

**III. Regulatory Analysis**

*Executive Order 12866, Regulatory Planning and Review and Executive Order 13563, Improvement Regulation and Regulation Review*

Executive Orders (E.O.) 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated as “not significant” under section 3(f) of E.O. 12866.

*Review Under the Regulatory Flexibility Act*

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires an agency to prepare an initial regulatory flexibility analysis to be published at the time the proposed rule is published. This

requirement does not apply if the agency “certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities” (5 U.S.C. 603). This rule makes nomenclature changes and, therefore, does not have a significant economic impact on a substantial number of small entities.

*Review Under the Paperwork Reduction Act*

These nomenclature changes do not contain any information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

*Review Under E.O. 13132*

E.O. 13132, “Federalism,” 64 FR 43255 (August 4, 1999), requires regulations to be reviewed for Federalism effects on the institutional interest of states and local governments, and, if the effects are sufficiently substantial, preparation of the Federal assessment is required to assist senior policy makers. The amendments will not have any substantial direct effects on state and local governments within

the meaning of the E.O. Therefore, no Federalism assessment is required.

**List of Subjects in 14 CFR Part 1215**

Satellites.

Accordingly, under the authority of the National Aeronautics and Space Act, as amended, 51 U.S.C. 20113, NASA amends 14 CFR part 1215 as follows:

**PART 1215—TRACKING AND DATA RELAY SATELLITE SYSTEM (TDRSS)**

■ 1. The authority citation for part 1215 continues to read as follows:

**Authority:** Sec. 203, Pub. L. 85–568, 72 Stat. 429, as amended; 42 U.S.C. 2473.

**§§ 1215.103 1215.108, and 1215.109 [Amended]**

■ 2. In the table below, for each section indicated in the left column, remove the acronym, network name, or office designation indicated in the middle column from wherever it appears in the section, and add the acronym, network name, or office designation indicated in the right column:

Section	Remove	Add
1215.103 .....	Space Network .....	Near Space Network.
1215.103 .....	SNUG .....	NSNUG.
1215.103 .....	Networks Integration Management Office .....	Commercialization, Innovation, and Synergies.
1215.108 .....	SNUG .....	NSNUG.
1215.108 .....	NIMO .....	Near Space Network.
1215.108 .....	Networks Integration Management Office .....	Commercialization, Innovation, and Synergies.
1215.109 .....	NIMO .....	Near Space Network.

**Nanette Smith,**  
*Team Lead, NASA Directives and Regulations.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 622**

[Docket Nos. 090206140–91081–03, 120405260–4258–02, and 200706–0181; RTID 0648–XB557]

**Revised Reporting Requirements Due to Catastrophic Conditions for Federal Seafood Dealers, Individual Fishing Quota Dealers, and Charter Vessels and Headboats in Portions of Louisiana**

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

**ACTION:** Temporary rule; determination of catastrophic conditions.

**SUMMARY:** In accordance with the regulations implementing the individual fishing quota (IFQ), Federal dealer reporting, and Federal charter vessel and headboat (for-hire vessel) reporting programs specific to the reef fish fishery in the Gulf of Mexico (Gulf) and the coastal migratory pelagic (CMP) fisheries in the Gulf, the Regional Administrator (RA), Southeast Region, NMFS, has determined that the catastrophic conditions caused by Hurricane Ida in the Gulf still exists for Jefferson parish in Louisiana. This temporary rule authorizes any dealer in the affected area described in this temporary rule who does not have access to electronic reporting to delay reporting of trip tickets to NMFS and authorizes IFQ participants within the affected area to use paper-based forms, if necessary, for basic required administrative functions. This rule also authorizes any Federal for-hire owner or operator in the affected area described

in this temporary rule who does not have access to electronic reporting to delay reporting of logbook records to NMFS. This temporary rule is intended to facilitate continuation of IFQ, dealer, and Federal for-hire reporting operations during the period of catastrophic conditions.

**DATES:** The RA is authorizing Federal dealers, IFQ participants, and Federal for-hire operators in the affected area to use revised reporting methods from November 1, 2021, through November 30, 2021.

**FOR FURTHER INFORMATION CONTACT:** Britni Lavine, IFQ Customer Service, telephone: 866–425–7627, fax: 727–824–5308, email: [nmfs.ser.catchshare@noaa.gov](mailto:nmfs.ser.catchshare@noaa.gov). For Federal dealer reporting, Fisheries Monitoring Branch, telephone: 305–361–4581. For Federal for-hire reporting, Southeast For-Hire Integrated Electronic Reporting program, telephone: 833–707–1632.

**SUPPLEMENTARY INFORMATION:** The reef fish fishery of the Gulf is managed under the Fishery Management Plan

(FMP) for Reef Fish Resources of the Gulf of Mexico (Reef Fish FMP), prepared by the Gulf of Mexico Fishery Management Council (Gulf Council). The CMP fishery is managed under the FMP for CMP Resources in the Gulf of Mexico and Atlantic Region (CMP FMP), prepared by the Gulf Council and South Atlantic Fishery Management Council. Both FMPs are implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Amendment 26 to the Reef Fish FMP established an IFQ program for the commercial red snapper component of the Gulf reef fish fishery (71 FR 67447; November 22, 2006). Amendment 29 to the Reef Fish FMP established an IFQ program for the commercial grouper and tilefish components of the Gulf reef fish fishery (74 FR 44732; August 31, 2009). Regulations implementing these IFQ programs (50 CFR 622.21 and 622.22) require that IFQ participants have access to a computer and the internet and that they conduct administrative functions associated with the IFQ program, *e.g.*, landing transactions, online. However, these regulations also specify that during catastrophic conditions, as determined by the RA, the RA may authorize IFQ participants to use paper-based forms to complete administrative functions for the duration of the catastrophic conditions. The RA must determine that catastrophic conditions exist, specify the duration of the catastrophic conditions, and specify which participants or geographic areas are affected.

The Generic Dealer Amendment established Federal dealer reporting requirements for federally permitted dealers in the Gulf and South Atlantic (79 FR 19490; April 9, 2014). The Gulf For-Hire Reporting Amendment implemented reporting requirements for Gulf reef fish and CMP owners and operators of for-hire vessels (85 FR 44005; July 21, 2020). Regulations implementing these dealer reporting requirements (50 CFR 622.5) and for-hire vessel reporting requirements (50 CFR 622.26 and 622.374) state that dealers must submit electronic reports and that Gulf reef fish and CMP vessels with the applicable charter vessel/headboat permit must submit electronic fishing reports of all fish harvested and discarded. However, these regulations also specify that during catastrophic conditions, as determined by the RA, the RA may waive or modify the reporting time requirements for dealers

and for-hire vessels for the duration of the catastrophic conditions.

Hurricane Ida made landfall in the United States near Port Fourchon, Louisiana, in the Gulf as a Category 4 hurricane on August 29, 2021. Strong winds and flooding from this hurricane impacted communities throughout coastal Louisiana. This resulted in power outages and damage to homes, businesses, and infrastructure. As a result, the RA determined that catastrophic conditions existed in the Gulf for the Louisiana parishes of Saint Tammany, Orleans, Saint Bernard, Plaquemines, Jefferson, Saint Charles, Lafourche, Terrebonne, Saint Mary, Iberia, Vermilion, and Cameron.

The RA previously authorized Federal dealers and Federal for-hire operators in these affected areas to delay reporting of trip tickets and for-hire logbooks to NMFS, and IFQ participants in this affected area to use paper-based forms, from September 2, 2021, through October 8, 2021 (86 FR 50287; September 8, 2021). The RA subsequently extended that initial authorization through October 31, 2021, through a temporary rule because catastrophic conditions continued to exist in certain Louisiana parishes (86 FR 54657; October 4, 2021). As stated in both temporary rules, NMFS continues to monitor the conditions in this area.

NMFS has received updated reports of continued damage to the infrastructure within the communities of Grand Isle and Lafitte within Jefferson parish, in coastal Louisiana, such as power outages and interruption of water service. Therefore, to provide Federal dealers and Federal for-hire operators in the affected area the continued flexibility to delay reporting of trip tickets and for-hire logbooks to NMFS, and allow IFQ participants in the affected area to use paper-based forms, NMFS extends the current catastrophic conditions determination through November 30, 2021 for Jefferson parish, Louisiana. Through October 31, 2021, the previous catastrophic conditions determination remains in effect for the Louisiana parishes of Saint Tammany, Orleans, Saint Bernard, Plaquemines, Saint Charles, Lafourche, Terrebonne, Saint Mary, Iberia, Vermilion, and Cameron.

Dealers may delay electronic reporting of trip tickets to NMFS during catastrophic conditions. Dealers are to report all landings to NMFS as soon as possible. Assistance for Federal dealers in affected area is available from the NMFS Fisheries Monitoring Branch at 1-305-361-4581. NMFS previously provided IFQ dealers with the necessary paper forms and instructions for

submission in the event of catastrophic conditions. Paper forms are also available from the RA upon request. The electronic systems for submitting information to NMFS will continue to be available to all dealers, and dealers in the affected area are encouraged to continue using these systems, if accessible.

Federal for-hire operators may delay electronic reporting of logbooks to NMFS during catastrophic conditions. Federal for-hire operators are to report all landings to NMFS as soon as possible. Assistance for Federal for-hire operators in affected area is available from the NMFS Southeast For-Hire Integrated Electronic Reporting Program at 1-833-707-1632. The electronic systems for submitting information to NMFS will continue to be available to all Federal for-hire operators, and for-hire operators are encouraged to continue using these systems, if accessible.

The administrative program functions available to IFQ participants in the area affected by catastrophic conditions will be limited under the paper-based system. There will be no mechanism for transfers of IFQ shares or allocation under the paper-based system in effect during catastrophic conditions. Assistance in complying with the requirements of the paper-based system will be available via the NMFS Catch Share Support line, 1-866-425-7627 Monday through Friday, between 8 a.m. and 4:30 p.m., Eastern Time.

#### Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is consistent with the regulations in 50 CFR 622.5(c)(1)(iii), 622.21(a)(3)(iii), and 622.22(a)(3)(iii), which were issued pursuant to section 304(b) of the Magnuson-Stevens Act, and are exempt 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 are unnecessary and contrary to the public interest. Such procedures are unnecessary because the final rules implementing the Gulf IFQ programs, the Gulf and South Atlantic Federal dealer reporting requirements, and Gulf for-hire vessel reporting requirements have already been subject to notice and public comment. These rules authorize the RA to determine when catastrophic conditions exist, and which participants or geographic areas are affected by catastrophic conditions. The final rules also authorize the RA to provide timely notice to affected participants via

publication of notification in the **Federal Register**, NOAA Weather Radio, Fishery Bulletins, and other appropriate means. All that remains is to notify the public that catastrophic conditions continue to exist, that IFQ participants may use paper forms, and that Federal dealers and Gulf for-hire permit holders may submit delayed reports. Such procedures are also contrary to the public interest because of the need to immediately implement this action because affected dealers continue to receive these species in the affected area and need a means of completing their landing transactions. With the continued power outages and damages to infrastructure that have occurred in the affected area due to Hurricane Ida, numerous businesses are unable to complete landings transactions, fishing reports, and dealer reports electronically. In order to continue with their businesses, IFQ participants need to be aware they can report using the paper forms, and Federal dealers and Gulf for-permit holders need to be aware that they can delay reporting.

For the aforementioned reasons, there is 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: October 27, 2021.

**Jennifer M. Wallace,**

*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 679

[Docket No. 211025-0215]

RIN 0648-BK31

#### Fisheries of the Exclusive Economic Zone Off Alaska; Cook Inlet Salmon; Amendment 14

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to implement Amendment 14 to the Fishery Management Plan (FMP) for the Salmon Fisheries in the Exclusive Economic Zone (EEZ) Off Alaska (Salmon FMP). Amendment 14 will incorporate the Cook Inlet EEZ Subarea into the Salmon FMP's West Area,

thereby bringing the Cook Inlet EEZ Subarea and the commercial salmon fisheries that occur within it under Federal management by the North Pacific Fishery Management Council (Council) and NMFS. This action will apply the prohibition on commercial salmon fishing that is currently established in the West Area to the newly added Cook Inlet EEZ Subarea. This final rule is necessary to comply with a U.S. Court of Appeals for the Ninth Circuit ruling and to ensure the Salmon FMP is consistent with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). This final rule is intended to promote the goals and objectives of the Magnuson-Stevens Act, the Salmon FMP, and other applicable laws.

**DATES:** Effective December 3, 2021.

**ADDRESSES:** Electronic copies of the Environmental Assessment and the Regulatory Impact Review (collectively referred to as the "Analysis") and the Finding of No Significant Impact prepared for this final rule may be obtained from <https://www.regulations.gov> or from the NMFS Alaska Region website at <https://www.fisheries.noaa.gov/region/alaska>.

**FOR FURTHER INFORMATION CONTACT:**

Doug Duncan, 907-586-7228 or [doug.duncan@noaa.gov](mailto:doug.duncan@noaa.gov).

**SUPPLEMENTARY INFORMATION:** This final rule implements Amendment 14 to the Salmon FMP. NMFS published the Notice of Availability (NOA) for Amendment 14 in the **Federal Register** on May 18, 2021 (86 FR 26888), with public comments invited through July 19, 2021. NMFS published the proposed rule to implement Amendment 14 in the **Federal Register** on June 4, 2021 (86 FR 29977). Comments submitted on the NOA and the proposed rule for Amendment 14 were considered jointly. The Secretary of Commerce approved Amendment 14 on August 12, 2021, after considering public comment and determining that Amendment 14 is consistent with the Salmon FMP, the Magnuson-Stevens Act, and other applicable laws. No substantive changes have been made from the proposed rule in this final rule.

#### Background

The following provides a brief summary of the background for Amendment 14. Additional information is provided in the preamble of the proposed rule and the Analysis.

The Council's Salmon FMP manages the Pacific salmon fisheries in the EEZ from 3 nautical miles to 200 nautical miles off Alaska. The Council developed

the Salmon FMP under the Magnuson-Stevens Act, and it first became effective in 1979. The Council has divided the Salmon FMP's coverage into the West Area and the East Area, with the boundary between the two areas at Cape Suckling, at 143°53.6' W longitude. The Salmon FMP authorizes commercial salmon fishing in the East Area, and prohibits commercial salmon fishing in the West Area. Through Amendment 12 (December 21, 2012, 77 FR 75570), three small areas in the EEZ—including the Cook Inlet EEZ—where commercial salmon fishing with nets was originally authorized by the International Convention for the High Seas Fisheries of the North Pacific Ocean, as implemented by the North Pacific Fisheries Act of 1954, were excluded from the Salmon FMP and therefore not subject to the West Area prohibition on commercial fishing. Amendment 12's removal of these three areas in the EEZ from the Salmon FMP's West Area allowed the State of Alaska (State) to manage these areas independently and outside of an FMP.

Cook Inlet commercial salmon fishermen and seafood processors challenged Amendment 12 and its implementing regulations, including removal of the Cook Inlet EEZ from the Salmon FMP. *United Cook Inlet Drift Ass'n v. NMFS*, No. 3:13-cv-00104-TMB, 2014 WL 10988279 (D. Alaska 2014). On appeal, the Ninth Circuit held that section 302(h)(1) of the Magnuson-Stevens Act (16 U.S.C. 1852(h)(1)) requires a Council to prepare and submit FMPs for each fishery under its authority that requires conservation and management. *United Cook Inlet Drift Ass'n v. NMFS*, 837 F.3d 1055, 1065 (9th Cir. 2016). Because NMFS agreed that the Cook Inlet EEZ salmon fishery needs conservation and management by some entity, the Ninth Circuit ruled that the Magnuson-Stevens Act requires that fishery be included in the Salmon FMP.

Through its public processes, the Council spent significant time from 2017 to 2020 developing and evaluating management alternatives to comply with the Ninth Circuit's ruling. The Council considered four alternatives, which are described in Section 2 of the Analysis: Alternative 1, status quo management; Alternative 2, Federal management of the Cook Inlet EEZ with specific management measures delegated to the State; Alternative 3, independent Federal management of the Cook Inlet EEZ with specific management measures for the commercial salmon fishery sector in the Cook Inlet EEZ; and Alternative 4, independent Federal management of the Cook Inlet EEZ with a closure of the