

more than their allocated number of trips in the area. The projected date on which the LAGC IFQ fleet will have taken all of its allocated trips in an Access Area becomes apparent only as trips into the area(s) occur on a real-time basis and as activity trends begin to appear. Current trip counts are regularly posted to the monitoring website ([https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/Scallop Program/CURRENT\\_REPORTS/LAGC\\_AA\\_TRIPS.html](https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/Scallop Program/CURRENT_REPORTS/LAGC_AA_TRIPS.html)), giving regulated entities near-real time access to the status of impending closures. Nevertheless, NMFS can only make an accurate projection of a specific closure date very close in time to when the fleet has taken all of its allocated trips. If NMFS solicited public comment on this mandatory closure action then the LAGC IFQ scallop vessels would exceed their allocated number of trips in the Area I, Area II, and New York Bight Scallop Access Areas. Excessive trips and harvest from the Area I, Area II, and New York Bight Scallop Access Areas would result in excessive fishing effort in the area, where precise effort controls are critical, thereby undermining conservation objectives of the Atlantic Sea Scallop Fishery Management Plan and requiring more restrictive future management measures to prevent overfishing. Accordingly, delaying this action to provide prior notice and a comment period would harm scallop resources and the scallop fishing industry. The public had prior notice and full opportunity to comment on this closure process in Amendment 11 to the Atlantic Sea Scallop Fishery Management Plan (FMP) (73 FR 20090; April 14, 2008). The public also had prior notice and full opportunity to comment on the action to set specifications for the 2024 fishing year in Framework Adjustment 38 to the Scallop FMP (89 FR 20341; March 22, 2024). Regulated parties and stakeholders, were given a meaningful opportunity to comment on the regulatory scheme, and they are on notice to anticipate this specific closure action. For these reasons, NMFS has good cause to waive notice and comment for this action, which flows from and was specifically required by regulations that underwent notice and comment rulemaking. For these same

reasons, NMFS further finds, under 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period.

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

Dated: July 11, 2024.

**Lindsay Fullenkamp,**

*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 648

[Docket No. 231215-0305; RTID 0648-XE107]

#### Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer From Virginia to Massachusetts

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

**ACTION:** Temporary rule; quota transfer.

**SUMMARY:** NMFS announces that the Commonwealth of Virginia is transferring a portion of its 2024 commercial summer flounder quota to the Commonwealth of Massachusetts. This adjustment to the 2024 fishing year quota is necessary to comply with the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) quota transfer provisions. This announcement informs the public of the revised 2024 commercial quotas for Virginia and Massachusetts.

**DATES:** Effective July 15, 2024 through December 31, 2024.

**FOR FURTHER INFORMATION CONTACT:** Laura Deighan, Fishery Management Specialist, (978) 281-9184.

**SUPPLEMENTARY INFORMATION:** Regulations governing the summer flounder fishery are found in 50 CFR 648.100 through 648.111. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each

state is described in § 648.102, and the final 2024 allocations were published on December 21, 2023 (88 FR 88266).

The final rule implementing amendment 5 to the FMP, as published in the **Federal Register** on December 17, 1993 (58 FR 65936), provided a mechanism for transferring summer flounder commercial quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can transfer or combine summer flounder commercial quota under § 648.102(c)(2). The Regional Administrator is required to consider three criteria in the evaluation of requests for quota transfers or combinations: (1) the transfers or combinations would not preclude the overall annual quota from being fully harvested; (2) the transfers address an unforeseen variation or contingency in the fishery; and (3) the transfers are consistent with the objectives of the FMP and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Regional Administrator has determined these three criteria have been met for the transfer approved in this notification.

Virginia is transferring 5,025 pounds (lb; 2,279 kilograms (kg)) to Massachusetts through a mutual agreement between the states. This transfer was requested to repay landings made by an out-of-state permitted vessel under a safe harbor agreement. The revised summer flounder quotas for 2024 are: Virginia, 1,890,242 lb (857,399 kg); and Massachusetts, 613,208 lb (278,146 kg).

#### Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 648.102(c)(2)(i) through (iv), which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempted from review under Executive Order 12866.

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

Dated: July 11, 2024.

**Lindsay Fullenkamp,**

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

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