

SOUTH CAROLINA—2012 ANNUAL PM_{2.5} NAAQS—Continued
[Primary]

Designated area ¹	Designation		Classification	
	Date ²	Type	Date ²	Type
Newberry County	Unclassifiable/Attainment	.....
Oconee County	Unclassifiable/Attainment	.....
Orangeburg County	Unclassifiable/Attainment	.....
Pickens County	Unclassifiable/Attainment	.....
Richland County	Unclassifiable/Attainment	.....
Saluda County	Unclassifiable/Attainment	.....
Spartanburg County	Unclassifiable/Attainment	.....
Sumter County	Unclassifiable/Attainment	.....
Union County	Unclassifiable/Attainment	.....
Williamsburg County	Unclassifiable/Attainment	.....
York County	Unclassifiable/Attainment	.....

¹ Includes areas of Indian country located in each county or area, except as otherwise specified.

² This date is April 15, 2015, unless otherwise noted.

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BILLING CODE CODE 6560-50-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 140501394-5279-02]

RIN 0648-XD869

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2015 Commercial Accountability Measure and Closure for Blueline Tilefish in the South Atlantic Region

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements accountability measures (AMs) for commercial blueline tilefish in the exclusive economic zone (EEZ) of the South Atlantic. Commercial landings for blueline tilefish, as estimated by the Science and Research Director, have reached the commercial annual catch limit (ACL). Therefore, NMFS is closing the commercial sector for blueline tilefish in the South Atlantic EEZ at 12:01 a.m., local time, April 7, 2015, and it will remain closed until the start of the next fishing season, January 1, 2016. This closure is necessary to protect the blueline tilefish resource.

DATES: This rule is effective 12:01 a.m., local time, April 7, 2015, until 12:01 a.m., local time, January 1, 2016.

FOR FURTHER INFORMATION CONTACT: Britni LaVine, NMFS Southeast Region,

telephone: 727-824-5305, email: britni.lavine@noaa.gov.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes blueline tilefish and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The South Atlantic Fishery Management Council and NMFS prepared the FMP, and the FMP is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

NMFS implemented management measures in Amendment 32 to the FMP for the Snapper-Grouper Fishery of the South Atlantic Region (Amendment 32). The final rule published in the **Federal Register**, and was effective, on March 30, 2015 (80 FR 16583). Amendment 32 contains management measures that end overfishing of blueline tilefish in the South Atlantic.

NMFS is required to close the commercial sector for blueline tilefish when the commercial ACL is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register, as specified in 50 CFR 622.193(z)(1)(i). The commercial ACL for blueline tilefish is 17,841 lb (8,093 kg), round weight. NMFS has determined that the commercial ACL for South Atlantic blueline tilefish has been reached. Accordingly, the commercial sector for South Atlantic blueline tilefish is closed effective April 7, 2015, until 12:01 a.m., local time, January 1, 2016.

The operator of a vessel with a valid commercial vessel permit for South Atlantic snapper-grouper having blueline tilefish onboard must have landed and bartered, traded, or sold such blueline tilefish prior to April 7,

2015. During the closure, all sale or purchase of blueline tilefish is prohibited and harvest or possession of blueline tilefish in or from the South Atlantic EEZ is limited to the bag and possession limits specified in 50 CFR 622.187(b)(2)(iv) and 622.187(c)(1), respectively. These bag and possession limits apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.*, in state or Federal waters.

Note that the recreational sector for blueline tilefish opened on January 1 and closed March 30, 2015, when the final rule for Amendment 32 became effective, because Amendment 32 implemented a seasonal closure for the recreational sector for blueline tilefish that extends from September 1 through April 30. Currently, the recreational sector for blueline tilefish is scheduled to reopen on May 1, 2015, and stay open through August 31, 2015, if the recreational ACL has not been met.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of blueline tilefish and the South Atlantic snapper-grouper fishery and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.193(z)(1)(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.

This action responds to the best scientific information available. The

Assistant Administrator for Fisheries, NOAA (AA), finds that the need to immediately implement this action to close the commercial sector for blueline tilefish constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such prior notice and opportunity for public comment are unnecessary and contrary to the public interest. Such procedures are unnecessary because the regulations at 50 CFR 622.193(z)(1)(i) have already been subject to notice and comment, and all that remains is to notify the public of the closure. Such procedures are contrary to the public interest because there is a need to immediately implement this action to protect blueline tilefish, since the capacity of the fishing fleet allows for rapid harvest of the commercial ACL. Prior notice and opportunity for public comment would require time and would potentially result in a harvest well in excess of the established commercial ACL.

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.*

Emily H. Menashes,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 150105013-5291-02]

RIN 0648-BE62

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Grouper Recreational Management Measures

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement management measures described in a framework action to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP), as prepared by the Gulf of Mexico Fishery Management Council (Council). This final rule revises the

daily bag limit for red grouper in the Gulf of Mexico (Gulf) and removes the recreational post-season bag limit reduction accountability measure (AM) for Gulf red grouper. Additionally, this rule corrects an error in the Gulf individual fishing quota (IFQ) multi-use provisions for the Grouper/Tilefish IFQ program. The purpose of this final rule is to modify the Gulf red grouper recreational management measures to improve recreational fishing opportunities by achieving optimal yield for the red grouper resource.

DATES: This rule is effective May 7, 2015.

ADDRESSES: Electronic copies of the framework action, which includes an environmental assessment, a regulatory impact review, and a Regulatory Flexibility Act analysis may be obtained from the Southeast Regional Office Web site at http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/reef_fish/index.html.

FOR FURTHER INFORMATION CONTACT: Richard Malinowski, telephone: 727-824-5305, email: rich.malinowski@noaa.gov.

SUPPLEMENTARY INFORMATION: The Gulf reef fish fishery is managed under the FMP. The FMP was prepared by the Council and is implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

On January 27, 2015, NMFS published a proposed rule for the framework action and requested public comment (80 FR 4240). The proposed rule and framework action outline the rationale for the actions contained in this final rule. A summary of the actions implemented by this final rule is provided below.

Management Measures Contained in This Final Rule

This final rule reduces the Gulf red grouper recreational bag limit from four fish to two fish within the four-fish aggregate grouper bag limit, and removes the post-season AM that reduces the daily bag limit the next fishing season when the previous fishing year's annual catch limit (ACL) is exceeded. The other post-season AMs currently codified in the regulations remain in effect without change.

Additional Change to Codified Text

In addition, this final rule corrects a mistake in the regulations that was implemented in the final rule for Amendment 32 to the FMP. NMFS changes "red grouper multi-use allocation" to "gag multi-use allocation"

in § 622.22(a)(5)(ii)(B), where it erroneously stated that if red grouper is under a rebuilding plan, then "red grouper multi-use allocation" should be set to zero. This change is not related to the framework action.

Comments and Responses

NMFS received 28 comment submissions on the framework action and the proposed rule; 1 from a sport fishing club, 1 from a state agency, and 26 from individuals. All comments received were in regard to the bag limit reduction; no comments were received directly addressing the removal of the accountability measure. Fourteen submissions supported the bag limit reduction, which is expected to alleviate the need for in-season closures. Eight individuals specifically opposed the bag limit reduction. Other submissions were outside the scope of the rule, offering suggestions for alternative management options, such as different size and bag limits, regionalized regulations, or a tag system. These are options the Council has considered in the past, and could consider again. A summary of the comments addressing the actions being implemented by this rulemaking and NMFS' responses to those comments appears below.

Comment 1: The new regulation could lead to overfishing of the Gulf red grouper resource.

Response: NMFS disagrees that either the bag limit reduction or the removal of the post-season AM could lead to overfishing of Gulf red grouper. The two-fish bag limit, although primarily intended to extend the length of the open season, should reduce the probability of exceeding the ACL by the recreational sector. The AM that reduced the bag limit by one fish if the ACL was exceeded in the previous year was also intended to extend the length of the open season and to avoid in-season closures. However, it is difficult to implement this in-season bag limit reduction in a timely manner and the bag limit change in the middle of the season created confusion. The Council determined, and NMFS agrees, that removing this AM would increase the efficiency of operating in this recreational sector and reduce public confusion without increasing the risk of exceeding the ACL because there are other AMs that will remain in place.

Comment 2: The two-fish bag limit is unnecessary and unreasonable because the Gulf red grouper stock is healthy and abundant; there is no shortage of red grouper.

Response: NMFS agrees the stock is healthy. The latest stock assessment indicates the stock is not overfished or