

■ 2. In § 73.622 (j), amend the Table of TV Allotments under Nevada by revising the entry for Winnemucca to read as follows:

§ 73.622 Digital television table of allotments.

* * * * *

(j) * * *

	Channel No.
* * * * *	
Nevada	
* * * * *	
Winnemucca	16
* * * * *	

[FR Doc. 2023–25394 Filed 11–21–23; 8:45 am]
 BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 223

[Docket No. 231116–0271; RTID 0648–XR131]

Endangered and Threatened Wildlife and Plants; Technical Correction for the Giant Manta Ray

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

ACTION: Direct final rule.

SUMMARY: We, NMFS, announce the revised taxonomy of *Manta birostris* (giant manta ray) under the Endangered Species Act of 1973, as amended (ESA). We are revising the Enumeration of threatened marine and anadromous species for the giant manta ray to reflect the scientifically accepted taxonomy and nomenclature of this species. We revise the scientific name of the species to *Mobula birostris*. The changes to the taxonomic classification and nomenclature do not affect the species’ listing status under the ESA or any protections and requirements arising from its listing.

DATES: This rule is effective January 22, 2024 without further action, unless significant adverse comment is received by December 22, 2023. If significant adverse comments are received, the NMFS will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: You may submit comments on this document, identified by NOAA–

NMFS–2023–0141, by the following method:

• **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA–NMFS–2023–0141 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on <https://www.regulations.gov> without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Maggie Miller, NMFS, Office of Protected Resources, (301) 427–8457.

SUPPLEMENTARY INFORMATION:

Purpose of This Rule

The purpose of our direct final rule is to notify the public that we are revising the Enumeration of threatened marine and anadromous species (50 CFR 223.102(e)) to reflect the scientifically accepted taxonomy and nomenclature of one fish species, the giant manta ray, listed under section 4 of the ESA (16 U.S.C. 1531 *et seq.*). The change reflects the most recently accepted scientific name in accordance with 50 CFR 223.102(b).

We are publishing this rule as a direct final rule because this is a noncontroversial action that reflects decisions already taken in the scientific community, such that prior notice and an opportunity to comment is unnecessary. This rule does not change the listing status of the species under the ESA and does not alter any protections afforded the species or any other legal requirements arising from the species’ listing under the ESA. This change should be undertaken in as timely a manner as possible. This rule will be effective, as published in this document on the effective date specified in **DATES**, unless we receive significant adverse comments on or before the comment due date specified in **DATES**. Significant adverse comments are comments that provide strong scientific justification as to why the taxonomic and nomenclature changes to the

Enumeration of the listed entity should not be adopted or why the rule should be changed. Please include sufficient scientific information with your comments that will allow us to verify the basis for any significant adverse comments.

If we receive significant adverse comments, we will publish a notice in the **Federal Register** withdrawing this rule before the effective date, and we will engage in notice and comment rulemaking under the applicable requirements of the Administrative Procedure Act to promulgate these changes to 50 CFR 223.102(e).

Background

Under 50 CFR 223.102(b), we use the most recently accepted scientific name of any species that we have determined to be threatened under the ESA. The ESA likewise requires that listing decisions be based solely on the best scientific and commercial data available (see 16 U.S.C. 1533(b)(1)(A)). Using the best available scientific information, our direct final rule documents a taxonomic change (scientific name) to the giant manta ray. This change is supported by a study published in a peer-reviewed journal as well as acceptance by scientists and a number of national and international renowned organizations. We revise the scientific name of the giant manta ray listed under section 4 of the ESA (16 U.S.C. 1531 *et seq.*) as follows: *Mobula birostris*. We make this change to the Enumeration of threatened marine and anadromous species (50 CFR 223.102(e)) to reflect the most recently accepted scientific name in accordance with 50 CFR 223.102(b).

Taxonomy Classification

Mobula Birostris

The scientific name change to *Mobula birostris* (giant manta ray) from *Manta birostris* is supported by genetic and morphological evidence (White *et al.* 2018). White *et al.* (2018) used molecular data from giant manta ray muscle tissues in Indonesia and the Philippines to describe the relationship of this species to ten other mobulid rays. Results from the phylogenetic analysis identified giant manta rays, as well as reef manta rays (previously *Manta alfredi*), to be nested within the genus *Mobula*, forming a sister relationship with *Mobula mobular* (White *et al.* 2018). Prior to this comprehensive genetic analysis, both manta rays were considered to be under a separate genus, *Manta*, as they both had a distinct morphological character—a terminal mouth. The other mobulid rays, under the genus *Mobula*, all had subterminal

mouths. However, the mitochondrial genome and nuclear exon data show the inclusion of *Manta* under the genus *Mobula*, suggesting the terminal mouth is a derived character within *Mobula* (White *et al.* 2018). Additionally, White *et al.* (2018) point out that another morphological character, the spiracle position relative to the plane of the disc, is dorsal for the manta rays but also for the sister species, *Mobula mobular*, whereas the remaining smaller *Mobula* species have it located ventrally. As such, this morphological distinction also supports the finding of the genetic analysis that *M. birostris* forms a clade with *M. mobular*. Based on this study, many scientists have accepted the taxonomic change for giant manta rays and used the updated taxonomy in recent research publications (*e.g.*, Cabral *et al.* 2023; Carpenter *et al.* 2023; Garzon *et al.* 2023; Rambahiniarison *et al.* 2023). Additionally, many national and international organizations have adopted the taxonomy, including the American Fisheries Society, Eshmeyer's Catalog of Fishes, FishBase, the International Union for Conservation of Nature, the Food and Agriculture Organization of the United Nations, and the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

NMFS, therefore, recognizes the taxonomic change and is making technical revisions to 50 CFR 223.102(e) to reflect the most recently accepted scientific name based on the best available scientific information about the listed species. Once the changes to 50 CFR 224.102(3) take effect, the taxonomic change will be incorporated into all new NMFS publications pertaining to the species. This species will continue to be listed as threatened and is subject to the same protections as existed prior to these changes. No other aspect of the entry for this species in 50 CFR 223.102(e) will change as a result of this rule.

Required Determinations

The Assistant Administrator for Fisheries finds that good cause exists to waive the requirement for prior notice and opportunity for public comment,

pursuant to 5 U.S.C. 553(b)(B). Such procedures would be unnecessary as the taxonomic change made in this rule is technical and reflects decisions already taken in the scientific community. This rule does not change the listing status of the giant manta ray under the ESA, and therefore does not alter the legal protections afforded to the species or any other requirements arising from its listing under the ESA or add any new requirements.

This action is not subject to review under Executive Order (E.O.) 12866. Because a general notice of proposed rulemaking is not required, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, are inapplicable.

This final rule does not contain policies with federalism implications under E.O. 13132. Policies that have federalism implications refers to regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. This final rule does not have federalism implications; therefore, the agency did not follow the additional consultation procedures outlined in E.O. 13132.

This rule does not contain any collections of information that require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This rule will not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations.

E.O. 12898 requires that Federal actions address environmental justice in the decision-making process. In particular, the environmental effects of the actions should not have a disproportionate effect on minority and low-income communities. This rule is not expected to have a disproportionate effect on minority populations or low-income populations.

This final rule makes a taxonomic change relative to a previous listing

determination under the ESA to reflect the most recently accepted scientific name based on the best available scientific information about the species' taxonomy and nomenclature. NMFS has concluded that the National Environmental Policy Act (NEPA) does not apply to ESA listing actions, and we conclude that NEPA does not apply to this correction to the identification of the listed species to reflect the best available scientific information (see NOAA Administrative Order 216-6A and the Companion Manual for NOAA Administrative Order 216-6A, regarding Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities).

References Cited

A complete list of references is available on our website at: <https://www.fisheries.noaa.gov/action/final-rule-list-giant-manta-ray-threatened-under-endangered-species-act>.

List of Subjects in 50 CFR Part 223

Endangered and threatened species.

Dated: November 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 223 as follows:

PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

■ 1. The authority citation for part 223 is revised to read as follows:

Authority: 16 U.S.C. 1531 1543; subpart B, § 223.201–202 also issued under 16 U.S.C. 1361 *et seq.*; 16 U.S.C. 5503(d) for § 223.206(d)(9).

■ 2. In § 223.102, amend the table in paragraph (e), under the heading “Fishes” by revising the entry for “Ray, giant manta” to read as follows:

§ 223.102 Enumeration of threatened marine and anadromous species.

* * * * *
(e) * * *

Species ¹		Description of listed entity	Citation(s) for listing determination(s)	Critical habitat	ESA rules
Common name	Scientific name				
* FISHES	*	*	*	*	*
* Ray, giant manta	* <i>Mobula birostris</i>	* Entire species	* 83 FR 2916, Jan. 22, 2018.	* NA	* NA

Species ¹		Citation(s) for listing determination(s)	Critical habitat	ESA rules
Common name	Scientific name			
*	*	*	*	*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 231101-0256; RTID 0648-XD532]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Re-Opening of Commercial Fishery for Golden Tilefish in the South Atlantic

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

ACTION: Temporary rule; re-opening.

SUMMARY: NMFS announces the re-opening of the commercial sector for golden tilefish in the exclusive economic zone (EEZ) of the South Atlantic. The 2023 commercial annual catch limits (ACLs) for the hook-and-line and longline components have recently increased through a separate rule. Therefore, NMFS re-opens the hook-and-line and longline components of the commercial sector for golden tilefish in the South Atlantic EEZ to allow the commercial ACL to be caught while increasing the corresponding benefit to the Nation with respect to providing food production.

DATES: This temporary rule is effective from December 7, 2023, through December 31, 2023.

FOR FURTHER INFORMATION CONTACT: Mary Vara, NMFS Southeast Regional Office, telephone: 727-824-5305, email: mary.vara@noaa.gov.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes golden tilefish and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council (Council) and NMFS. The FMP is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. All weights

described in this temporary rule are in gutted weight.

The commercial sector for golden tilefish is composed of the hook-and-line and longline components, each with individual catch limits. Under the commercial accountability measures (AMs) for golden tilefish at 50 CFR 622.193(a)(1)(i) and (ii), NMFS is required to close each commercial component for golden tilefish when the applicable commercial quota specified under 50 CFR 622.190(a)(2)(ii) or (iii) is reached or is projected to be reached through a notification in the **Federal Register**. Earlier in the 2023 fishing year, NMFS determined separately that the commercial component quotas for golden tilefish in the South Atlantic were reached, and closed the hook-and-line component on October 31 (88 FR 74066, October 30, 2023) and closed the longline component on April 7 (88 FR 20079, April 5, 2023) for the rest of 2023 as required by the commercial AMs [50 CFR 622.193(a)(1)(i) and (ii)].

Also earlier in the 2023 fishing year, NMFS determined that the golden tilefish recreational sector reached its ACL, and NMFS closed the sector as required by the recreational AMs for the rest of 2023 (50 CFR 622.193(a)(2)(i); 88 FR 45369, July 17, 2023).

On November 7, 2023, NMFS published the final rule to implement Amendment 52 to the FMP, and that final rule is effective on December 7, 2023 (88 FR 76696). Among other management measures, Amendment 52 and the final rule increased the total ACL for golden tilefish in the South Atlantic EEZ. For the 2023 fishing year, the total ACL is 435,000 lb (197,313 kg).

The total ACL is divided between the commercial and recreational sectors, and the commercial ACL for golden tilefish is allocated 25 percent to the hook-and-line component and 75 percent to the longline component. The final rule to implement Amendment 52 increased the component ACLs, which are equivalent to the component quotas, based on the higher commercial ACL. In the 2023 fishing year, the hook-and-line component quota is 105,161 lb (47,700 kg) and the longline component quota is 315,484 lb (143,101 kg).

The final rule for Amendment 52 also increased the recreational ACL for golden tilefish to 2,559 fish for the 2023 fishing year. However, the most recent recreational landings data of South

Atlantic golden tilefish indicate that the recently increased recreational ACL for 2023 has already been reached. Therefore, NMFS will not reopen the recreational harvest of golden tilefish in the South Atlantic during the 2023 fishing year.

In accordance with 50 CFR 622.8(c), NMFS re-opens the commercial hook-and-line and longline components for golden tilefish on December 7, 2023. The commercial components will remain open through the rest of the 2023 fishing year ending on December 31, 2023, to allow for the commercial ACL to be reached. NMFS has determined that this re-opening will allow for an additional opportunity to commercially harvest the increased hook-and-line and longline component quotas for golden tilefish in 2023 while also increasing the corresponding benefit to the Nation with respect to providing food production.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.8(c), issued pursuant to section 304(b), and is 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 is unnecessary and contrary to the public interest. Such procedures are unnecessary and contrary to public interest because the regulations associated with the increased harvest levels and reopening of golden tilefish commercial components have already been subject to notice and public comment, and all that remains is to notify the public of the commercial reopening.

For the reasons stated earlier, the Assistant Administrator for Fisheries 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: November 17, 2023.

Kelly Denit,

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

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