

longline fishing in the EPO, and contribute to the long-term conservation of bigeye tuna at levels that support healthy fisheries.

**DATES:** Effective November 11, 2013 through December 31, 2013.

**FOR FURTHER INFORMATION CONTACT:** Heidi Taylor, NMFS West Coast Region, 562-980-4039.

**SUPPLEMENTARY INFORMATION:** Pelagic longline fishing in the eastern Pacific Ocean is managed, in part, under the Tuna Conventions Act of 1950 (Act), 16 U.S.C. 951-962. Under the Act, NMFS must publish regulations to carry out recommendations of the Inter-American Tropical Tuna Commission (IATTC) that have been approved by the Department of State (DOS). The United States is a member of the IATTC, which was established under the Convention for the Establishment of an Inter-American Tropical Tuna Commission signed in 1949 (Convention) to provide an international arrangement to ensure the effective international conservation and management of highly migratory species of fish in the Convention Area.

The Convention Area for this purpose is defined to include the waters of the eastern Pacific bounded by the coast of the Americas, the 50° N. and 50° S. parallels, and the 150° W. meridian. Regulations governing fishing by U.S. vessels in accordance with the Act appear at 50 CFR part 300, subpart C. Those regulations implement recommendations of the IATTC for the conservation and management of highly migratory fish resources in the eastern Pacific Ocean.

The IATTC has recommended, and the DOS approved, annual catch limits of bigeye tuna for U.S. longline vessels. For calendar year 2013, the catch and landing of bigeye tuna by longline gear in the Convention Area by fishing vessels of the United States that are over 24 meters in overall length is limited to 500 metric tons (76 FR 68332, November 4, 2011, and codified at 50 CFR 300.25).

NMFS monitored the retained catches of bigeye tuna using logbook data submitted by vessel captains and other available information, and determined that the 2013 catch limit is expected to be reached on or by November 8, 2013. In accordance with 50 CFR 300.25(b), this temporary rule serves as advance notification to fishermen, the fishing industry, and the public that the U.S. longline fishery for bigeye tuna in the Convention Area will be closed starting on November 11, 2013, through the end of the 2013 calendar year. The 2014 fishing year is scheduled to open on January 1, 2014.

During the closure, a U.S. fishing vessel over 24 meters in overall length may not be used to retain on board, transship, or land bigeye tuna captured by longline gear in the Convention Area, except as follows:

- Any bigeye tuna already on board a fishing vessel upon the effective date of the prohibitions may be retained on board, transshipped, and/or landed, to the extent authorized by applicable laws and regulations, provided that they are landed within 14 days after the prohibitions become effective, that is, by November 18, 2013.

- In the case of a vessel that has declared to NMFS that the current trip type is shallow-setting, the 14-day limit is waived, but the number of bigeye tuna retained on board, transshipped, or landed must not exceed the number on board the vessel upon the effective date of the prohibitions, as recorded by the NMFS observer on board the vessel.

- Bigeye tuna caught by longline gear used on a vessel of the United States over 24 meters in the Convention Area may not be transshipped to a fishing vessel unless that fishing vessel is operated in compliance with a valid permit issued under § 660.707 or § 665.801.

- A fishing vessel of the United States over 24 meters, other than a vessel for which a declaration has been made to NMFS that the current trip is shallow-setting, may not be used to fish in the Pacific Ocean using longline gear both inside and outside the Convention Area during the same fishing trip, with the exception of a fishing trip during which the prohibitions were put into effect.

- If a vessel over 24 meters that is not on a declared shallow-set trip is used to fish in the Pacific Ocean using longline gear outside the Convention Area, and the vessel enters the Convention Area at any time during the same fishing trip, the longline gear on the fishing vessel must be stowed in a manner so as not to be readily available for fishing. Specifically, the hooks, branch lines, and floats must be stowed and not available for immediate use, and any power-operated mainline hauler on deck must be covered in such a manner that it is not readily available for use.

#### Classification

There is good cause to waive prior notice and opportunity for public comment pursuant to 5 U.S.C. 553(b)(B). This action is based on the best available information and is necessary for the conservation and management of bigeye tuna. Compliance with the notice and comment requirement would be impracticable and contrary to the public interest, since NMFS would be unable

to ensure that the 2013 bigeye tuna catch limit is not exceeded. The annual catch limit is an important mechanism to ensure that the U.S. complies with its international obligations in preventing overfishing and managing the fishery at optimum yield. Moreover, NMFS previously solicited public comments on the rule that established the catch limit (76 FR 68332, November 4, 2011). For the same reasons, there is good cause to establish an effective date less than 30 days after date of publication of this notice.

This action is required by § 300.25(b) and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 951-962 *et seq.*

Dated: October 31, 2013.

**James P. Burgess,**

*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. 130219149-3397-02]

RIN 0648- XC897

#### Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trip Limit Adjustments for the Common Pool Fishery

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

**ACTION:** Temporary rule; inseason adjustment of landing limits.

**SUMMARY:** This temporary rule increases the possession limits for Gulf of Maine cod, Cape Cod/Gulf of Maine yellowtail flounder, Gulf of Maine winter flounder, white hake, and pollock for Northeast multispecies common pool vessels for the remainder of the 2013 fishing year. This action is being taken because catch rates of these stocks are low. Increasing these possession limits is intended to provide additional fishing opportunities and help allow the common pool fishery to catch more of its quota for these stocks.

**DATES:** Effective October 30, 2013, through April 30, 2014.

**FOR FURTHER INFORMATION CONTACT:** Liz Sullivan, Fishery Management Specialist, 978-282-8493.

**SUPPLEMENTARY INFORMATION:**

Regulations governing the Northeast (NE) multispecies fishery are found at 50 CFR part 648, subpart F. The regulations at § 648.86(o) authorize the NE Regional Administrator (RA) to adjust the possession limits for common pool vessels in order to facilitate harvest of, or prevent exceeding the pertinent common pool quotas during the fishing year. Based on data reported through October 16, 2013, the common pool fishery has caught less than 20 percent

of its quota for Gulf of Maine (GOM) cod, Cape Cod (CC)/GOM yellowtail flounder, GOM winter flounder, white hake, and pollock.

Table 2 contains the adjustments to the possession limits that are implemented in this action for Category A days-at-sea (DAS) common pool vessels. The regulations also require that the cod possession limits for Handgear A, Handgear B, and Small Vessel Category permits be adjusted relative to the cod trip limits for DAS vessels, and these adjustments are specified in Table

3. These trip limit adjustments for all vessels is effective October 30, 2013, through April 30, 2014. Common pool groundfish vessels that are already at sea when this action becomes effective may land fish at the increased trip limit levels. Catch will continue to be monitored through dealer-reported landings, vessel monitoring system catch reports, and other available information and, if necessary, additional adjustments to common pool management measures may be made.

**TABLE 2—COMMON POOL POSSESSION LIMITS FOR FIVE GROUND FISH STOCKS**

| Stock                      | Old DAS limit  | New DAS limit   |
|----------------------------|--|---|
| GOM Cod .....              | 100 lb (45.4 kg) per DAS, up to 300 lb (136.1 kg) per trip.    | 650 lb (294.8 kg) per DAS up to 2,000 lb (907.2 kg) per trip.   |
| CC/GOM Yellowtail Flounder | 500 lb (226.8 kg) per DAS, up to 2,000 lb (907.2 kg) per trip. | 2,000 lb (907.2 kg) per trip.                                   |
| GOM Winter Flounder .....  | 500 lb (226.8 kg) per trip .....                               | 2,000 lb (907.2 kg) per trip.                                   |
| White Hake .....           | 500 lb (226.8 kg) per trip .....                               | 1,000 lb (453.6 kg) per DAS up to 3,000 lb (1,361 kg) per trip. |
| Pollock .....              | 10,000 lb (4,536 kg) per trip .....                            | Unlimited.  |

**TABLE 3—GOM COD TRIP LIMITS FOR HANDGEAR A AND B AND SMALL VESSEL CATEGORY PERMITS**

| Permit category             | Old trip limit   | New trip limit   |
|-----------------------------|--|--|
| Handgear A .....            | 100 lb (45.4 kg) per trip .....  | 300 lb (136.1 kg) per trip.  |
| Handgear B .....            | 25 lb (11.3 kg) per trip .....   | 75 lb (34.0 kg) per trip.  |
| Small Vessel Category ..... | Maximum of 100 lb (45.4 kg) of GOM cod within the 300-lb (136.1-kg) combined cod/yellowtail flounder trip limit. | Up to 300 lb (136.1 kg) of GOM cod within the 300-lb combined cod/yellowtail trip limit. |

**Classification**

This action is required by 50 CFR part 648, and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA (AA), finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be impracticable and contrary to the public interest for the reasons stated below. Pursuant to 5 U.S.C. 553(d)(3), the AA also finds good cause to waive the 30-day delayed effectiveness period for the same reasons.

The regulations at § 648.86(o) authorize the RA to adjust the NE

multispecies trip limits for common pool vessels in order to prevent the overharvest or underharvest of the common pool quotas. The catch data used as the basis for this action only recently became available, and the trip limit increases implemented through this action reduces the probability of underharvesting the common pool quotas. As a result, the time necessary to provide for prior notice and comment, and a 30-day delay in effectiveness, would prevent NMFS from implementing the necessary trip limit adjustments for these five stocks in a timely manner, which could undermine management objectives of

the NE Multispecies Fishery Management Plan, and cause negative economic impacts to the common pool fishery. There is additional good cause to waive the delayed effective period because this action relieves restrictions on fishing vessels by increasing trip limits.

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

Dated: October 30, 2013.

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

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