

disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations because it does not affect the level of protection provided to human health or the environment. As discussed in section I.C. of the preamble to this action, the NPL is a list of national priorities. The NPL is intended primarily to guide the EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances, pollutants or contaminants. The NPL is of only limited significance as it does not assign liability to any party. Also, placing a site on the NPL does not mean that any remedial or removal action necessarily need be taken.

#### K. Congressional Review Act

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Provisions of the Congressional Review Act (CRA) or section 305 of CERCLA may alter the effective date of

this regulation. Under 5 U.S.C. 801(b)(1), a rule shall not take effect, or continue in effect, if Congress enacts (and the President signs) a joint resolution of disapproval, described under section 802. Another statutory provision that may affect this rule is CERCLA section 305, which provides for a legislative veto of regulations promulgated under CERCLA. Although *INS v. Chadha*, 462 U.S. 919, 103 S. Ct. 2764 (1983), and *Bd. of Regents of the University of Washington v. EPA*, 86 F.3d 1214, 1222 (D.C. Cir. 1996), cast the validity of the legislative veto into question, the EPA has transmitted a copy of this regulation to the Secretary of the Senate and the Clerk of the House of Representatives.

If action by Congress under either the CRA or CERCLA section 305 calls the effective date of this regulation into question, the EPA will publish a document of clarification in the **Federal Register**.

#### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Natural resources, Oil pollution, Penalties,

Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

**Barry N. Breen,**

*Principal Deputy Assistant Administrator,  
Office of Land and Emergency Management.*

For the reasons set out in the preamble, title 40, chapter I, part 300, of the Code of Federal Regulations is amended as follows:

### PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

■ 1. The authority citation for part 300 continues to read as follows:

**Authority:** 33 U.S.C. 1251 *et seq.*; 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

■ 2. Amend table 1 of appendix B to part 300 by adding entries for “IN, Federated Metals Corp Whiting”, “LA, Capitol Lakes”, and “OK, Fansteel Metals/FMRI” in alphabetical order by State to read as follows:

#### Appendix B to Part 300—National Priorities List

TABLE 1—GENERAL SUPERFUND SECTION

State	Site name	City/county	Notes <sup>a</sup>
IN .....	Federated Metals Corp Whiting .....	Hammond.	*
LA .....	Capitol Lakes .....	Baton Rouge.	*
OK .....	Fansteel Metals/FMRI .....	Muskogee .....	S

<sup>a</sup>A = Based on issuance of health advisory by Agency for Toxic Substances and Disease Registry (if scored, HRS score need not be greater than or equal to 28.50).

\* \* \* \* \*

[FR Doc. 2023–19114 Filed 9–6–23; 8:45 am]

BILLING CODE 6560–50–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 230831–0208]

RIN 0648–BM37

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region; Framework Amendment 12

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** NMFS issues regulations to implement a management measure described in Framework Amendment 12 under the Fishery Management Plan (FMP) for the Coastal Migratory Pelagic (CMP) Resources of the Gulf of Mexico and Atlantic Region (CMP FMP), as prepared and submitted by the Gulf of Mexico Fishery Management Council (Gulf Council). This final rule and Framework Amendment 12 modify the Gulf of Mexico (Gulf) migratory group of king mackerel (Gulf king mackerel) gillnet component commercial fishing

season. The purpose of this final rule and Framework Amendment 12 is to allow the Gulf king mackerel gillnet component of the CMP fishery to fish without interruption from the season start date until NMFS determines that the gillnet quota has been met.

**DATES:** This final rule is effective October 10, 2023.

**ADDRESSES:** Electronic copies of Framework Amendment 12, which includes a regulatory impact review, may be obtained from the Southeast Regional Office website at <https://www.fisheries.noaa.gov/action/framework-12-modifications-commercial-gulf-king-mackerel-gillnet-fishing-season>.

**FOR FURTHER INFORMATION CONTACT:** Kelli O'Donnell, telephone: 727-824-5305, or email: [Kelli.ODonnell@noaa.gov](mailto:Kelli.ODonnell@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Gulf king mackerel is managed under the CMP FMP prepared by the Gulf and South Atlantic Fishery Management Councils and implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

On July 17, 2023, NMFS published a proposed rule for Framework Amendment 12 and requested public comment (88 FR 45384, July 17, 2023). The proposed rule and Framework Amendment 12 outline the rationale for the actions contained in this final rule. A summary of the management measures described in Framework 12 and implemented by this final rule is provided below.

### Background

Under the CMP FMP, the Gulf Council has the authority to develop framework amendments specific to fishing for the Gulf migratory group of king mackerel, which is found in Federal waters from Texas to the Florida Monroe/Miami-Dade County boundary. Fishing by the Gulf king mackerel gillnet component is allowed only in the Gulf king mackerel southern zone as described in 50 CFR 622.369(a)(1)(iii).

The current Gulf king mackerel gillnet component fishing season starts annually in January on the Tuesday after the Martin Luther King Jr. Federal holiday. The first weekend after the fishing season starts is open to gillnet fishing, but all subsequent weekends and holidays are closed to gillnet fishing while the season remains open. The current fishing season structure was established in a 1999 Framework Amendment to the CMP FMP (64 FR 45457, August 20, 1999). This fishing

season structure formalized a private agreement between the small number of gillnet participants, which was to wait until January to fish to reduce the chance of a quota overage for the gillnet component. After the season and first weekend opening, subsequent weekends and holidays were closed to fishing because the gillnet component could rapidly harvest the fish and NMFS did not have the ability to monitor landings and process an inseason closure during weekends and holidays. However, for the last 10 years, gillnet fishers have cooperated with NMFS and voluntarily stopped fishing when landings are close to reaching the gillnet component annual catch limit (ACL; component quota). The gillnet fishers then wait for NMFS to determine if there is remaining quota available to harvest or if the season will be closing. Due to the low number of participants in the Gulf king mackerel gillnet component, and their consistent cooperation with NMFS, NMFS expects this practice to continue to be successful. This cooperation also helps ensure that landings do not exceed the commercial gillnet component ACL, which would result in a reduction of the component ACL in the following fishing year (50 CFR 622.388(a)(1)(iii)).

In 2022, the Council received a request from Gulf king mackerel commercial gillnet component fishermen to remove the weekend and holiday seasonal closures during the fleet's open season. The request stated that the removal of the weekend and holiday closures would allow the gillnet component to be more efficient by allowing participants to harvest the gillnet component quota as quickly as possible and so that they may then return to harvesting other species. The Council agreed that the weekend and holiday closures are no longer necessary.

### Management Measure Contained in This Final Rule

For the Gulf king mackerel commercial gillnet component, this final rule revises the fishing season. The current fishing season for the Gulf king mackerel gillnet component starts the Tuesday after the Martin Luther King Jr. Federal holiday. The first weekend after the fishing season starts is open, but all subsequent weekends and holidays are closed to fishing while the season remains open. Through this final rule, the revised fishing season will still start the Tuesday after the Martin Luther King Jr. Federal holiday but with all subsequent weekends and holidays remaining open to fishing while the season remains open.

### Comments and Responses

NMFS received four comments on the proposed rule for Framework Amendment 12, including comments from individuals and a commercial fishing organization. One comment supported the measure to modify the Gulf king mackerel commercial gillnet component fishing season. The rest of the comments suggested a change to management measures that are outside the scope of Framework Amendment 12 and the proposed rule; specifically prohibiting commercial harvest of king mackerel by gillnet. These comments are not addressed further. No changes have been made to this final rule as a result of public comment.

### Classification

Pursuant to section 304(b)(3) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this final rule is consistent with Framework Amendment 12, the CMP FMP, the Magnuson-Stevens Act, and other applicable laws.

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

The Magnuson-Stevens Act provides the statutory basis for this rule. No duplicative, overlapping, or conflicting Federal rules have been identified. A description of this final rule, why it is being implemented, and the purpose of this final rule are contained in the

**SUMMARY and SUPPLEMENTARY INFORMATION** sections of this final rule.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

### List of Subjects in 50 CFR Part 622

Commercial, Fisheries, Fishing, Gulf of Mexico, King mackerel.

Dated: August 31, 2023.

**Samuel D. Rauch, III,**

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

For the reasons set out in the preamble, NMFS amends 50 CFR part 622 as follows:

## **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 § 622.378, revise paragraph (a) to read as follows:

### **§ 622.378 Seasonal closures of the Gulf migratory group king mackerel gillnet fishery.**

(a) *Seasonal closure of the gillnet component for Gulf migratory group king mackerel.* The gillnet component for Gulf migratory group king mackerel in or from the southern zone is closed each fishing year from July 1 until 6 a.m. eastern standard time on the day after the Martin Luther King Jr. Federal holiday. During the closure, a person aboard a vessel using or possessing a gillnet with a stretched-mesh size of 4.75 inches (12.1 cm) or larger in the southern zone may not fish for or possess Gulf migratory group king mackerel. (See § 622.369(a)(1)(iii) for a description of the southern zone.)

\* \* \* \* \*

[FR Doc. 2023–19253 Filed 9–6–23; 8:45 am]

**BILLING CODE 3510–22–P**

## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 648**

[Docket No. 2021–27773; RTID 0648–XD333]

### **Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2023 Winter II Quota**

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

**ACTION:** Temporary rule; in-season adjustment.

**SUMMARY:** NMFS adjusts the 2023 Winter II commercial scup quota and per-trip Federal landing limit. This action is necessary to comply with regulations implementing Framework Adjustment 3 to the Summer Flounder,

Scup, and Black Sea Bass Fishery Management Plan that established the rollover of unused commercial scup quota from the Winter I to Winter II period. This notification is intended to inform the public of this quota and trip limit change.

**DATES:** Effective October 1, 2023, through December 31, 2023.

#### **FOR FURTHER INFORMATION CONTACT:**

Laura Deighan, Fishery Management Specialist, (978) 281–9184; or [Laura.Deighan@noaa.gov](mailto:Laura.Deighan@noaa.gov).

**SUPPLEMENTARY INFORMATION:** NMFS published a final rule for Framework Adjustment 3 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan in the **Federal Register** on November 3, 2003 (68 FR 62250), implementing a process to increase the Winter II (October 1 through December 31) commercial scup quota by the amount of the Winter I (January 1 through April 30) under-harvest and to adjust the Winter II possession limits consistent with the amount of the quota increase, based on the possession limits established through the annual specifications-setting process.

For 2023, the initial Winter II quota is 2,233,194 lb (1,012,960 kg). The best available landings information through June 28, 2023, indicates that 804,630 lb (364,974 kg) remain of the 6,319,911 lb (2,866,663 kg) Winter I quota. Consistent with Framework 3, the full amount of unused 2023 Winter I quota is being transferred to Winter II, resulting in a revised 2023 Winter II quota of 3,037,824 lb (1,377,934 kg). Because the amount transferred is between 0.5 and 1 million lb (226,796 and 453,592 kg), the Federal per-trip possession limit will increase from 12,000 lb (5,443 kg) to 13,500 lb (6,123 kg), as outlined in the final rule that established the possession limit and quota rollover procedures for this year, published on January 3, 2023 (88 FR 11). The new possession limit will be effective October 1 through December 31, 2023. The possession limit will revert back to 12,000 lb (5,443 kg) at the start of the next fishing year, which begins January 1, 2024.

#### **Classification**

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 648.122(d), which was issued pursuant to section 304(b), and is exempted from review under Executive Order 12866.

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

would be contrary to the public interest. This action transfers unused quota from the Winter I Period to the Winter II Period to make it accessible to the commercial scup fishery and increase fishing opportunities. If the implementation of this in-season action is delayed to solicit prior public comment, the objective of the fishery management plan to achieve the optimum yield from the fishery could be compromised. Deteriorating weather conditions during the latter part of the fishing year may reduce fishing effort, and could also prevent the annual quota from being fully harvested. If this action is delayed, it would reduce the amount of time vessels have to realize the benefits of this quota increase, which would result in negative economic impacts on vessels permitted to fish in this fishery. Moreover, the rollover process being applied here is routine and formulaic and was the subject of notice and comment rulemaking, and the range of potential trip limit changes were outlined in the final 2023 scup specifications that were published on January 3, 2023, which were developed through public notice and comment. The benefit of soliciting additional public comment on this formulaic adjustment would not outweigh the benefits of making this additional quota available to the fishery as quickly as possible. Based on these considerations, there is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delayed effectiveness period for the reasons stated above.

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

Dated: September 1, 2023.

**Jennifer M. Wallace,**

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

[FR Doc. 2023–19309 Filed 9–6–23; 8:45 am]

**BILLING CODE 3510–22–P**

## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 679**

[RTID 0648–XC845]

### **Fisheries of the Exclusive Economic Zone Off Alaska; Snow Crab Rebuilding Plan in the Bering Sea and Aleutian Islands**

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

**ACTION:** Notice of agency decision.