

the device meet the specific technical standards in this part.

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(j) Notwithstanding other provisions of this section, the rules governing certification apply to any equipment produced by any entity identified on the Covered List, as established pursuant to § 1.50002 of this chapter, as producing covered communications equipment.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 140819687-5583-02; RTID 0648-XC734]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region; 2022-2023 Commercial Trip Limit Reduction for Spanish Mackerel in the Atlantic Southern Zone

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

ACTION: Temporary rule; trip limit reduction.

SUMMARY: NMFS reduces the commercial trip limit for the Atlantic migratory group of Spanish mackerel in the southern zone of the Atlantic exclusive economic zone (EEZ) to 1,500 lb (680 kg) in round or gutted weight per day. This commercial trip limit reduction is necessary to increase the socioeconomic benefits of the fishery.

DATES: This temporary rule is effective from 6 a.m. eastern time on February 4, 2023, until 12:01 a.m. eastern time on March 1, 2023.

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

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish in the Atlantic EEZ includes king mackerel, Spanish mackerel, and cobia on the east coast of Florida, and is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils 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. All weights described for the Atlantic migratory group of Spanish mackerel (Atlantic Spanish mackerel) apply as either round or gutted weight.

For management purposes, the commercial sector of Atlantic Spanish mackerel is divided into northern and southern zones. The southern zone consists of Federal waters off South Carolina, Georgia, and the east coast of Florida, as specified in 50 CFR 622.369(b)(2)(ii). The southern zone boundaries for Atlantic Spanish mackerel extend from the border of North Carolina and South Carolina, which is a line extending in a direction of 135°34'55" from true north beginning at 33°51'07.9" N latitude and 78°32'32.6" W longitude to the intersection point with the outward boundary of the EEZ, to the border of Miami-Dade and Monroe Counties in Florida at 25°20'24" N latitude.

The southern zone commercial quota for Atlantic Spanish mackerel is 2,667,330 lb (1,209,881 kg). Seasonally variable trip limits are based on an adjusted commercial quota of 2,417,330 lb (1,096,482 kg). The adjusted commercial quota is calculated to allow continued harvest in the southern zone at a set rate for the remainder of the current fishing year, through February 28, 2023, in accordance with 50 CFR 622.385(b)(2).

As specified at 50 CFR 622.385(b)(1)(ii)(B), after 75 percent of the adjusted commercial quota of Atlantic Spanish mackerel for the southern zone is reached or is projected to be reached, Atlantic Spanish mackerel in or from the EEZ in the southern zone may not be possessed on board or landed from a vessel that has been issued a Federal permit for Atlantic Spanish mackerel in amounts exceeding 1,500 lb (680 kg) per day.

NMFS has determined that 75 percent of the adjusted commercial quota for Atlantic Spanish mackerel for the southern zone will be reached by February 4, 2023. Accordingly, the commercial trip limit of 1,500 lb (680 kg) per day applies to Atlantic Spanish mackerel harvested in or from the EEZ in the southern zone effective from 6 a.m. eastern time on February 4, 2023, until 12:01 a.m. eastern time on March 1, 2023, unless NMFS announces a subsequent change through a notification in the **Federal Register**.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR

622.385(b)(1)(ii)(B), which was issued pursuant to section 304(b) 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 is unnecessary and contrary to the public interest. Such procedures are unnecessary because the regulations associated with the commercial trip limit for Atlantic Spanish mackerel have already been subject to notice and public comment, and all that remains is to notify the public of the commercial trip limit reduction. Prior notice and opportunity for public comment on this action is contrary to the public interest because of the time required to provide notice and an opportunity for public comment. There is a need to immediately implement the commercial trip limit reduction to increase the socioeconomic benefits of the fishery. The capacity of the fishing fleet allows for rapid harvest of the commercial quota, and any delay in reducing the commercial trip limit could result in the commercial quota being reached. If the commercial quota is reached, NMFS is required to implement further fishery restrictions, thereby limiting the socioeconomic benefits of the fishery.

For the reasons stated earlier, there is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness of this action.

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

Dated: February 1, 2023.

Ngagne Jafnar Gueye,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2023-02439 Filed 2-1-23; 4:15 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 230119-0020]

RIN 0648-BJ04

Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Omega Electronic Mesh Measurement Gauge Method for Measuring Net Mesh Size

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

ACTION: Final rule.

SUMMARY: This rule modifies regulations to add the Omega net mesh measurement gauge as a permissible device for net mesh measurement and to correct regulatory references to gear restrictions. This action is required to allow the use of the Omega gauge as a method for measuring and enforcing net mesh size. Adoption of the Omega gauge, a handheld electronic device, is intended to improve the efficiency, safety, and cost-effectiveness of at-sea net mesh enforcement.

DATES: Effective February 6, 2023.

FOR FURTHER INFORMATION CONTACT:

Spencer Talmage, Fishery Policy Analyst, phone: (978) 281-9232; email: *Spencer.Talmage@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Omega Electronic Net Mesh Measurement Gauge

Under section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act, the Secretary of Commerce is authorized to implement regulations that are necessary to carry out any fishery management plan or amendment. We have determined that the adoption of the Omega electronic net mesh measurement gauge (Omega gauge) as an enforcement tool by the U.S. Coast Guard, NMFS Office of Law Enforcement, and other authorized enforcement agencies to measure net mesh sizes of trawl gear will improve the safety, efficiency, and cost-effectiveness of enforcement boardings at-sea. The Omega gauge will assist in the enforcement of gear requirements for all fishery management plans (FMP) administered by the Greater Atlantic Regional Fisheries Office, but is otherwise administrative and will not result in any changes to fishing behavior or obligations of the fishing industry. We are amending the regulations in §§ 648.51(a)(2)(ii) and (b)(4)(v), 648.80(f)(2), and 648.108(a)(2) to add the Omega gauge to trawl net mesh measurement protocols.

The Omega gauge is an automated, handheld electronic device for measuring net mesh size. A full description of its properties is available in the proposed rule (87 FR 59386, September 30, 2022).

Following the recommendation of its Joint Enforcement Committee and Advisory Panel, the New England Fishery Management Council recommended the use of the Omega gauge for net mesh size measurement. Subsequently, the NOAA Office of Law Enforcement and Office of General

Counsel reviewed the study results, operations manual, and other information and determined the Omega gauge is suitable for net mesh measurements.

Regulatory Corrections

We are also amending the regulations at §§ 648.80(c)(2)(i) and (ii) and 648.125(a)(2) to correct cross-references that erroneously direct readers to minimum fish sizes in the summer flounder fishery at § 648.104. The correct reference is to summer flounder gear restrictions at § 648.108(a)(2).

The erroneous cross-references contribute to public confusion and potential misunderstanding of gear requirements and restrictions. This correction will ensure accurate information and notice is provided to fishing industry participants of these requirements and restrictions. This correction clarifies compliance requirements and does not impose any new requirements. Correcting this cross-reference error improves clarity and reduces chances for confusion. The gear requirements in the corrected cross-references are longstanding, have been widely and regularly communicated in NMFS' bulletins, permit-holder letters, and website. Based on this NMFS expects that vessels are already in compliance with the gear requirements in the cross-references being corrected.

Comments and Responses

We received no comments on the proposed rule and, as such, no substantive changes from the proposed rule were made as a result of the open comment period.

Classification

NMFS is issuing this rule pursuant to 305(d) of the Magnuson-Stevens Act. Pursuant to Magnuson-Stevens Act section 305(d), this action is necessary to carry out the trawl net mesh measurement regulations for all FMPs administered by the Greater Atlantic Regional Fisheries Office. It provides an efficient, safe, and cost-effective tool for net mesh size enforcement that is expected to lead to improved boardings-at-sea and more effective implementation and enforcement of net mesh size requirements. The NMFS Assistant Administrator has determined that this final rule is consistent with the Magnuson-Stevens Act and other applicable law.

This final rule has been determined to be not significant for purposes of Executive Order (E.O.) 12866.

There is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date for this rule. The 30-day

delay in effective date is unnecessary and would be contrary to the public interest. This rule is not controversial and is easy to understand, as evidenced by the lack of any public comment on this rule. Further, the 30-day delayed effective date is unnecessary because adoption of the Omega gauge by Coast Guard or NMFS authorized officers does not require vessels to change any fishing behavior. The Omega gauge is a tool for authorized officers to use to measure fish mesh size for compliance with current, long-existing mesh size requirements. Delayed use of the Omega gauge is also contrary to the public interest because it is expected to benefit vessel and operator permit holders and vessel crewmembers by improving the efficiency of at-sea boardings without imposing any new costs on them.

Delay in the effective date of this rule would also be unnecessary and contrary to the public interest because current regulations relating to summer flounder vessel net requirements include incorrect references to summer flounder permitted vessel gear requirements. This rule corrects that mistake and thereby provides accurate notice to fishermen of their compliance requirements. Implementing correct information thus avoids any potential confusion and facilitates compliance and fishing practices consistent with the summer flounder fishery management plan's requirements.

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. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

This final rule does not contain any information collection requirements under the Paperwork Reduction Act of 1995.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: January 23, 2023.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons stated in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.51, revise paragraphs (a)(2)(ii) and (b)(4)(v) to read as follows:

§ 648.51 Gear and crew restrictions.

(a) * * *

(2) * * *

(ii) *Measurement of mesh size.* Mesh size is measured by using an electronic Omega gauge or a wedge-shaped gauge. The Omega gauge has a measuring range of at least 10–300 mm (0.4 inches–11.81 inches), and shall be inserted into the meshes under a pressure or pull of 125 N or 12.75 kg for mesh greater than or equal to 55 mm (2.17 inches) and under a pressure or pull of 50 N or 5.10 kg for mesh less than 55 mm (2.17 inches). The wedge shaped gauge, with a taper of 2 cm (0.79 inches) in 8 cm (3.15 inches) and a thickness of 2.3 mm (0.09 inches), shall be inserted into the meshes under a pressure or pull of 5 kg (11.02 lb) for mesh size less than 120 mm (4.72 inches) and under a pressure or pull of 8 kg (17.64 lb) for mesh size at, or greater than, 120 mm (4.72 inches). The mesh size is the average of the measurements of any series of 20 consecutive meshes for nets having 75 or more meshes, and 10 consecutive meshes for nets having fewer than 75 meshes when using either the Omega gauge or the wedge-shaped gauge. The mesh in the regulated portion of the net is measured at least five meshes away from the lacings running parallel to the long axis of the net.

* * * * *

(b) * * *

(4) * * *

(v) *Measurement of twine top mesh size.* Twine top mesh size is measured by using an electronic Omega gauge or a wedge-shaped gauge. The Omega gauge has a measuring range of at least 10–300 mm (0.4 inches–11.81 inches), and shall be inserted into the meshes under a pressure or pull of 125 N or 12.75 kg for mesh greater than or equal to 55 mm (2.17 inches) and under a pressure or pull of 50 N or 5.10 kg for mesh less than 55 mm (2.17 inches). The wedge shaped gauge, with a taper of 2 cm (0.79 inches) in 8 cm (3.15 inches) and a thickness of 2.3 mm (0.09 inches), shall be inserted into the meshes under a pressure or pull of 8 kg (17.64 lb). The mesh size is the average of the measurements of any series of 20 consecutive meshes for twine tops having 75 or more meshes, and 10 consecutive meshes for twine tops

having fewer than 75 meshes when using either the Omega gauge or the wedge-shaped gauge. The mesh in the twine top must be measured along the length of the twine top, running parallel to a longitudinal axis, and be at least five meshes away from where the twine top mesh meets the rings, running parallel to the long axis of the twine top.

* * * * *

■ 3. In § 648.80, revise paragraphs (c)(2)(i) and (ii) and (f)(2) introductory text to read as follows:

§ 648.80 NE Multispecies regulated mesh areas and restrictions on gear and methods of fishing.

* * * * *

(c) * * *

(2) * * *

(i) *Vessels using trawls.* Except as provided in paragraph (c)(2)(iii) of this section, and § 648.85(b)(6), the minimum mesh size for any trawl net not stowed and not available for immediate use as defined in § 648.2, on a vessel or used by a vessel fishing under the NE multispecies DAS program or on a sector trip in the MA Regulated Mesh Area, shall be that specified by § 648.108(a), applied throughout the body and extension of the net, or any combination thereof, and 6.5-inch (16.5-cm) diamond or square mesh applied to the codend of the net, as defined in paragraph (a)(3)(i) of this section. This restriction does not apply to nets or pieces of nets smaller than 3 ft (0.9 m) × 3 ft (0.9 m), (9 sq ft (0.81 sq m)), or to vessels that have not been issued a NE multispecies permit and that are fishing exclusively in state waters.

(ii) *Vessels using Scottish seine, midwater trawl, and purse seine.* Except as provided in paragraph (c)(2)(iii) of this section, the minimum mesh size for any sink gillnet, Scottish seine, midwater trawl, or purse seine, not stowed and not available for immediate use as defined in § 648.2, on a vessel or used by a vessel fishing under a DAS in the NE multispecies DAS program in the MA Regulated Mesh Area, shall be that specified in § 648.108(a). This restriction does not apply to nets or pieces of nets smaller than 3 ft (0.9 m) × 3 ft (0.9 m), (9 sq ft (0.81 sq m)), or to vessels that have not been issued a NE multispecies permit and that are fishing exclusively in state waters.

* * * * *

(f) * * *

(2) *All other nets.* With the exception of gillnets, mesh size is measured by an electronic Omega gauge or a wedge-shaped gauge. The Omega gauge has a measuring range of at least 10–300 mm

(0.4 inches–11.81 inches), and shall be inserted into the meshes under a pressure or pull of 125 N or 12.75 kg for mesh greater than or equal to 55 mm (2.17 inches) and under a pressure or pull of 50 N or 5.10 kg for mesh less than 55 mm (2.17 inches). The wedge shaped gauge, with a taper of 2 cm (0.79 inches) in 8 cm (3.15 inches), and a thickness of 2.3 mm (0.09 inches), shall be inserted into the meshes under a pressure or pull of 5 kg (11.02 lb) for mesh size less than 120 mm (4.72 inches) and under a pressure or pull of 8 kg (17.64 lb) for mesh size at, or greater, than 120 mm (4.72 inches).

* * * * *

■ 4. In § 648.108, revise paragraph (a)(2) to read as follows:

§ 648.108 Summer flounder gear restrictions.

(a) * * *

(2) Mesh size is measured by using an electronic Omega gauge or a wedge-shaped gauge. The Omega gauge has a measuring range of at least 10–300 mm (0.4 inches–11.81 inches), and shall be inserted into the meshes under a pressure or pull of 125 N or 12.75 kg for mesh greater than or equal to 55 mm (2.17 inches) and under a pressure or pull of 50 N or 5.10 kg for mesh less than 55 mm (2.17 inches). The wedge shaped gauge, with a taper of 2 cm (0.79 inches) in 8 cm (3.15 inches), and a thickness of 2.3 mm (0.09 inches), shall be inserted into the meshes under a pressure or pull of 5 kg (11.02 lb) for mesh size less than 120 mm (4.72 inches) and under a pressure or pull of 8 kg (17.64 lb) for mesh size at, or greater than, 120 mm (4.72 inches). The mesh size is the average of the measurements of any series of 20 consecutive meshes for nets having 75 or more meshes, and 10 consecutive meshes for nets having fewer than 75 meshes, when using either the Omega gauge or the wedge-shaped gauge. The mesh in the regulated portion of the net is measured at least five meshes away from the lacings, running parallel to the long axis of the net.

* * * * *

■ 5. In § 648.125, revise paragraph (a)(2) to read as follows:

§ 648.125 Scup gear restrictions.

(a) * * *

(2) *Mesh-size measurement.* Mesh sizes will be measured according to the procedure specified in § 648.108(a)(2).

* * * * *