

incidental catch allowance at 10 percent, NMFS notes that all harvest, regardless of how it is taken or at what level (*i.e.*, 10 percent or 20 percent), is accounted for under the OFL/ABC/ACL/ACT for this action, and these levels have been determined to prevent overfishing of Pacific sardine and support the rebuilding of the stock. Additionally, reducing the incidental catch allowance is not necessary to ensure these reference points are not exceeded, therefore NMFS does not see a justification to restrict this sector further than the low catch allowance already in place.

#### Classification

Pursuant to section 304(b)(1)(A) of the MSA, the NMFS Assistant Administrator has determined that this final rule is consistent with the CPS FMP, other provisions of the MSA, and other applicable law.

There is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in the date of effectiveness of these final harvest specifications for the 2023–2024 Pacific sardine fishing season. In accordance with the FMP, this rule was recommended by the Council at its meeting in April 2023. The contents of this rule are based on the best scientific information available on the population status of Pacific sardine, which became available at that April 2023 meeting. Making these final specifications effective on July 1, the first day of the fishing year, is necessary for the conservation and management of the Pacific sardine resource because last year's restrictions on harvest are not effective after June 30, 2023. The FMP requires a prohibition on primary directed fishing for Pacific sardine for the 2023–2024 fishing year because the sardine biomass has dropped below the CUTOFF. The purpose of the CUTOFF in the FMP, and for prohibiting a primary directed fishery when the biomass drops below this level, is to protect the stock when biomass is low and provide a buffer of spawning stock that is protected from fishing and can contribute to rebuilding the stock. If these specifications are not effective by July 1, there would be no prohibition on the primary directed fishing, and a significant amount of sardine could theoretically be caught in a short period.

Delaying the effective date of this rule beyond July 1 would be contrary to the public interest because it would jeopardize the sustainability of the Pacific sardine stock. Furthermore, most affected fishermen have already been operating under a prohibition of the primary directed fishery for years, and are aware that the Council

recommended that primary directed commercial fishing be prohibited again for the 2023–2024 fishing year, and are fully prepared to comply with the prohibition.

This final rule is exempt from review under Executive Order 12866.

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 for the purposes of the Regulatory Flexibility Act. The factual basis for the certification was published in the proposed rule (88 FR 31214, May 16, 2023) and is not repeated here. As a result, a final regulatory flexibility analysis was not required and none was prepared.

Pursuant to Executive Order 13175, this rule was developed after meaningful consultation and collaboration with the Council's tribal representative, who has agreed with the provisions that apply to tribal vessels.

This action does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act. There are no relevant Federal rules that may duplicate, overlap, or conflict with the action.

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

Dated: June 20, 2023.

**Samuel D. Rauch, III,**

*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 679

[Docket: 230616–0152]

RIN 0648–BL54

#### **Fisheries of the Exclusive Economic Zone Off Alaska; Amendment 124 to the BSAI FMP for Groundfish and Amendment 112 to the GOA FMP for Groundfish To Revise IFQ Program Regulations; Correction**

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

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** This action corrects an inadvertent drafting error in final regulations published in the **Federal Register** on February 27, 2023, and effective on February 27, 2023. NMFS is correcting regulations to revise the date after which only an eligible community resident of Adak, Alaska may receive by transfer any individual fishing quota (IFQ) held by a community quota entity (CQE) in the Aleutian Islands subarea. In the final rule published on February 27, 2023, NMFS intended to extend by five years the date after which only an eligible community resident of Adak, AK may use or receive by transfer CQE IFQ. This action completes the removal of the Adak CQE residency requirement for a period of five years.

**DATES:** This rule is effective on June 23, 2023.

**FOR FURTHER INFORMATION CONTACT:** Alicia M. Miller, 907–586–7228 or [Alicia.m.miller@noaa.gov](mailto:Alicia.m.miller@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The North Pacific Fishery Management Council (Council) recommended and NMFS issued a final rule to implement Amendment 124 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP) and Amendment 112 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP) (88 FR 12259, February 27, 2023). One element of that final rule temporarily removed the Adak CQE residency requirement for a period of five years. The final rule's intent was to suspend the residency requirement for five years for both transfer and use of CQE IFQ. The final rule revised regulations at § 679.42(e)(8)(ii) and (f)(7)(ii) that otherwise limit the use of sablefish and halibut quota share to eligible community residents of Adak, Alaska. However, the final rule failed to make a corresponding revision at § 679.41(g)(6)(ii).

This action is necessary to correct an inadvertent drafting error in final regulations published on February 27, 2023. NMFS overlooked revising a regulation related to the Adak residency requirement and amending it to impose its suspension for a five-year period. This action corrects that error and modifies regulations at § 679.41(g)(6)(ii) to change the date after which only an eligible community resident of Adak, Alaska may receive by transfer IFQ held by a CQE in the Aleutian Islands subarea. This correcting amendment will fully implement the removal of the Adak CQE residency requirement for a period of five years as intended under

the final rule published on February 27, 2023.

**Classification**

NMFS is issuing this rule pursuant to 304(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The NMFS Assistant Administrator for Fisheries (AA) has determined that this final rule is consistent with the BSAI and GOA FMPs and other applicable law.

Pursuant to 5 U.S.C. 553(b)(B), the 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 in clear and accurate regulations. This action corrects an inadvertent error and makes necessary clarifications to the February 27, 2023 final rule (88 FR 12259). Expeditious correction of the error and clarification is necessary to prevent confusion among participants in the fishery, as the fishery has already begun. In addition, notice and comment is unnecessary because this action makes only a minor change to correct an inadvertent error in final regulations published in the February 27, 2023 final rule (88 FR 12259). This correction will not affect the results of analyses conducted to support management decisions under the IFQ Program. This correction is consistent with the Council's intent for regulations, and the

public expected the regulations to be written as they are in this correction. No change in operating practices in the fishery is required.

Similarly, the AA has determined good cause exists to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d). The change in this action should be effective immediately to prevent further confusion among participants in the fishery. This notice makes only a minor correction to the final rule which was effective February 27, 2023. Delaying effectiveness of this correction would result in conflicting mandates in the regulations and confusion among fishery participants.

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.

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

**List of Subjects in 50 CFR Part 679**

Alaska, Fisheries, Reporting and recordkeeping requirements.

Date: June 16, 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 679 as follows:

**PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA**

■ 1. The authority citation for part 679 continues to read as follows:

**Authority:** 16 U.S.C. 773 *et seq.*; 1801 *et seq.*; 3631 *et seq.*; Pub. L. 108–447; Pub. L. 111–281.

■ 2. In § 679.41, revise paragraph (g)(6)(ii) to read as follows:

**§ 679.41 Transfer of quota shares and IFQ.**

\* \* \* \* \*

(g) \* \* \*

(6) \* \* \*

(ii) In the Aleutian Islands subarea may be used by any person who has received an approved Application for Eligibility as described in paragraph (d) of this section prior to February 28, 2028 and only by an eligible community resident of Adak, AK, after February 28, 2028.

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