

overharvest or underharvest of the common pool quotas. On June 15, 2015, we adjusted the possession and trip limit for Gulf of Maine (GOM) cod to zero for the remainder of the fishing year, out of an abundance of caution, to reduce the effort that had been directed on cod, to prevent the common pool from exceeding its Trimester 1 quota for the stock, and to avoid triggering the closure of portions of the Gulf of Maine, which is mandatory if 90 percent of the trimester quota is reached. Although the zero possession limit was set for the remainder of the fishing year, this does not prevent the RA from subsequently increasing it to prevent underharvest of the stock.

As of August 25, 2015, the common pool had caught approximately 31 percent of its sub-annual catch limit (ACL) of GOM cod. To allow the common pool fishery to catch more of its quota for this stock, effective September 16, 2015, the trip limit of GOM cod for all common pool vessels is increased from 0 lb per trip, to 25 lb (11.3 kg) per trip. Allowing landings of incidentally caught GOM cod up to 25 lb (11.3 kg) is projected to prevent overharvest while reducing discards.

Weekly quota monitoring reports for the common pool fishery can be found on our Web site at: <http://www.greateratlantic.fisheries.noaa.gov/ro/fso/MultiMonReports.htm>. We will continue to monitor common pool catch through vessel trip reports, dealer-reported landings, vessel monitoring system catch reports, and other available information and, if necessary, we will make additional adjustments to common pool management measures.

#### **Classification**

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

The Assistant Administrator for Fisheries, NOAA, finds good cause pursuant to 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3) to waive prior notice and the opportunity for public comment and the 30-day delayed effectiveness period because it would be impracticable and contrary to the public interest.

The regulations at § 648.86(o) authorize the RA to adjust the Northeast multispecies possession and trip limits for common pool vessels in order to prevent the overharvest or underharvest of the pertinent common pool sub-

ACLs. The catch data used to justify increasing the possession and trip limit for GOM cod only recently became available. The possession and trip limit increase implemented through this action allows for increased harvest of GOM cod, to help ensure that the fishery may achieve the optimum yield (OY) for this stock. As a result, the time necessary to provide for prior notice and comment, and a 30-day delay in effectiveness, would prevent us from increasing the possession and trip limit for GOM cod in a timely manner, which could prevent the fishery from achieving the OY. This would undermine management objectives of the Northeast Multispecies Fishery Management Plan and cause unnecessary negative economic impacts to the common pool fishery. There is additional good cause to waive the delayed effective period because this action relieves restrictions on fishing vessels by increasing a trip limit.

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

Dated: September 11, 2015.

**Emily H. Menashes,**

*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. 141021887–5172–02]**

**RIN 0648–XE183**

### **Fisheries of the Exclusive Economic Zone Off Alaska; Exchange of Flatfish in the Bering Sea and Aleutian Islands Management Area**

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

**ACTION:** Temporary rule; reallocation.

**SUMMARY:** NMFS is exchanging unused Community Development Quota (CDQ) for CDQ acceptable biological catch (ABC) reserves. This action is necessary to allow the 2015 total allowable catch of flathead sole, rock sole, and yellowfin sole in the Bering Sea and Aleutian

Islands management area to be harvested.

**DATES:** Effective September 16, 2015 through 2400 hours, A.L.T., December 31, 2015.

**FOR FURTHER INFORMATION CONTACT:** Steve Whitney, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the Bering Sea and Aleutian Islands management area (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.

The 2015 flathead sole, rock sole, and yellowfin sole CDQ reserves specified in the BSAI are 2,420 metric tons (mt), 7,535 mt, and 15,993 mt as established by the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015) and following revisions (80 FR 38017, July 2, 2015 and 80 FR 52673, September 1, 2015). The 2015 flathead sole, rock sole, and yellowfin sole CDQ ABC reserves are 4,656 mt, 11,907 mt, and 10,629 mt as established by the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015) and following revisions (80 FR 38017, July 2, 2015 and 80 FR 52673, September 1, 2015).

The Aleutian Pribilof Islands Community Development Association has requested that NMFS exchange 100 mt of flathead sole and 450 mt of rock sole CDQ reserves for 550 mt of yellowfin sole CDQ ABC reserves under § 679.31(d). Therefore, in accordance with § 679.31(d), NMFS exchanges 100 mt of flathead sole and 450 mt of rock sole CDQ reserves for 550 mt of yellowfin sole CDQ ABC reserves in the BSAI. This action also decreases and increases the TACs and CDQ ABC reserves by the corresponding amounts. Tables 11 and 13 of the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015) and following revisions (80 FR 38017, July 2, 2015 and 80 FR 52673, September 1, 2015) are further revised as follows:

TABLE 11—FINAL 2015 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAS), AND AMENDMENT 80 ALLOCATIONS OF THE ALEUTIAN ISLANDS PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS

[Amounts are in metric tons]

| Sector                              | Pacific ocean perch            |                                |                                | Flathead sole | Rock sole | Yellowfin sole |
|-------------------------------------|--------------------------------|--------------------------------|--------------------------------|---------------|-----------|----------------|
|                                     | Eastern Aleu-<br>tian district | Central Aleu-<br>tian district | Western Aleu-<br>tian district | BSAI          | BSAI      | BSAI           |
| TAC .....                           | 8,000                          | 7,000                          | 9,000                          | 23,975        | 68,925    | 149,600        |
| CDQ .....                           | 856                            | 749                            | 963                            | 2,320         | 7,085     | 16,543         |
| ICA .....                           | 100                            | 75                             | 10                             | 5,000         | 8,000     | 5,000          |
| BSAI trawl limited access .....     | 704                            | 618                            | 161                            | 0             | 0         | 16,165         |
| Amendment 80 .....                  | 6,340                          | 5,558                          | 7,866                          | 16,655        | 53,840    | 111,892        |
| Alaska Groundfish Cooperative ..... | 3,362                          | 2,947                          | 4,171                          | 1,708         | 13,318    | 44,455         |
| Alaska Seafood Cooperative .....    | 2,978                          | 2,611                          | 3,695                          | 14,947        | 40,522    | 67,437         |

**Note:** Sector apportionments may not total precisely due to rounding.

TABLE 13—FINAL 2015 AND 2016 ABC SURPLUS, COMMUNITY DEVELOPMENT QUOTA (CDQ) ABC RESERVES, AND AMENDMENT 80 ABC RESERVES IN THE BSAI FOR FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE

[Amounts are in metric tons]

| Sector   | 2015 flathead<br>sole | 2015 rock sole | 2015 yellowfin<br>sole | 2016 flathead<br>sole | 2016 rock sole | 2016 yellowfin<br>sole |
|--|-----------------------|----------------|------------------------|-----------------------|----------------|------------------------|
| ABC .....  | 66,130                | 181,700        | 248,800                | 63,711                | 164,800        | 245,500                |
| TAC .....  | 23,975                | 68,925         | 149,600                | 24,250                | 69,250         | 149,000                |
| ABC surplus .....  | 42,155                | 112,775        | 99,200                 | 39,461                | 95,550         | 96,500                 |
| ABC reserve .....  | 42,155                | 112,775        | 99,200                 | 39,461                | 95,550         | 96,500                 |
| CDQ ABC reserve .....  | 4,756                 | 12,357         | 10,079                 | 4,222                 | 10,224         | 10,326                 |
| Amendment 80 ABC reserve .....                               | 37,399                | 100,418        | 89,121                 | 35,239                | 85,326         | 86,175                 |
| Alaska Groundfish Cooperative for<br>2015 <sup>1</sup> ..... | 3,836                 | 24,840         | 35,408                 | n/a                   | n/a            | n/a                    |
| Alaska Seafood Cooperative for 2015 <sup>1</sup> ..          | 33,563                | 75,578         | 53,713                 | n/a                   | n/a            | n/a                    |

<sup>1</sup> The 2016 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2015.**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 flatfish exchange by the

Aleutian Pribilof Islands Community Development Association in the BSAI. Since these fisheries are currently open, it is important to immediately inform the industry as to the revised allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet as well as processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 8, 2015.

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: September 11, 2015.

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