

Under this interim final rule, the limit at 50 CFR 300.224(a) will change from 3,554 mt to 6,554 mt. The limit of 6,554 mt will remain effective until replaced. No other changes to the regulations at 50 CFR 300.224 would be made at this time. As noted above, Table 3 of CMM 2023–01 expressly prohibits attribution of catch of U.S. longline vessels operating under agreements to the U.S. participating territories. Accordingly, approval of specified fishing agreements under 50 CFR 300.224(d) is no longer authorized. NMFS will update the regulatory provision at § 300.224(d) as part of a future rulemaking.

Paragraph 38 of CMM 2023–01 continues the provision of requiring any overages of limits to be deducted from the following year's limit.

CMM 2023–01 is in effect until February 15, 2027. However, as has been NMFS's practice, the elements of the interim final rule will remain in effect until they are replaced or amended, to avoid a lapse in the management of the fisheries.

### The Action

The Commission-adopted longline bigeye tuna catch limit for the United States for 2024 is 6,554 mt. Thus, NMFS is implementing a calendar year catch limit of 6,554 mt that would remain effective until replaced.

The calendar year longline bigeye tuna catch limit will apply to U.S.-flagged longline vessels operating as part of the U.S. longline fisheries. The limit will not apply to catch landed in the U.S. territories of American Samoa, CNMI, or Guam or catch made by vessels with dual permits outside of the U.S. EEZ surrounding Hawaii.

Consistent with the basis for the limits prescribed in CMM 2023–01 and with regulations issued by NMFS to implement bigeye tuna catch limits in U.S. longline fisheries as described below, the catch limit is measured in terms of retained catches—that is, bigeye tuna that are caught by longline gear and retained on board the vessel.

Existing regulations at 50 CFR 300.224 regarding announcement of a fishery closure and prohibitions during a fishery closure will remain in place under this proposed action.

### Classification

The Administrator, Pacific Islands Region, NMFS, has determined that this interim final rule is consistent with the WCPFC Implementation Act and other applicable laws, subject to further consideration after public comment.

### Administrative Procedure Act

There is good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment on the interim final rule, because prior notice and the opportunity for public comment would be contrary to the public interest. NMFS anticipates the currently codified 3,554 mt longline bigeye tuna catch limit to be reached imminently. If the limit is not revised before it is reached, regulations require the fishery to close, which would be contrary to the public interest because the fishery would close under a limit that is no longer consistent with applicable law (CMM 2023–01). Prior notice and comment is also unnecessary because stakeholders and industry groups were involved with the development of this action as active participants in WCPFC negotiations leading to the adoption of CMM 2023–01. Nevertheless, NMFS will consider and respond to public comments received on the interim final rule and will accordingly make any appropriate revisions.

Consistent with 5 U.S.C. 553(d)(1), this interim final rule will become effective immediately upon publication because it is a substantive rule which relieves a regulatory restriction (*i.e.*, modifies the bigeye tuna catch limit from 3,554 mt to 6,554 mt).

### Coastal Zone Management Act (CZMA)

NMFS determined that this action is consistent to the maximum extent practicable with the enforceable policies of the approved coastal management program of American Samoa, the CNMI, Guam, and the State of Hawai'i. Determinations to Hawai'i and each of the territories were submitted on June 6, 2024, for review by the responsible State and territorial agencies under section 307 of the CZMA.

### Executive Order 12866

This interim final rule has been determined to be not significant for purposes of Executive Order 12866.

### Regulatory Flexibility Act

Because prior notice and opportunity for public comment are not required for the interim final 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 inapplicable. As stated above, there is good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment on the interim final rule, because prior notice and the opportunity for public comment would be contrary to the public interest. Therefore, no regulatory flexibility

analysis was required and none has been prepared.

### Paperwork Reduction Act

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

### List of Subjects in 50 CFR Part 300

Administrative practice and procedure, Fish, Fisheries, Fishing, Marine resources, Reporting and recordkeeping requirements, Treaties.

Dated: July 30, 2024.

**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 300, subpart O, as follows:

## PART 300—INTERNATIONAL FISHERIES REGULATIONS

### Subpart O—Western and Central Pacific Fisheries for Highly Migratory Species

- 1. The authority citation for 50 CFR part 300, subpart O, continues to read as follows:

**Authority:** 16 U.S.C. 6901 *et seq.*

- 2. In § 300.224, revise paragraph (a)(1) to read as follows:

#### § 300.224 Longline fishing restrictions.

\* \* \* \* \*

(a) \* \* \*

(1) There is a limit of 6,554 metric tons of bigeye tuna per calendar year that may be captured in the Convention Area by longline gear and retained on board by fishing vessels of the United States.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 240610–0155; RTID 0648–XE156]

### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2024 Commercial Closure of Red Snapper in the South Atlantic

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS implements an accountability measure for red snapper in the exclusive economic zone (EEZ) of the South Atlantic. NMFS projects that commercial landings of red snapper have reached the commercial annual catch limit (ACL) for the 2024 fishing year. Therefore, NMFS is closing the commercial sector for red snapper in the South Atlantic EEZ. This closure is necessary to protect the red snapper resource.

**DATES:** This temporary rule is effective from August 6, 2024 through December 31, 2024.

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

**SUPPLEMENTARY INFORMATION:** The snapper-grouper fishery of the South Atlantic includes red snapper 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 and NMFS, and 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.

On June 14, 2024, NMFS published a final temporary rule to reduce overfishing of red snapper in Federal waters of the South Atlantic (89 FR 50530). Regulations at 50 CFR 622.193(aa)(1) specify the commercial ACL and accountability measure for red snapper in the South Atlantic for the 2024 fishing year. Among other

measures, for the 2024 fishing year the commercial ACL was reduced from 124,815 pounds (lb) or 56,615 kilograms (kg) to 85,268 lb (38,677 kg), round weight (50 CFR 622.193(aa)(1)). NMFS is required to close the commercial sector for red snapper when NMFS projects its landings will reach or have reached the commercial ACL. NMFS has determined that the commercial ACL for South Atlantic red snapper has been reached. Accordingly, the commercial sector for South Atlantic red snapper is closed from August 6, 2024 through the end of 2024. Unless NMFS specifies otherwise, the commercial season for the 2025 fishing year will begin on the second Monday in July [50 CFR 622.183(b)(5)(i)].

The operator of a vessel with a valid commercial vessel permit for South Atlantic snapper-grouper with red snapper on board must have landed and bartered, traded, or sold such red snapper prior to August 6, 2024. Because the harvest of red snapper by the recreational sector is also closed for the rest of 2024 (89 FR 50530, June 14, 2024), during this commercial closure, all harvest and possession of red snapper in or from the South Atlantic EEZ is prohibited through the end of 2024.

Also during the commercial closure for South Atlantic red snapper, all sale or purchase of red snapper is prohibited. This prohibition on the harvest, possession, sale, or purchase applies in the South Atlantic on a vessel issued a Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper, regardless if such species were harvested or possessed in state or Federal waters [50 CFR 622.181(c)(2) and 622.193(aa)(1)].

## Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.193(aa)(1), which was issued pursuant to section 305(c) of the Magnuson-Stevens Act, 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 are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule that established the accountability measure for red snapper has already been 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 red snapper because the capacity of the fishing fleet allows for rapid harvest of the commercial ACL. Prior notice and opportunity for public comment would require time and could potentially result in a harvest well in excess of the established commercial ACL.

For the reasons just stated, there is also 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: August 1, 2024.

**Lindsay Fullenkamp,**

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

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