

**Classification**

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

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator finds good cause to waive prior notice and opportunity for public comment for this action, because notice and comment would be impracticable and contrary to the public interest. The regulations at § 648.85(a)(3)(iv)(C)(2) require the Regional Administrator to implement and/or adjust the yellowtail flounder landing limit for NE multispecies vessels fishing in both the Western and Eastern U.S./Canada Areas to 1,500 lb (680.4 kg) per day, and 15,000 lb (6,804.1 kg) per trip when 70 percent (2,982 mt) of the GB yellowtail flounder TAC is projected to be harvested. Based upon VMS reports and other available information, the Regional Administrator has determined that 70 percent (2,980 mt) of the GB yellowtail flounder TAC of 4,260 mt will be harvested by February 8, 2006. Therefore, this action is non-discretionary. In addition, there exists insufficient time to allow for public notice and comment before 70 percent of the TAC will be harvested.

Given the rapidly increasing harvest rate and the reduced GB yellowtail flounder TAC specified for 2005, the time necessary to provide for prior notice and opportunity for public comment would prevent the agency from ensuring that the 2005 TAC for GB yellowtail flounder is not exceeded during the 2005 fishing year. It was not possible to take this action earlier to provide more time for public comment because of how quickly the GB yellowtail flounder was harvested, the rapidly increasing harvest rate, the reduced GB yellowtail flounder TAC, and the ability of NMFS to monitor the harvest (the projection that 70 percent of the GB yellowtail TAC would be harvested by February 8, 2006, was not available until February 3, 2006).

Exceeding the 2005 TAC for GB yellowtail flounder would increase mortality of this overfished stock beyond that evaluated during the development of Amendment 13, potentially undermining the rebuilding efforts for this stock. Moreover, should the GB yellowtail flounder TAC be exceeded, any overages would be deducted from the 2006 GB yellowtail flounder TAC. This would result in decreased revenue for the NE multispecies fishery, increased economic impacts to vessels operating in the Western and Eastern U.S./Canada Areas, reduced opportunities to fully harvest the GB haddock and GB cod

TAC's in the Eastern U.S./Canada Area (i.e., through the increased possibility of premature closure of the Eastern U.S./Canada Area during the 2006 fishing year due to fully harvesting a reduced GB yellowtail flounder TAC in 2006), a reduced chance of achieving optimum yield in the groundfish fishery, and unnecessary delays to the rebuilding of this overfished stock.

For similar reasons there is good cause, pursuant to 5 U.S.C. 553(d)(3), to waive the entire 30-day delayed effectiveness period for this action. For the reasons specified above, a delay in the effectiveness of the trip limit modification in this rule would prevent the agency from meeting its management obligation and ensuring that the 2005 catch TAC for GB yellowtail flounder specified for the Western and Eastern U.S./Canada Areas would not be exceeded during the 2005 fishing year. Any such delay could lead to the impacts to the fishing industry described above.

The rate of harvest of the GB yellowtail flounder TAC in the Western and Eastern U.S./Canada Areas is updated weekly on the internet at <http://www.nero.noaa.gov>. Accordingly, the public is able to obtain information that would provide at least some advanced notice of a potential action to prevent the TAC for GB yellowtail flounder from being exceeded during the 2005 fishing year. Further, the potential for this action was considered and open to public comment during the development of Amendment 13. Therefore, any negative effect the waiving of public comment and delayed effectiveness may have on the public is mitigated by these factors.

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

Dated: February 6, 2006.

**Alan D. Risenhoover,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 06-1246 Filed 2-7-06; 1:34 pm]

**BILLING CODE 3510-22-S**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 041126332-5039-02; I.D. 020606A]

**Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock from the Aleutian Islands Subarea to the Bering Sea Subarea**

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

**ACTION:** Temporary rule; reallocation.

**SUMMARY:** NMFS is reallocating the projected unused amounts of Community Development Quota (CDQ) pollock from the Aleutian Islands subarea to the Bering Sea subarea. This action is necessary to allow the 2006 total allowable catch (TAC) of pollock in the Aleutian Islands subarea to be harvested in the Bering Sea subarea.

**DATES:** Effective February 10, 2006, through 2400 hrs, Alaska local time (A.l.t.), December 31, 2006.

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

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (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.

In the Aleutian Islands subarea, the 2006 A season allowance of CDQ pollock is 760 mt as established by the 2005 and 2006 final harvest specifications for groundfish in the BSAI (70 FR 8979, February 24, 2005), for the period 1200 hrs, A.l.t., January 1, 2006, through 1200 hrs, A.l.t., June 10, 2006.

As of January 26, 2006, the Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that 760 mt of A season CDQ pollock will not be harvested. Therefore, in accordance with § 679.20(a)(5)(iii)(B)(4), NMFS reallocates 760 mt of CDQ pollock from the Aleutian Islands subarea to the Bering Sea subarea A season allocation.

Furthermore, the Regional Administrator has determined through

consultation with the CDQ groups that 1,140 mt of the B season CDQ pollock allocations in the Aleutian Islands subarea will not be harvested. Therefore, in accordance with § 679.20(a)(5)(iii)(B)(4), NMFS reallocates 1,140 mt of CDQ pollock from the Aleutian Islands subarea to the Bering Sea subarea B season allocation. Table 3 has been revised to reflect this reallocation.

The harvest specifications for pollock in the Aleutian Islands and Bering Sea subarea included in the harvest specifications for groundfish in the BSAI (70 FR 8979, February 24, 2005) are revised as follows: 0 mt to the A season allowance of CDQ pollock in the Aleutian Islands subarea, 0 mt to the B season allowance of CDQ pollock in the Aleutian Islands subarea, 60,270 mt to the A season allowance of CDQ pollock in the Bering Sea subarea, and 90,406 mt to the B season allowance of CDQ pollock in the Bering Sea subarea.

#### 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 reallocation of Aleutian Islands subarea pollock to the Bering Sea subarea A season. At the end of January 2006, NMFS was notified by the CDQ groups that the pollock allocations in the Aleutian Islands subarea will not be harvested. Since the A season is currently open, it is important to immediately inform the industry as to the final Bering Sea subarea A season allocations. Immediate notification is necessary in order to allow for the orderly conduct and efficient operation of this fishery thereby allowing the industry to plan for the fishing season and avoid potential disruption to the fishing fleet as well as processors.

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 § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: February 6, 2006.

**Alan D. Risenhoover,**

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

[FR Doc. 06-1250 Filed 2-9-06; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[I.D. 020606B]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program

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

**ACTION:** Temporary rule; opening.

**SUMMARY:** NMFS is opening directed fishing for sablefish with fixed gear managed under the Individual Fishing Quota (IFQ) Program. The season will open 1200 hrs, Alaska local time (A.l.t.), March 5, 2006, and will close 1200 hrs, A.l.t., November 15, 2006. This period is the same as the 2006 IFQ and Community Development Quota season for Pacific halibut adopted by the International Pacific Halibut Commission (IPHC). The IFQ halibut season is specified by a separate publication in the **Federal Register** of annual management measures.

**DATES:** Effective 1200 hrs, A.l.t., March 5, 2006, until 1200 hrs, A.l.t., November 15, 2006.

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

**SUPPLEMENTARY INFORMATION:** Beginning in 1995, fishing for Pacific halibut (*Hippoglossus stenolepis*) and sablefish (*Anoplopoma fimbria*) with fixed gear in the IFQ regulatory areas defined in § 679.2 has been managed under the IFQ Program. The IFQ Program is a regulatory regime designed to promote the conservation and management of these fisheries and to further the objectives of the Magnuson-Stevens Fishery Conservation and Management Act and the Northern Pacific Halibut Act. Persons holding quota share receive an annual allocation of IFQ. Persons receiving an annual allocation of IFQ are authorized to harvest IFQ species within specified limitations. Further information on the implementation of the IFQ Program, and the rationale

supporting it, are contained in the preamble to the final rule implementing the IFQ Program published in the **Federal Register**, November 9, 1993 (58 FR 59375) and subsequent amendments.

This announcement is consistent with § 679.23(g)(1), which requires that the directed fishing season for sablefish managed under the IFQ Program be specified by the Administrator, Alaska Region, and announced by publication in the **Federal Register**. This method of season announcement was selected to facilitate coordination between the sablefish season, chosen by the Administrator, Alaska Region, and the halibut season, chosen by the IPHC. The directed fishing season for sablefish with fixed gear managed under the IFQ Program will open 1200 hrs, A.l.t., March 5, 2006, and will close 1200 hrs, A.l.t., November 15, 2006. This period runs concurrently with the IFQ season for Pacific halibut announced by the IPHC. The IFQ halibut season will be specified by a separate publication in the **Federal Register** of annual management measures pursuant to 50 CFR 300.62.

#### 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 opening of the sablefish fishery thereby increasing bycatch and regulatory discards between the sablefish fishery and the halibut fishery, and preventing the accomplishment of the management objective for simultaneous opening of these two fisheries.

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 § 679.23 and is exempt from review under Executive Order 12866.

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