conservation and management of South Atlantic coral resources and is consistent with Amendment 8, the FMP, the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable law.

This correcting amendment has been determined to be not significant under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries, NOAA, finds good cause to waive prior notice and opportunity for additional public comment for this action because it would be impracticable and contrary to the public interest. This correcting amendment corrects the positions for the Oculina Bank HAPC and the associated gear stowage provisions that were incorrectly described in the final rule. Providing prior notice and opportunity for public comment is contrary to the public interest because not correcting the waypoints will cause confusion among the affected fishers and will not properly protect the Oculina Bank HAPC. With regard to the gear stowage requirements, not correcting these regulations will require fishers to comply with gear stowage methods that are not those recommended by the Council. The Council developed the gear stowage requirements in coordination with the affected fishers and these stowage requirements represent a safer approach for these fishers given the offshore conditions they may encounter. It would be impracticable to subject this action to notice and comment because the provisions of Amendment 8 are currently in effect and any delay in implementation of this rule would further any confusion that exists on the location of the waypoints and the gear stowage requirements.

For the same reasons, the Assistant Administrator also finds good cause, pursuant to 5 U.S.C. 553(d), to waive the 30-day delay in effective date for this correcting amendment. If this rule is not implemented immediately, it would cause confusion among the affected fishers of the location of the waypoints for Oculina Bank HAPC, would result in inadequate protection of the Oculina Bank HAPC, and require fishers to comply with gear stowage methods that were not recommended by the Council.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are inapplicable. Accordingly, no Regulatory Flexibility Analysis is required and none has been prepared.

List of Subjects in 50 CFR Part 622

Coral, Coral Reefs, Fisheries, Fishing, HAPC, Shrimp, South Atlantic.

Dated: September 30, 2015.

Samuel D. Rauch III,

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

Accordingly, 50 CFR part 622 is corrected by making the following correcting amendments:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.224, entries 7 and 8 in the table in paragraph (b)(1) and paragraph (b)(1)(i)(C) are revised to read as follows:

§ 622.224 Area closures to protect South Atlantic corals.

* * * * *

(b) * * *

(1) * * *

Point	North lat.	West long.
*	*	*	*	*
7	28°56′01.86″	80°08′53.64″
8	28°52′44.40″	80°08′53.04″
*	*	*	*	*

* * * * *

(i) * * *

(C) Fish for or possess rock shrimp in or from the Oculina Bank HAPC, except a shrimp vessel with a valid commercial vessel permit for rock shrimp that possesses rock shrimp may transit through the Oculina Bank HAPC if fishing gear is appropriately stowed. For the purpose of this paragraph, transit means a direct and non-stop continuous course through the area, maintaining a minimum speed of five knots as determined by an operating VMS and a VMS minimum ping rate of 1 ping per 5 minutes; fishing gear appropriately stowed means that doors and nets are out of the water.

* * * * *

[FR Doc. 2015–25488 Filed 10–6–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 150727647–5877–01]

RIN 0648–BF30

Atlantic Highly Migratory Species; Technical Amendment to Regulations

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

ACTION: Final rule; technical amendments.

SUMMARY: NMFS is hereby making technical amendments to the regulations for Atlantic highly migratory species—specifically, to several restricted fishing areas—without altering the substance of the regulations. Also, this action re-inserts the longstanding statutorily required limit on length of gillnets that was erroneously removed from the regulations in late 2012, and corrects the end date of the Spring Gulf of Mexico gear restricted areas from May 30 to May 31. These changes will make the cross-references in regulations accurate, the gillnet length limit consistent with statutory requirements, and the dates on restrictions consistent with the supporting analyses and management goals. The rule is administrative in nature and does not make any change with substantive effect to the regulations governing Atlantic highly migratory species (HMS) fisheries.

DATES: This final rule is effective on October 7, 2015.

ADDRESSES: Copies of other documents relevant to this rule are available from the HMS Management Division Web site at *http://www.nmfs.noaa.gov/sfa/hms/* or upon request from the Atlantic HMS Management Division at 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Andrew Rubin or Karyl Brewster-Geisz by phone at 301–427–8503.

SUPPLEMENTARY INFORMATION: Atlantic HMS are managed under the dual authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.,* (Magnuson-Stevens Act) and the Atlantic Tunas Convention Act, 16 U.S.C. 971 *et seq.,* (ATCA). The authority to issue regulations under the Magnuson-Stevens Act and ATCA has been delegated from the Secretary of Commerce to the NOAA Assistant Administrator for Fisheries (AA). On

May 28, 1999, NMFS published in the **Federal Register** (64 FR 29090) regulations implementing the Fishery Management Plan (FMP) for Atlantic Tunas, Swordfish, and Sharks (1999 FMP). On October 2, 2006, NMFS published in the **Federal Register** (71 FR 58058) regulations implementing the 2006 Consolidated HMS FMP, which details the management measures for Atlantic HMS fisheries. The implementing regulations for Atlantic HMS are at 50 CFR part 635.

Background

The regulations at 50 CFR part 635 contain cross-references to several restricted fishing areas described in 50 CFR part 622. The cross-references in 50 CFR part 635 ensure consistency with the regulations at 50 CFR part 622 to protect certain reef species and/or habitat managed by the Caribbean and Gulf of Mexico Fishery Management Councils. With the reorganization of the 50 CFR part 635 regulations due to the final rule for Amendment 7 to the 2006 Consolidated HMS FMP (79 FR 71509, December 2, 2014), the cross-references to the Tortugas marine reserve habitat area of particular concern (HAPC), the Mutton snapper spawning aggregation area (SAA), the Red hind SAA, and the Grammanik Bank closed areas were mistakenly overwritten. This technical amendment corrects the cross-references in the HMS regulations.

A longstanding statutory limit on the length of gillnet gear (see 16 U.S.C. 1857(1)(M)) was erroneously removed from the regulations in 2012. This technical amendment re-inserts the language to the regulations to ensure consistency with the statutory requirements.

The regulatory end date of the Spring Gulf of Mexico gear restricted areas in § 635.21(c)(2)(vi) was mistakenly written as ''May 30'' when it should be on the last day of the month, ''May 31.'' This technical amendment changes the date to be consistent with the original analyses, outreach, and supporting documents of this regulation and to meet management goals appropriately. As the correct date was analyzed as part of the preferred alternative in the Final Environmental Impact Statement for Amendment 7 to the 2006 Consolidated HMS FMP, this modification to the regulations should not be unexpected and will not have any impacts beyond those already considered.

Corrections

Currently, the regulations in § 635.21(a)(3)(i) cross-reference § 622.34(a)(3) only. This final action corrects the cross-reference by adding a cross-reference to § 622.74(c), which is missing, in order to properly include and specify the boundaries of the ''Tortugas marine reserve HAPC.''

Currently, the regulatory end date of the Spring Gulf of Mexico gear restricted areas in § 635.21(c)(2)(vi) is written as ''May 30.'' This final rule corrects the date and changes it to ''May 31.''

Currently, the regulations at § 635.21(d)(1)(ii) contain a cross-reference to areas designated at § 622.33(a)(1) through (3) to indicate the Mutton snapper spawning aggregation area (SAA), the Red hind SAA, and the Grammanik Bank closed area. This final action corrects the cross-reference in § 635.21(d)(1)(ii) by changing it from § 622.33(a)(1) through (3) to § 622.435(a)(2)(i) through (iii).

Currently, the regulations at § 635.21(g) do not contain the statutorily-required regulatory limits on the length of gillnet for persons fishing for sharks. This final rule inserts the language that was removed regarding the length restriction of gillnets into the regulations at § 635.21(g)(4) into the regulations.

Classification

The AA has determined that this final rule is necessary for the conservation and management of U.S. fisheries and that it is consistent with the Magnuson-Stevens Fishery Conservation and Management Act, the 2006 Consolidated Atlantic HMS FMP and its amendments, and ATCA.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment are unnecessary and contrary to the public interest. This final rule adds only corrective, non-substantive changes to correct cross-references, re-inserts language, and corrects dates to HMS regulations and is solely administrative in nature. These changes should not be unexpected. None of these changes will have a substantive impact beyond those already considered in previous supporting documents. There is also good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date. The basis for this waiver is that it not a substantive rule but, rather, corrects cross-references, re-inserts regulatory language, and corrects a mistaken date in HMS regulations. Furthermore, failure to implement this rule immediately would cause continued confusion among the regulated community.

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

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

NMFS has determined that fishing activities conducted pursuant to this rule will not affect endangered and/or threatened species or critical habitat listed under the Endangered Species Act, or marine mammals protected by the Marine Mammal Protection Act because the action will not result in any change or increase in fishing activity, and is solely administrative in nature.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Foreign relations, Imports, Penalties, Reporting and recordkeeping requirements, Treaties.

Authority: 16 U.S.C. 971 *et seq.;* 16 U.S.C. 1801 *et seq.*

Dated: September 30, 2015.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR part 635 is amended as follows:

PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

■ 1. The authority citation for part 635 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.;* 16 U.S.C. 1801 *et seq.*

■ 2. In § 635.21, revise paragraphs (a)(3)(i), (c)(2)(vi), (d)(1)(ii), and add paragraph (g)(4) to read as follows:

§ 635.21 Gear operation, restricted areas and deployment restrictions.

(a) * * *

(3) * * *

(i) No person may fish for, catch, possess, or retain any Atlantic HMS or anchor a fishing vessel that has been issued a permit or is required to be permitted under this part, in the areas and seasons designated at § 622.34(a)(3) of this chapter, and in the Tortugas marine reserves HAPC designated at § 622.74(c) of this chapter.

* * * * *

(c) * * *

(2) * * *

(vi) In the Spring Gulf of Mexico gear restricted area from April 1 through May 31 each year;

* * * * *

(d) * * *

(1) * * *

(ii) The areas designated at § 622.435(a)(2)(i) through (iii) of this chapter, year-round; and

* * * * *

(g) * * *

(4) No person may fish for sharks with a gillnet with a total length of 2.5 km or more. No vessel may have on board a gillnet with a total length of 2.5 km or more.

* * * * *

[FR Doc. 2015–25477 Filed 10–6–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 150626556–5886–02]

RIN 0648–BF20

Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; State Waters Exemption

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

ACTION: Final rule.

SUMMARY: NMFS approves and implements an exemption for Northern Gulf of Maine federally permitted vessels with state-waters permits issued from the State of Maine to continue fishing in the Maine state-waters portion of the Northern Gulf of Maine management area once NMFS has announced that the Federal total allowable catch has been fully harvested in a given year. Maine requested this exemption as part of the Scallop State Water Exemption Program, which specifies that a state may be eligible for a state waters exemption to specific Federal regulations if it has a scallop fishery and a scallop conservation program that does not jeopardize the biomass and fishing mortality/effort limit objectives of the Atlantic Sea Scallop Fishery Management Plan. Based on the information that Maine has submitted, NMFS has determined that Maine qualifies for this exemption and that this exemption will not have an impact on the effectiveness of Federal management measures for the scallop fishery overall or within the Northern Gulf of Maine management area.

DATES: Effective November 6, 2015.

ADDRESSES: Documents supporting this action, including the State of Maine's request for the exemption and Framework Adjustment 26 to the Atlantic Sea Scallop Fishery Management Plan (FMP) are available upon request from John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. The Framework 26 Environmental Assessment and Initial Regulatory Flexibility Analysis are also accessible via the Internet at *http://www.nefmc.org/scallops/index.html or http://www.greateratlantic.fisheries.noaa.gov/regs/2015/March/15scalfw26turtlepr.html.*

Copies of the small entity compliance guide are available from John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930–2298, or available on the Internet at *http://www.greateratlantic.fisheries.noaa.gov/sustainable/species/scallop/.*

FOR FURTHER INFORMATION CONTACT: Emily Gilbert, Fishery Policy Analyst, 978–281–9244.

SUPPLEMENTARY INFORMATION:

Background

The Scallop State Waters Exemption Program specifies that a state with a scallop fishery may be eligible for state waters exemptions if it has a scallop conservation program that does not jeopardize the biomass and fishing mortality and effort limit objectives of the Scallop FMP. Under the Program, if NMFS determines that a state is eligible, federally permitted scallop vessels fishing in state waters may be exempted from specific Federal scallop regulations. One of these exemptions enables some scallop vessels to continue to fish in state waters within the Northern Gulf of Maine (NGOM) management area once the Federal NGOM total allowable catch (TAC) is reached. Any state interested in applying for this exemption must identify the scallop-permitted vessels that would be subject to the exemption (*i.e.,* limited access, limited access general category (LAGC) individual fishing quota, LAGC incidental, or LAGC NGOM). No vessel is permitted to fish for scallops in the Federal portion of the NGOM once the TAC is harvested. We provided a broader description of the Scallop State Waters Exemption Program in the preamble of the proposed rule (80 FR 46531; August 5, 2015) for this action and are not repeating that information here.

NMFS received a request from Maine to expand its current exemptions to allow federally NGOM-permitted vessels with Maine state-waters permits to fish in the Maine state-waters portion of the NGOM management area once we project the Federal NGOM TAC to be fully harvested. This provision allows those vessels to continue to fish in state waters along with state permitted vessels that do not have Federal permits. Although the 70,000-lb (31,751-kg) NGOM Federal TAC has never been exceeded since the NGOM management area was created in 2008, there is now a higher potential that the TAC will be reached because scallop effort has increased in the NGOM in recent years as the stock has improved, particularly in state waters. Without this exemption, federally permitted vessels are unable to participate in Maine's state water fishery if the Federal NGOM TAC is reached; state-only permitted scallop vessels are able to continue to fish in state waters after the Federal closure.

Based on the information Maine submitted regarding its scallop conservation program, as outlined in the preamble to the proposed rule, and considering comments received during the public comment period, NMFS determines that the state qualifies for the NGOM state waters exemption under the Scallop FMP. Maine's scallop fishery restrictions are as restrictive as Federal scallop fishing regulations and this exemption will not jeopardize the biomass and fishing mortality and effort limit objectives of the FMP. Allowing for this NGOM exemption will have no impact on the effectiveness of Federal management measures for the scallop fishery overall or within the NGOM management area because the NGOM Federal TAC is set based only on the portion of the resource in Federal waters.

This exemption applies only to vessels with Federal NGOM permits. All other federally permitted scallop vessel categories are prohibited from retaining, possessing, and landing scallops from within the NGOM management area, in both Federal and state waters, once the NGOM hard TAC is fully harvested.

Comments and Responses

NMFS received two comment letters in response to the proposed rule, one from from the Maine Department of Marine Resources and the other from a member of the general public. We provide responses below to the issues these commenters raised.

Comment 1: The Maine Department of Marine Resources stated its support of NMFS issuing this exemption and provided information on the current scallop regulations in its waters.

Response: NMFS is satisfied that Maine meets the criteria for this NGOM exemption and thanks Maine for