

The affected states and IPHC staff have been notified of these corrections, and the pending correct dates have been announced on NMFS's halibut hotline (1-800-662-9825 or 206 526-6667). NMFS will not take enforcement action against any individuals who relied on the original, incorrect dates in good faith. Therefore, these corrections are anticipated by the public and the state regulatory agencies, and their implementation will cause no harm.

#### Correction

In the **Federal Register** of April 20, 2017 (82 FR 18581), paragraph (8)(d)(i), beginning on page 18583, is corrected to read as follows:

(i) This subarea is divided into an all-depth fishery and a nearshore fishery. The nearshore fishery is allocated 500 pounds of the subarea allocation. The nearshore fishery extends from Leadbetter Point (46°38.17' N. lat., 124°15.88' W. long.) to the Columbia River (46°16.00' N. lat., 124°15.88' W. long.) by connecting the following coordinates in Washington 46°38.17' N. lat., 124°15.88' W. long., 46°16.00' N. lat., 124°15.88' W. long. and connecting to the boundary line approximating the 40 fm (73 m) depth contour in Oregon. The nearshore fishery opens Monday, May 8, and continues 3 days per week (Monday–Wednesday) until the nearshore allocation is taken, or September 30, whichever is earlier. The all-depth fishing season commences on Thursday, May 4, and continues 4 days a week (Thursday–Sunday) until 12,799 lb (5.81 mt) are estimated to have been taken and the season is closed by the Commission, or September 30, whichever is earlier. Subsequent to this closure, if there is insufficient quota remaining in the Columbia River subarea for another fishing day, then any remaining quota may be transferred inseason to another Washington and/or Oregon subarea by NMFS via an update to the recreational halibut hotline. Any remaining quota would be transferred to each state in proportion to its contribution.

#### Classification

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries (AA) finds there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be unnecessary and contrary to public interest. Notice and comment are unnecessary and contrary to the public interest because this action corrects inadvertent errors in regulations for a fishery that opens on May 4, and immediate notice of the error and correction is necessary to

prevent confusion among participants in the fishery that could result from the existing conflict between state and tribal regulations and the final rule. To effectively correct the error, this correction must go into effect as soon as possible, as the affected Pacific halibut sport fisheries open May 4. Thus, there is not sufficient time for notice and comment due to the imminent opening of the fishery. In addition, notice and comment is unnecessary because this action makes only minor changes of which the public, states, and IPHC staff are already aware. This correction will not affect the results of analyses conducted to support management decisions in the Pacific halibut fishery nor change the total catch of Pacific halibut. No change in operating practices in the fishery is required.

For the same reasons stated above, the AA has determined that good cause exists to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d). Because prior notice and an opportunity for public comment are not required to be provided 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 not applicable. Accordingly, no Regulatory Flexibility Analysis is required for this rule and none has been prepared.

This final rule is not significant under Executive Order 12866.

**Authority:** 16 U.S.C. 773–773k; 1801 *et seq.*

Dated: June 14, 2017.

**Alan D. Risenhoover,**

*Acting 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 622

[Docket No. 1206013412-2517-02]

RIN 0648-XF493

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2017 Commercial Accountability Measure and Closure for Gulf of Mexico Greater Amberjack

**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 greater amberjack in the Gulf of Mexico (Gulf) reef fish fishery for the 2017 fishing year through this temporary rule. NMFS projects commercial landings for greater amberjack will reach the commercial annual catch target (ACT) by June 20, 2017. Therefore, NMFS closes the commercial sector for greater amberjack in the Gulf on June 20, 2017, and it will remain closed until the start of the next fishing year on January 1, 2018. This closure is necessary to protect the Gulf greater amberjack resource.

**DATES:** This rule is effective 12:01 a.m., local time, June 20, 2017, until 12:01 a.m., local time, January 1, 2018.

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

**SUPPLEMENTARY INFORMATION:** NMFS manages the reef fish fishery of the Gulf, which includes greater amberjack, under the Fishery Management Plan for the Reef Fish Resources of the Gulf (FMP). The Gulf of Mexico Fishery Management Council (Council) prepared the FMP and NMFS implements the FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. All greater amberjack weights discussed in this temporary rule are in round weight. The commercial annual catch limit (ACL) for Gulf greater amberjack is 464,400 lb (210,648 kg), as specified in 50 CFR 622.41(a)(1)(iii). The commercial quota (equivalent to the commercial ACT) is 394,740 lb (179,051 kg), as specified in 50 CFR 622.39(a)(1)(v).

Under 50 CFR 622.41(a)(1)(i), NMFS is required to close the commercial sector for greater amberjack when the commercial ACT is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has determined the commercial ACT will be reached by June 20, 2017. Accordingly, the commercial sector for Gulf greater amberjack is closed effective 12:01 a.m., local time, June 20, 2017, until 12:01 a.m., local time, January 1, 2018.

The operator of a vessel with a valid commercial vessel permit for Gulf reef fish with greater amberjack on board must have landed, bartered, traded, or sold such greater amberjack prior to 12:01 a.m., local time, June 20, 2017.

During the commercial closure, the sale or purchase of greater amberjack taken from the EEZ is prohibited. The prohibition on sale or purchase does not apply to the sale or purchase of greater amberjack that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, June 20, 2017, and were held in cold storage by a dealer or processor. The commercial sector for greater amberjack will reopen on January 1, 2018, the beginning of the 2018 greater amberjack commercial fishing season.

During the commercial closure, the bag and possession limits specified in 50 CFR 622.38(b)(1) apply to all harvest or possession of greater amberjack in or from the Gulf exclusive economic zone (EEZ). However, the recreational sector for greater amberjack closed on March 24, 2017, until the start of the next fishing year on January 1, 2018 (82 FR 14477, March 21, 2017). During this recreational closure, the bag and possession limits for greater amberjack in or from the Gulf EEZ are zero.

#### Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of Gulf greater amberjack and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.41(a)(1) 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 NOAA Fisheries (AA), finds that the need to immediately implement this action to close the commercial sector for greater amberjack 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 procedures would be unnecessary and

contrary to the public interest. Such procedures are unnecessary because the rule establishing the closure provisions was 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 of the need to immediately implement this action to protect the greater amberjack stock. The capacity of the commercial sector allows for rapid harvest of the commercial quota, and prior notice and opportunity for public comment would require time and would potentially result in harvest exceeding the 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.*

Dated: June 14, 2017.

**Margo B. Schulze-Haugen,**

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

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