory Species (HMS) Charter/Headboat category permitted vessels when fishing commercially for BFT.

DATES: The quota transfer is effective January 1, 2015. The General category retention limit adjustment is effective January 1, 2015, through March 31, 2015.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin or Brad McHale, 978–281–9260.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 divides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories, per the allocations

established in the 2006 Consolidated Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) (71 FR 58058, October 2, 2006), as amended by the recently published Amendment 7 to the 2006 Consolidated HMS FMP (Amendment 7) (79 FR 71510, December 2, 2014,) and in accordance with implementing regulations. NMFS is required under ATCA to provide U.S. fishing vessels with a reasonable opportunity to harvest the ICCAT-recommended quota.

Inseason Transfer to the General Category

The 2010 ICCAT recommendation regarding western BFT management resulted in baseline U.S. quotas for 2011 and for 2012 of 923.7 mt (not including the separate 25 mt that ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the Northeast Distant Gear Restricted Area). The allocation formula applied in the 2011 BFT quota rule (76 FR 39019, July 5, 2011) resulted in a codified quota of 435.1 mt for the General category fishery (a commercial tunas fishery in which handgear is used), which was then further divided according to the time-period allocations established in the 2006 Consolidated HMS FMP. The General category quota and time period subquotas as codified were not modified for 2012, 2013, or 2014. Although the 2014 ICCAT recommendation regarding western BFT management would result in an increase to the baseline U.S. BFT quota and subquotas for 2015, domestic implementation of that recommendation will take place in a separate rulemaking, likely in mid-2015.

Among other things, Amendment 7 revised the allocations to all quota categories, effective January 1, 2015. As a result, based on the currently codified quota of 923.7 mt, the General category quota is 403 mt. See § 635.27(a). Each of the General category time periods (January, June through August, September, October through November, and December) is allocated a portion of the annual General category quota. Although it is called the “January” subquota, the regulations allow the General category fishery under this quota to continue until the subquota is reached or March 31, whichever comes first. Based on the General category quota of 403 mt, the subquotas for each time period are as follows: 21.4 mt for January; 201.5 mt for June through August; 106.8 mt for September; 52.4 mt for October through November; and 21 mt for December. Any unused General category quota rolls forward within the fishing year, which coincides with the