

in which the full Winter I commercial scup quota is not harvested, to: allow unused quota from the Winter I period to be added to the quota for the Winter II period, and allow adjustment of the commercial possession limits for the Winter II period commensurate with the amount of quota rolled over from the Winter I period. Table 5 of the final 2005 quota specifications for summer flounder, scup, and black sea bass (70 FR 303, January 4, 2005) presented detailed information regarding Winter II possession limits, based on the amount of scup to be rolled over from Winter I to Winter II.

On August 2, 2005 (70 FR 44291), NMFS published a temporary rule in the Federal Register, transferring 2,223,502 lb (1,008,564 kg) of unused 2005 Winter I scup commercial quota to the 2005 Winter II period, resulting in an adjusted 2005 Winter II commercial scup quota and possession limit of 4,173,464 lb (1,893,051 kg) and 3,500 lb (1,588 kg), respectively. Since then, NMFS has determined that 291,135 lb (132,057 kg) of scup landed during the 2005 Winter I period were misreported as unclassified porgies or red porgies via the Electronic Dealer Reporting System, and has properly accounted for those landings as scup. The initial 2005 Winter II quota, as established in the final 2005 quota specifications (70 FR 303, January 4, 2005) is 1,949,962 lb (884,488 kg). Including updates in addition to those described above, the best available landings information as of September 18, 2005, indicates that 1,835,953 lb (832,774 kg) remain of the Winter I quota of 5,518,367 lb (2,503,089 kg). Consistent with the final rule to implement Framework Adjustment 3 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (68 FR 62250, November 3, 2003), the full amount of unused 2005 Winter I quota is transferred to Winter II, resulting in a revised 2005 Winter II quota of 3,785,915 lb (1,717,262 kg). Consistent with the rollover specifications established in the 2005 final specifications (70 FR 303, January 4, 2005), the 2005 Winter II possession limit is adjusted to 3,000 lb (1,361 kg) per trip to provide an appropriate opportunity for fishing vessels to obtain the adjusted Winter II quota.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: September 28, 2005

Alan D. Risenhoover,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 041126332-5040-02; I.D. 092805E]

Fisheries of the Economic Exclusive Zone Off Alaska; Trawl Gear in the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is closing directed fishing for groundfish by vessels using trawl gear in the Gulf of Alaska (GOA), except for directed fishing for pollock by vessels using pelagic trawl gear in those portions of the GOA open to directed fishing for pollock. This action is necessary because the 2005 Pacific halibut prohibited species catch (PSC) limit specified for trawl gear in the GOA has been caught.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), October 1, 2005, until 2400 hrs, A.l.t., December 31, 2005.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2005 Pacific halibut PSC limit for vessels using trawl gear is 2,000 metric

tons as established by the 2005 and 2006 harvest specifications for groundfish of the GOA (70 FR 8958, February 24, 2005).

The Administrator, Alaska Region, has determined, in accordance with § 679.21(d)(7)(i), that vessels engaged in directed fishing for groundfish with trawl gear in the GOA have caught the 2005 Pacific halibut PSC limit. Therefore, NMFS is closing directed fishing for groundfish by vessels using trawl gear in the GOA, except for directed fishing for pollock by vessels using pelagic trawl gear in those portions of the GOA that remain open to directed fishing for pollock.

After the effective date of this closure the maximum retainable amounts at §§ 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for groundfish with trawl gear in the GOA. NMFS was unable to publish an action providing time for public comment because the most recent, relevant data only became available as of September 26, 2005.

The AA also finds good cause to waive the 30 day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.21 and is exempt from review under Executive Order 12866.

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

Dated: September 28, 2005.

Alan D. Risenhoover,

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

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