

not less than 60 days for public comment. In addition, section 553(d) of the APA and section 1871(e)(1)(B)(i) of the Act mandate a 30-day delay in effective date after issuance or publication of a rule. Sections 553(b)(B) and 553(d)(3) of the APA provide for exceptions from the APA notice and comment, and delay in effective date requirements; in cases in which these exceptions apply, sections 1871(b)(2)(C) and 1871(e)(1)(B)(ii) of the Act provide exceptions from the notice and 60-day comment period and delay in effective date requirements of the Act as well. Section 553(b)(B) of the APA and section 1871(b)(2)(C) of the Act authorize an agency to dispense with normal notice and comment rulemaking procedures for good cause if the agency makes a finding that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and includes a statement of the finding and the reasons for it in the rule. In addition, section 553(d)(3) of the APA and section 1871(e)(1)(B)(ii) of the Act allow the agency to avoid the 30-day delay in effective date where the agency finds that such delay is contrary to the public interest and the agency includes in the rule a statement of the finding and the reasons for it.

In our view, this correcting document does not constitute a rulemaking that would be subject to these requirements. This document merely corrects technical errors in the FY 2024 IRF final rule. The corrections contained in this document are consistent with, and do not make substantive changes to, the policies and payment methodologies that were proposed, subject to notice and comment procedures, and adopted in the FY 2024 IRF final rule. As a result, the corrections made through this correcting document are intended to resolve inadvertent errors so that the rule accurately reflects the policies adopted in the final rule. Even if this were a rulemaking to which the notice and comment and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this document into the FY 2024 IRF final rule or delaying the effective date of the corrections would be contrary to the public interest because it is in the public interest to ensure that the rule accurately reflects our policies as of the date they take effect. Further, such procedures would be unnecessary because we are not making any substantive revisions to the final rule, but rather, we are simply correcting the

Federal Register document to reflect the policies that we previously proposed, received public comment on, and subsequently finalized in the final rule. For these reasons, we believe there is good cause to waive the requirements for notice and comment and delay in effective date.

IV. Correction of Errors in the Preamble

In FR Doc. 2023–16050 of August 2, 2023 (88 FR 50956), make the following corrections:

1. On page 50978, second column, last full paragraph, line 28, the percentage that reads “97 percent” is corrected to read “96 percent”.
2. On page 51017, second column, first full paragraph:
 - a. Line 29, the measure name that reads “Discharge in Mobility Score” is corrected to read “Discharge Mobility Score”.
 - b. Line 30, the measure name that reads “Discharge in Self-Care Score” is corrected to read “Discharge Self-Care Score”.
3. On page 51020, third column, second full paragraph:
 - a. Lines 25 and 26, the measure name that reads “Discharge in Mobility Score” is corrected to read “Discharge Mobility Score”.
 - b. Line 26, the measure name that reads “Discharge in Self-Care Score” is corrected to read “Discharge Self-Care Score”.
4. On page 51025, second column, first partial paragraph:
 - a. Lines 3 and 4, the measure name that reads “Discharge in Mobility Score” is corrected to read “Discharge Mobility Score”.
 - b. Line 14, the measure name that reads “Discharge in Mobility Score” is corrected to read “Discharge Mobility Score”.
5. On page 51040, third column, second to last full paragraph, line 9, the public display date of the Transfer of Health (TOH) Information to the Provider and TOH Information to the Patient measure that reads “September 2025” is corrected to read “September 2024”.
6. On page 51048, Table 21 “titled “IRF Impact for FY 2024 (Columns 4 through 7 in percentage)”, row 29, column 7, the Total Percent change that reads “3.9” is corrected to read “4.0”.

Wilma Robinson,

Deputy Executive Secretary, Department of Health and Human Services.

[FR Doc. 2023–22051 Filed 9–29–23; 4:15 pm]

BILLING CODE 4120-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 230427–0115; RTID 0648–XD439]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Resources of the Gulf of Mexico; 2023 Recreational Harvest Closure for Gag

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure (AM) for the recreational harvest of gag in the exclusive economic zone (EEZ) of the Gulf of Mexico (Gulf) for the 2023 fishing year. NMFS has projected that the 2023 recreational annual catch limit (ACL) for gag will be reached by October 19, 2023. Therefore, NMFS closes the recreational sector for gag to protect the gag resource.

DATES: This temporary rule is effective from 12:01 a.m. local time on October 19, 2023, through December 31, 2023.

FOR FURTHER INFORMATION CONTACT: Dan Luers, NMFS Southeast Regional Office, telephone: 727–551–5719, email: daniel.luers@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS manages the Gulf reef fish fishery and gag under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council (Council) and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) through regulations at 50 CFR part 622. All weights described in this temporary rule are in gutted weight.

On May 3, 2023, NMFS implemented a final temporary rule for gag in the Gulf EEZ (88 FR 27701, May 3, 2023). That 2023 temporary rule resulted from a 2021 gag stock assessment and determination that the stock is overfished and is undergoing overfishing, and a subsequent request from the Council for NMFS to implement interim measures gag during the 2023 fishing year. The purpose of the requested interim measures and the 2023 temporary rule was to reduce overfishing of gag while long-term management measures are developed in Amendment 56 to the FMP. The

effective period of the 2023 temporary rule is 180 days and would end after October 29, 2023. However, NMFS intends to extend the interim measures for an additional 186 days.

The interim measures reduced commercial and recreational catch limits for gag and revised the opening of the recreational season from June 1, 2023, to September 1, 2023. Under the interim measures, gag has a recreational ACL of 403,759 lb (183,142 kg) and a recreational annual catch target (ACT) of 362,374 lb (164,370 kg). The 2023 recreational season for gag was scheduled to be open through November 9, unless NMFS projected that the recreational ACL will be reached sooner and closes the recreational sector as required by the AMs specified in 50 CFR 622.41(r)(2).

NMFS projects that recreational landings of gag from the Gulf EEZ will reach the recreational ACL on October 19, 2023. Accordingly, this temporary rule closes the recreational harvest of gag in or from the Gulf EEZ from October 19 through the end of the fishing year, December 31, 2023.

During the recreational closure, the bag and possession limits of gag in or from the Gulf EEZ are zero. The prohibition on possession of gag also applies in state waters of the Gulf for any vessel issued a valid Federal charter vessel/headboat permit for Gulf reef fish.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.41(r)(2)(i), 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 are unnecessary and contrary to the public interest. Such procedures are unnecessary because the regulations associated with the closure of recreational harvest of gag at 50 CFR 622.41(r)(2)(i) have already been subject to notice and public comment, and all that remains is to notify the public of the closure. Prior notice and opportunity for public comment are contrary to the public interest, because there is a need to immediately implement this action to protect the gag stock. Prior notice and opportunity for public comment would require time and could result in a harvest well in excess of the established ACL. In addition, many charter vessel and headboat

businesses reserve trips for clients in advance and require as much notice as NMFS is able to provide to adjust their business plans to account for changes to the recreational fishing season.

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: September 29, 2023.

Jennifer M. Wallace,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2023–22054 Filed 9–29–23; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 121004515–3608–02; RTID 0648–XD408]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Re-Opening of the Commercial Sector for Red Snapper 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 red snapper in the exclusive economic zone (EEZ) of the South Atlantic through this temporary rule. The most recent data for commercial landings of red snapper indicate the commercial annual catch limit (ACL) for the 2023 fishing year has not yet been reached. Therefore, NMFS re-opens the commercial sector to harvest red snapper in the South Atlantic EEZ for 4 days. The purpose of this temporary rule is to allow for the red snapper commercial ACL to be harvested while minimizing the risk of exceeding the commercial ACL.

DATES: This temporary rule is effective from 12:01 a.m. eastern time on October 6, 2023, until 12:01 a.m. eastern time October 10, 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 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 (Council) 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 in this temporary rule are given in round weight.

The commercial ACL for red snapper in the South Atlantic is 124,815 lb (56,615 kg) as specified at 50 CFR 622.193(y)(1).

Under 50 CFR 622.193(y)(1), NMFS is required to close the commercial sector for red snapper when the commercial ACL is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. For the 2023 fishing year, NMFS had already projected that commercial landings of red snapper would reach the commercial ACL on August 18, 2023, and therefore closed commercial harvest for the rest of the 2023 fishing year on that date (88 FR 55585, August 16, 2023). However, a recent update of commercial landings data indicates that the commercial ACL for red snapper was not reached on August 18, 2023.

In accordance with 50 CFR 622.8(c), NMFS temporarily re-opens the commercial sector for red snapper on October 6, 2023. The commercial sector will be open for 4 days or through October 9, 2023, to allow for the commercial ACL to be reached. The commercial sector will close again on October 10, 2023, and remain closed through December 31, 2023. For the 2024 fishing year, unless otherwise specified, the commercial season will begin on the second Monday in July (50 CFR 622.183(b)(5)(i)). NMFS has determined that this re-opening will allow for an additional opportunity to commercially harvest red snapper while reducing the risk of exceeding the commercial ACL.

The operator of a vessel with a valid Federal commercial vessel permit for South Atlantic snapper-grouper having red snapper on board must have landed and bartered, traded, or sold such red snapper prior to 12:01 a.m., eastern time, on October 10, 2023. During the subsequent commercial closure from October 10, 2023, through December 31, 2023, all sale or purchase of red snapper is prohibited. Because the recreational sector closed on July 16, 2023 (88 FR 33838, May 25, 2023), after the commercial closure that is effective on October 10, 2023, all harvest and possession of red snapper in or from the South Atlantic EEZ is prohibited for the remainder of the 2023 fishing year.