

a LOA issued pursuant to § 216.106 of this chapter and § 217.236, a LOA may be modified without prior notice or opportunity for public comment. Notification will be published in the **Federal Register** within 30 days of the action.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 223

[Docket No. 240919-0246]

RTID 0648-XR137

Endangered and Threatened Wildlife and Plants; Technical Correction for the Coral *Fimbriaphyllia paradivisa*

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

ACTION: Direct final rule.

SUMMARY: We, NMFS, announce the revised taxonomy of the coral *Euphyllia paradivisa* (no common name) under the Endangered Species Act of 1973, as amended (ESA). We are revising the Enumeration of threatened marine and anadromous species for *Euphyllia paradivisa* to reflect the scientifically accepted taxonomy and nomenclature of this species. We revise the scientific name of the species to *Fimbriaphyllia paradivisa*. The changes to the taxonomic classification and nomenclature do not affect the species' listing status under the ESA or any protections and requirements arising from its listing.

DATES: The rule is effective December 9, 2024 without further action, unless significant adverse comment is received by November 8, 2024. If significant adverse comments are received, the NMFS will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: You may submit comments on this document, identified by NOAA-NMFS-2024-0078, by the following method:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA-NMFS-2024-0078 in the Search box. Click on the "Comment" icon, complete the required fields, and enter or attach your comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of

the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on <https://www.regulations.gov> without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT:

Lance Smith, NMFS, Pacific Islands Regional Office, 808-725-5131, Lance.Smith@noaa.gov.

SUPPLEMENTARY INFORMATION:

Purpose of This Rule

The purpose of our direct final rule is to notify the public that we are revising the Enumeration of threatened marine and anadromous species (50 CFR 223.102(e)) to reflect the scientifically accepted taxonomy and nomenclature of one coral species, *Euphyllia paradivisa*, listed under section 4 of the ESA in 2014 (16 U.S.C. 1531 *et seq.*). The change reflects the most recently accepted scientific name in accordance with 50 CFR 223.102(b).

We are publishing this rule as a direct final rule because this is a noncontroversial action that reflects decisions already taken in the scientific community, such that prior notice and an opportunity to comment is unnecessary. This rule does not change the listing status of the species under the ESA and does not alter any protections afforded the species or any other legal requirements arising from the species' listing under the ESA. This change should be undertaken in as timely a manner as possible. This rule will be effective, as published in this document on the effective date specified in **DATES**, unless we receive significant adverse comments on or before the comment due date specified in **DATES**. Significant adverse comments are comments that provide strong scientific justification as to why the taxonomic and nomenclature changes to the Enumeration of the listed entity should not be adopted or why the rule should be changed. Please include sufficient scientific information with your comments that will allow us to verify the basis for any significant adverse comments.

If we receive significant adverse comments, we will publish a notification in the **Federal Register** withdrawing this rule before the effective date, and we will engage in notice and comment rulemaking under

the applicable requirements of the Administrative Procedure Act to promulgate these changes to 50 CFR 223.102(e).

Background

Under 50 CFR 223.102(b), we use the most recently accepted scientific name of any species that we have determined to be threatened under the ESA, relying to the extent practicable on the International Code of Zoological Nomenclature (ICZN). The ESA likewise requires that listing decisions be based solely on the best scientific and commercial data available (see 16 U.S.C. 1533(b)(1)(A)). Using the best available scientific information, our direct final rule documents a taxonomic change (scientific name) to *Euphyllia paradivisa*. This change is supported by studies published in peer-reviewed journals, acceptance by the World Register of Marine Species, our 5-year Review of the species (NMFS 2024), and broad acceptance by scientists around the world. We revise the scientific name of *Euphyllia paradivisa* listed under section 4 of the ESA (16 U.S.C. 1531 *et seq.*) as follows: *Fimbriaphyllia paradivisa*. We make this change to the Enumeration of threatened marine and anadromous species (50 CFR 223.102(e)) to reflect the most recently accepted scientific name in accordance with 50 CFR 223.102(b).

Taxonomy Classification

Fimbriaphyllia paradivisa

Based on colony growth form, Veron & Pichon (1980) established two subgenera within the genus *Euphyllia*, namely *Euphyllia* and *Fimbriaphyllia*. Veron (1990) described the species *Euphyllia paradivisa*, placing it in *Euphyllia* instead of *Fimbriaphyllia* based on skeletal and tentacle morphological characteristics. More recently, molecular data showed that the species traditionally ascribed to the genus *Euphyllia* could be separated into two major lineages that were distinct enough to fall within two separate genera (Luzon *et al.* 2017, Arrigoni *et al.* 2023). Luzon *et al.* (2017) demonstrated that these two major lineages, can be distinguished based on the polyp morphology and reproductive traits. As such, Luzon *et al.* (2017) elevated *Fimbriaphyllia* from a subgenera within the genus *Euphyllia* to a separate genus to be composed of five species, namely *F. ancora*, *F. divisa*, *F. paraancora*, *F. paradivisa*, and *F. yaeyamensis*; this taxonomic change was supported by the results of Arrigoni *et al.* (2023). There has been broad acceptance among scientists around the world of the taxonomic change suggested by these

studies. This taxonomic change has also been accepted by the World Register of Marine Species (WoRMS), an authoritative and comprehensive registry of marine species that follows ICZN protocols (see <https://www.marinespecies.org>). (We note that, while the separate ICZN database (ZooBank) is generally a reliable source for taxonomic information, in this instance, the ZooBank is incomplete because it often does not include coral species and marine invertebrates; thus, we are not relying on the ZooBank for evidence of the current, accepted scientific name of this coral species.)

NMFS, therefore, recognizes the taxonomic change and is making technical revisions to 50 CFR 223.102(e) to reflect the most recently accepted scientific name based on the best available scientific information about the listed species. Once the changes to 50 CFR 223.102(e) take effect, the taxonomic change will be incorporated into all new NMFS publications pertaining to the species. This species will continue to be listed as threatened and is subject to the same protections as those that existed prior to these changes. No other aspect of the entry for this species in 50 CFR 223.102(e) will change as a result of this rule.

Required Determinations

The Assistant Administrator for Fisheries finds that good cause exists to waive the requirement for prior notice and opportunity for public comment, pursuant to 5 U.S.C. 553(b)(B). Such procedures would be unnecessary as the taxonomic change made in this rule is technical and reflects decisions already taken in the scientific community. This rule does not change the listing status of this coral species under the ESA, and therefore does not alter the legal protections afforded to the species or any other requirements arising from its listing under the ESA or add any new requirements.

This action is not subject to review under Executive Order (E.O.) 12866. Because a general notice of proposed rulemaking is not required, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, are inapplicable.

This final rule does not contain policies with federalism implications under E.O. 13132. Policies that have federalism implications refers to regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. This final rule does not have federalism implications; therefore, the agency did not follow the additional consultation procedures outlined in E.O. 13132.

This rule does not contain any collections of information that require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This rule will not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations.

E.O. 12898 requires that Federal actions address environmental justice in the decision-making process. In particular, the environmental effects of the actions should not have a disproportionate effect on minority and low-income communities. This rule is not expected to have a disproportionate effect on minority populations or low-income populations.

This final rule makes a taxonomic change relative to a previous listing determination under the ESA to reflect the most recently accepted scientific name based on the best available scientific information about the species' taxonomy and nomenclature. NMFS has

concluded that the National Environmental Policy Act (NEPA) does not apply to ESA listing actions, and we conclude that NEPA does not apply to this correction to the identification of the listed species to reflect the best available scientific information (see NOAA Administrative Order 216-6A and the Companion Manual for NOAA Administrative Order 216-6A, regarding Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities).

References Cited

A complete list of references is available on our website at: <https://www.fisheries.noaa.gov/action/>.

List of Subjects in 50 CFR Part 223

Endangered and threatened species.

Dated: October 3, 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 223 as follows:

PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

■ 1. The authority citation for part 223 continues to read as follows:

Authority: 16 U.S.C. 1531 1543; subpart B, § 223.201–202 also issued under 16 U.S.C. 1361 *et seq.*; 16 U.S.C. 5503(d) for § 223.206(d)(9).

■ 2. In § 223.102, amend the table in paragraph (e), under the heading “Corals” by revising the entry for “*Euphyllia paradivisa*” to read as follows:

§ 223.102 Enumeration of threatened marine and anadromous species.

* * * * *
(e) * * *

Species ¹		Description of listed entity	Citation(s) for listing determination(s)	Critical habitat	ESA rules
Common name	Scientific name				
*	*	*	*	*	*
Corals					
*	*	*	*	*	*
Coral, [no common name]	<i>Fimbriaphyllia paradivisa</i> ...	Entire species	79 FR 53852, Sept. 10, 2014.	226.230	NA.
*	*	*	*	*	*

¹Species includes taxonomic species, subspecies, distinct population segments (DPSs) (for a policy statement, see 61 FR 4722, February 7, 1996), and evolutionarily significant units (ESUs) (for a policy statement, see 56 FR 58612, November 20, 1991).

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 240228-0062; RTID 0648-XE363]

Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustment to the 2024 Specifications

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

ACTION: Temporary rule; inseason adjustment.

SUMMARY: NMFS increases the 2024 Atlantic herring annual catch limit and Area 1A sub-annual catch limit by 1,000 metric tons (mt) for the remainder of 2024. This action is required by the herring regulations when, based on data through October 1, 2024, NMFS determines that the New Brunswick weir fishery has landed less than 2,722

mt of herring. This notification informs the public of these catch limit changes.

DATES: Effective October 8, 2024, through December 31, 2024.

FOR FURTHER INFORMATION CONTACT:

Ashley Trudeau, Fishery Resource Management Specialist, 978-281-9252, ashley.trudeau@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS published final 2024 specifications for the Atlantic Herring Fishery Management Plan on March 4, 2024 (89 FR 15482), establishing the 2024 annual catch limit (ACL) and area sub-ACLs. Table 1 shows the current herring specifications for 2024 and the specifications as revised by this action for the remainder of the calendar year.

The NMFS Regional Administrator tracks herring landings in the New Brunswick weir fishery each year. The regulations at 50 CFR 648.201(h) require that if the New Brunswick weir fishery landings through October 1 are determined to be less than 2,722 mt, then NMFS subtracts 1,000 mt from the management uncertainty buffer and reallocates that amount to the ACL and Area 1A sub-ACL. When such a determination is made, NMFS is required to notify the New England Fishery Management Council and

publish the ACL and Area 1A sub-ACL adjustment in the **Federal Register**.

Information from Canada's Department of Fisheries and Oceans indicates that the New Brunswick weir fishery landed 930 mt of herring through October 1, 2024. Therefore, the Regional Administrator determined that, effective upon notification filing in the **Federal Register**, 1,000 mt will be reallocated from the management uncertainty buffer to the Area 1A sub-ACL and the ACL. This 1,000 mt reallocation increases the Area 1A sub-ACL from 5,504 mt to 6,504 mt and the ACL from 19,141 mt to 20,141 mt for the remainder of 2024.

Additionally, NMFS will use the adjusted allocations when we project whether catch from Area 1A will reach 92 percent of the Area 1A sub-ACL, or whether overall herring catch will reach 95 percent of the ACL. When Area 1A catch is projected to reach 92 percent of the Area 1A sub-ACL, catch from this area is reduced to 2,000 lb (907.2 kg) per trip, per calendar day. When overall catch is projected to reach 95 percent of the ACL, then catch in or from all herring management areas is limited to 2,000 lb (907.2 kg) per trip, per calendar day.

TABLE 1—ATLANTIC HERRING SPECIFICATIONS FOR 2024

	Current specifications (mt)	Adjusted specifications (mt)
Overfishing Limit	32,233	32,233
Acceptable Biological Catch	23,409	23,409
Management Uncertainty	4,220	3,220
Optimum Yield/ACL	19,141	20,141
Domestic Annual Harvest	19,141	20,141
Border Transfer	0	0
Domestic Annual Processing	19,141	20,141
U.S. At-Sea Processing	0	0
Area 1A Sub-ACL (28.9 percent)	5,504	6,504
Area 1B Sub-ACL (4.3 percent)	819	819
Area 2 Sub-ACL (27.8 percent)	5,449	5,449
Area 3 Sub-ACL (39 percent)	7,484	7,484
Fixed Gear Set-Aside	30	30
Research Set-Aside (RSA)	0%	0%