

of Drug and Alcohol Policy and Compliance, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone number 202-366-3784; [ODAPCwebmail@dot.gov](mailto:ODAPCwebmail@dot.gov).

**SUPPLEMENTARY INFORMATION:** On June 21, 2024, DOT published a direct final rule (89 FR 51984). We stated in that direct final rule that if we received adverse comment by June 22, 2024, the direct final rule would not take effect and we would publish a timely withdrawal in the **Federal Register**. Because DOT subsequently received adverse comment on that direct final rule, we are withdrawing the direct final rule.

DOT published a parallel proposed rule on the same day (89 FR 52002, June 21, 2024) as the direct final rule, which proposed the same rule changes as the direct final rule. The proposed rule invited comment on the substance of these rule changes. DOT will respond to comments as part of any final action taken on the parallel proposed rule. As stated in the direct final rule and the parallel proposed rule, we will not institute a second comment period on this action.

#### List of Subjects in 49 CFR Part 40

Administrative practice and procedures, Alcohol abuse, Alcohol testing, Drug abuse, Drug testing, Laboratories, Reporting and recordkeeping requirements, Safety, Transportation.

Signed pursuant to authority delegated at 49 CFR 1.27(c) in Washington, DC.

**Subash Iyer,**

*Acting General Counsel.*

■ Accordingly, as of August 1, 2024, DOT withdraws the direct final rule amending 49 CFR part 40, which published at 89 FR 51984, on June 21, 2024.

[FR Doc. 2024-16765 Filed 7-31-24; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[Docket No. 220919-0193; RTID 0648-XE141]

#### Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Closure of the Angling Category Gulf of Maine Area Trophy Fishery for 2024

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS closes the Angling category Gulf of Maine area fishery for large medium and giant (“trophy” (*i.e.*, measuring 73 inches (185 centimeters) curved fork length or greater)) Atlantic bluefin tuna (BFT). This action applies to Highly Migratory Species (HMS) Angling and HMS Charter/Headboat permitted vessels when fishing recreationally.

**DATES:** Effective 11:30 p.m., local time, July 31, 2024, through December 31, 2024.

**FOR FURTHER INFORMATION CONTACT:**

Anna Quintrell, [anna.quintrell@noaa.gov](mailto:anna.quintrell@noaa.gov) or Larry Redd, Jr., [larry.redd@noaa.gov](mailto:larry.redd@noaa.gov), 301-427-8503.

**SUPPLEMENTARY INFORMATION:** BFT fisheries are managed under the 2006 Consolidated Atlantic HMS Fishery Management Plan (FMP) and its amendments, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and consistent with the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*). HMS implementing regulations are at 50 CFR part 635. Section 635.27 divides the U.S. BFT quota, established by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and as implemented by the United States among the various domestic fishing categories, per the allocations established in the 2006 Consolidated HMS FMP and its amendments. NMFS is required under the Magnuson-Stevens Act at 16 U.S.C. 1854(g)(1)(D) to provide U.S. fishing vessels with a reasonable opportunity to harvest quotas under relevant international fishery agreements such as the ICCAT Convention, which is implemented domestically pursuant to ATCA.

Under § 635.28(a)(1), NMFS files a closure notice with the Office of the Federal Register for publication when a BFT quota (or subquota) is reached or is projected to be reached. Retaining, possessing, or landing BFT under that quota category is prohibited on and after the effective date and time of a closure action for that category, for the remainder of the fishing year, until the opening of the subsequent quota period or until such date as specified.

The 2024 BFT fishing year, which is managed on a calendar-year basis and subject to an annual calendar-year quota, began January 1, 2024. The Angling category season opened January 1, 2024, and continues through

December 31, 2024. As described in § 635.27(a), the current baseline U.S. BFT quota is 1,316.14 metric tons (mt) (not including the 25 mt ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the Northeast Distant Gear Restricted Area per § 635.27(a)(3)). The Angling category baseline quota is 297.4 mt, of which 9.2 mt (3.1 percent of the annual Angling category quota) is sub-allocated for the harvest of large medium and giant (trophy) BFT by vessels fishing under the Angling category quota, with 2.3 mt (25 percent of the annual large medium and giant BFT Angling category quota) allocated for each of the following areas: north of latitude (lat.) 42° N (the Gulf of Maine area); south of lat. 42° N and north of lat. 39°18' N (the southern New England area); south of lat. 39°18' N and outside of the Gulf of Mexico (the southern area); and the Gulf of Mexico region. Trophy BFT measure 73 inches (185 centimeters) curved fork length or greater. This closure action applies to the Gulf of Maine area.

#### Angling Category Trophy Bluefin Tuna Gulf of Maine Fishery Closure

Based on landings data from the NMFS Automated Catch Reporting System, as well as average catch rates and anticipated fishing conditions, NMFS projects the Angling category Gulf of Maine area trophy BFT subquota of 2.3 mt has been reached and exceeded. Therefore, retaining, possessing, or landing large medium or giant (*i.e.*, measuring 73 inches (185 cm) curved fork length or greater) BFT in the Gulf of Maine area by persons aboard HMS Angling and HMS Charter/Headboat permitted vessels (when fishing recreationally) must cease at 11:30 p.m. local time on July 31, 2024. This closure will remain effective through December 31, 2024. This action applies to HMS Angling and HMS Charter/Headboat permitted vessels when fishing recreationally for BFT, and is taken consistent with the regulations at § 635.28(a)(1). This action is intended to prevent further overharvest of the Angling category Gulf of Maine area trophy BFT subquota. NMFS previously closed the 2024 trophy BFT fishery in the southern area on February 9, 2024 (89 FR 10007, February 13, 2024), in the southern New England area on May 2, 2024 (89 FR 37139, May 6, 2024), and in the Gulf of Mexico area on May 29, 2023 (89 FR 47105, May 31, 2024). Therefore, with this closure of the Gulf of Maine area trophy BFT fishery, the Angling category trophy BFT fishery will be closed in all areas for 2024.

If needed to ensure available quotas or subquotas are not exceeded or to enhance fishing opportunities, subsequent Angling category adjustments or closures will be published in the **Federal Register** per §§ 635.27(a)(7) and 635.28(a)(1). Information regarding the Angling category fishery for Atlantic tunas, including daily retention limits for BFT measuring 27 inches (68.5 centimeters) to less than 73 inches (185 centimeters), and any further Angling category adjustments, is available at <https://hmspermits.noaa.gov>. During a closure, fishermen aboard HMS Angling and HMS Charter/Headboat permitted vessels when fishing recreationally may continue to catch and release (or tag and release) BFT of all sizes, subject to the requirements of the catch-and-release and tag-and-release programs at § 635.26. All BFT that are released must be handled in a manner that will maximize survival, and without removing the fish from the water, consistent with requirements at § 635.21(a)(1). For additional information on safe handling, see the "Careful Catch and Release" brochure available at <https://www.fisheries.noaa.gov/resource/outreach-and-education/careful-catch-and-release-brochure>.

### Monitoring and Reporting

NMFS will continue to monitor the BFT fisheries closely. Per § 635.5(c)(1), HMS Angling and HMS Charter/Headboat permitted vessel owners are required to report the catch of all BFT retained or discarded dead, within 24 hours of the landing(s) or end of each trip, by accessing <https://hmspermits.noaa.gov>, using the HMS Catch Reporting app, or calling (888) 872-8862 (Monday through Friday from 8 a.m. until 4:30 p.m.).

### Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act (16 U.S.C. 1855(d)) and regulations at 50 CFR part 635, and this action is exempt from review under Executive Order 12866.

The Assistant Administrator for NMFS (AA) finds that pursuant to 5 U.S.C. 553(b)(B), it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons. Specifically, the regulations implementing the 2006 Consolidated HMS FMP and its amendments provide for inseason retention limit adjustments and fishery closures to respond to the unpredictable nature of BFT availability on the fishing

grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Providing for prior notice and opportunity to comment is impracticable and contrary to the public interest as this fishery is currently underway and, based on the most recent landings information, the Angling category Gulf of Maine area trophy BFT fishery subquota has been reached and exceeded. Delaying this action could result in further excessive trophy BFT landings that may result in future potential quota reductions for the Angling category, depending on the magnitude of a potential Angling category overharvest. NMFS must close the Gulf of Maine area trophy BFT fishery before additional landings of these sizes of BFT occur. Taking this action does not raise conservation and management concerns, and would support effective management of the BFT fishery. NMFS notes that the public had an opportunity to comment on the underlying rulemakings that established the U.S. BFT quota and the inseason adjustment and closure criteria.

For all of the above reasons, the AA also finds that pursuant to 5 U.S.C. 553(d), there is good cause to waive the 30-day delay in effectiveness.

**Authority:** 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: July 29, 2024.

**Lindsay Fullenkamp,**

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

[FR Doc. 2024-17000 Filed 7-30-24; 4:15 pm]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 031125294-4091-02; RTID 0648-XE041]

#### Fisheries off West Coast States; the Highly Migratory Species Fishery; El Niño Pacific Loggerhead Conservation Area Closure

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

**ACTION:** Temporary rule; reopening of closure.

**SUMMARY:** NMFS is reopening the Pacific Loggerhead Conservation Area (LCA) closure that became effective on June 1, 2024, because the sea surface temperatures (SSTs) in the Southern

California Bight (SCB) for the months of May and June 2024 indicate that SSTs have returned to normal or below normal and that El Niño conditions are no longer present in the SCB. The LCA prohibits fishing with large-mesh drift gillnet (DGN) gear (≥14 inches mesh) off the coast of southern California east of the 120° W meridian from June 1, 2024, through August 31, 2024. Based on recent observations of SSTs in the SCB along with the Climate Prediction Center (CPC) report related to changing El Niño conditions, NMFS has determined that reopening the area is warranted.

**DATES:** Effective 12:01 a.m., Pacific Daylight Time, on August 1, 2024.

**FOR FURTHER INFORMATION CONTACT:**

Chris Fanning, West Coast Region (WCR), NMFS, (562) 980-4198, [chris.fanning@noaa.gov](mailto:chris.fanning@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The DGN fishery is managed under the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (50 CFR part 660, subpart K) and occurs off the coast of California. NMFS regulations state that "no person may fish with, set, or haul back drift gillnet gear in U.S. waters of the Pacific Ocean east of the 120° W meridian from June 1 through August 31 during a forecasted, or occurring, El Niño event off the coast of southern California" (50 CFR 660.713(c)(2)). This area, which overlaps with the SCB, is referred to in the regulations as the "Pacific loggerhead conservation area" or "LCA."

Under 50 CFR 660.713(c)(2)(ii), the Assistant Administrator (AA) is to rely on information developed by NOAA offices (the CPC and the West Coast Office of the Coast Watch program) to make the determination that an El Niño event is forecasted or occurring off southern California. The AA is to use monthly SST charts to determine whether there are warmer-than-normal SSTs off southern California "during the months prior to the closure months for years in which an El Niño event has been declared" by the CPC. Specifically, the AA is to use SST data from the second and third months prior to the month of closure. Thus, to make a determination for a closure to begin in June, the AA used data from March and April.

These regulations protect loggerhead sea turtles, specifically the North Pacific Loggerhead Distinct Population Segment, which are listed as endangered under the Endangered Species Act. The regulations initially were implemented to address a reasonable and prudent alternative