

days (when fishing with a limited access Handgear A permit, under the NE multispecies DAS program, or under the monkfish DAS program if the vessel is fishing under the limited access monkfish Category C or D permit provisions), unless otherwise specified in paragraph (g)(3) of this section.

Vessels subject to these restrictions may fish any portion of the GB, SNE, and MA Regulated Mesh Areas outside of the Cape Cod/GOM Yellowtail Flounder Area, provided the vessel complies with the possession restrictions specified under this paragraph (g), unless otherwise specified in paragraph (g)(4) of this section. Vessels subject to these restrictions may transit the Cape Cod/GOM Yellowtail Flounder Area, provided gear is stowed in accordance with § 648.23(b).

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(4) Vessels that obtain a yellowtail flounder possession/landing letter of authorization as specified under paragraphs (g)(1)(ii)(A) and (g)(2)(ii)(A) of this section, and that fish on a separate trip in the U.S./Canada Management Area according to the regulations at § 648.85(a), including a trip into an approved SAP as specified at § 648.85(b)(3), are exempt from the possession limits and restrictions specified under paragraphs (g)(1)(ii)(A) and (g)(2)(ii)(A) of this section during the authorized time period.

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(i) *Offloading requirement for vessels possessing species regulated by a daily possession limit.* Vessels that have ended a trip as specified in § 648.10(b)(2)(iii) or (c)(3) that possess on board species regulated by a daily possession limit (i.e., pounds per DAS) as specified at § 648.85(a)(3)(iv), § 648.85(a)(6)(iv)(D), or § 648.86 must offload these species prior to leaving port on a subsequent trip. Other species regulated by an overall trip limit may be retained on board for a subsequent trip. For example, a vessel ending a trip in October that possesses cod and yellowtail flounder harvested from the Gulf of Maine is subject to a daily possession limit for cod of 800 lb (363 kg)/DAS and an overall trip limit of 250 lb (113 kg)/trip for yellowtail flounder. This vessel would be required to offload any cod harvested, but may retain any yellowtail flounder on board prior to leaving port on a subsequent trip.

■ 10. In § 648.87, paragraphs (b)(2)(ix), (b)(2)(x), and (d)(1)(i) are revised to read as follows:

§ 648.87 Sector allocation.

* * * * *

(b) * * *

(2) * * *

(ix) If the Operations Plan is inconsistent with, or outside the scope of the NEPA analysis associated with the Sector proposal/framework adjustment as specified in paragraph (b)(1)(v) of this section, a supplemental NEPA analysis may be required with the Operations Plan.

(x) Each vessel and vessel operator and/or vessel owner participating in a Sector must comply with all applicable requirements and conditions of the Operations Plan specified in this paragraph (b)(2) and the Letter of Authorization issued pursuant to paragraph (c)(3) of this section. It shall be unlawful to violate any such conditions and requirements unless such conditions or restrictions are identified as administrative only in an approved Operations Plan. Each Sector, vessel, and vessel operator and/or vessel owner participating in the Sector may be charged jointly and severally for civil penalties and permit sanctions pursuant to 15 CFR part 904.

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(d) * * *

(1) * * *

(i) *GB Cod Hook Sector Area (GBCHSA).* The GBCHSA is defined by straight lines connecting the following points in the order stated (copies of a map depicting the area are available from the Regional Administrator upon request):

GEORGES BANK COD HOOK SECTOR AREA

Point	N. Lat.	W. Long.
HS1	(¹)	70°00'
HS2	42°20'	70°00'
HS3	42°20'	367°18.4'
Follow the U.S. EEZ boundary south to HS4		
HS4	39°00'	66°45.5'
HS5	39°00'	71°40'
HS6	(²)	71°40'

¹ The east facing shoreline of Cape Cod, MA.

² The south facing shoreline of Rhode Island.

³ The U.S. Canada Maritime Boundary.

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■ 11. In § 648.90, paragraph (a)(2)(iv) is revised to read as follows:

§ 648.90 NE multispecies assessment, framework procedures and specifications, and flexible area action system.

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(a) * * *

(2) * * *

(iv) The Council shall review the target TACs recommended by the PDT and all of the options developed by the PDT and other relevant information;

consider public comment; and develop a recommendation to meet the FMP objective pertaining to regulated species, Atlantic halibut, and ocean pout that is consistent with other applicable law. If the Council does not submit a recommendation that meets the FMP objectives and is consistent with other applicable law, the Regional Administrator may adopt any option developed by the PDT, unless rejected by the Council, as specified in paragraph (a)(2)(vii) of this section, provided the option meets the FMP objectives and is consistent with other applicable law.

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■ 12. In § 648.92, paragraph (b)(1)(i) is revised to read as follows:

§ 648.92 Effort-control program for monkfish limited access vessels.

* * * * *

(b) * * *

(1) * * *

(i) *General provision.* All limited access monkfish permit holders shall be allocated monkfish DAS each fishing year to be used in accordance with the restrictions of this paragraph (b), unless modified by paragraph (b)(1)(ii) of this section according to the provisions specified at § 648.96(b)(3). The number of monkfish DAS to be allocated, before accounting for any such modification, is 40 DAS minus the amount calculated in paragraph (b)(1)(iv) of this section, unless the vessel is enrolled in the Offshore Fishery Program in the SFMA, as specified in paragraph (b)(1)(iii) of this section. Limited access NE multispecies and limited access sea scallop DAS permit holders who also possess a valid limited access monkfish permit must use a NE multispecies or sea scallop DAS concurrently with their monkfish DAS, except as provided in paragraph (b)(2) of this section, unless otherwise specified under this subpart F.

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[FR Doc. 05-24420 Filed 12-23-05; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 050630174-5234-02; I.D. 121505A]

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Quota Adjustment for the Closed Area I Hook Gear Haddock Special Access Program

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

ACTION: Temporary rule; quota adjustment.

SUMMARY: NMFS announces that the Administrator, Northeast Region, NMFS (Regional Administrator), is increasing the 500-mt haddock quota for the second participation period (November 16, 2005, through December 31, 2005) of the Closed Area (CA) I Hook Gear Haddock Special Access Program (SAP) to 536.6 mt. Available information indicates that the 500-mt quota for the first participation period of this SAP (October 1, 2005, through November 15, 2005) was under-harvested. The intended effect of this action is to account for this under-harvest from the first participation period, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act.

DATES: Effective December 27, 2005 through December 31, 2005.

FOR FURTHER INFORMATION CONTACT: Mark Grant, Fishery Management Specialist, phone: (978) 281-9145, fax: (978) 281-9135, e-mail: mark.grant@noaa.gov.

SUPPLEMENTARY INFORMATION: Regulations governing the CA I Hook Gear Haddock SAP are found at 50 CFR 648.85(b)(7). The regulations authorize a 1,000-mt total allowable catch (TAC) (landings and discards) of haddock for the SAP. The currently approved haddock TAC of 1,000 mt is divided evenly into two quota periods such that the haddock TAC for each period is 500

mt. The Regional Administrator is authorized by § 648.85(b)(7)(iv)(F) to adjust the 500-mt quota for the second participation period to account for under- or over-harvest of the 500-mt haddock quota (landings and discards) that occurred in the first participation period, not to exceed the overall haddock TAC. The Regional Administrator, based upon Vessel Monitoring System reports and other available information, has determined that 463.4 mt of haddock was caught during the first participation period. Therefore, the haddock quota for the second participation period is increased to 536.6 mt to account for under-harvesting the first participation period haddock TAC. This action will provide vessels increased opportunities to harvest healthy groundfish stocks by permitting access to fully harvest the available haddock TAC specified for this SAP during the 2005 fishing year.

Classification

This action is authorized 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, as notice and comment would be impracticable and contrary to the public interest. The regulations under § 648.85(b)(7)(iv)(F) grant the Regional Administrator authority to adjust the 500-mt quota for the second participation period to account for under- or over-harvest of the 500-mt haddock quota (landings and discards) that occurred in the first participation period. The possibility of this quota adjustment was contemplated by Framework Adjustment 41 (Framework 41) and commented on by the public. This program began on October 1, 2005, and continues through December 31, 2005. If implementation of this action is delayed, NMFS could be prevented from carrying out its function of increasing opportunities to harvest healthy groundfish stocks. If a proposed rule for this action or delay in effectiveness were required, vessels may not be able to fully harvest the available haddock TAC specified for this SAP during the 2005 fishing year. This could prevent the fishery from achieving optimum yield (OY) for this healthy stock. Given

the 36.6-mt underage of the first participation period quota, the delay in receiving final landings data from dealers for the first participation period (the final estimate of haddock catch for the first period was not completed until December 6, 2005), the rapid rate at which the haddock TAC for the second period has been harvested to date, and the relatively large portion of the haddock TAC remaining for this SAP it was not possible to make this determination sooner. Therefore, it would be impracticable for NMFS to provide for prior notice and opportunity for public comment because this would likely prevent the industry from fully harvesting the haddock TAC for this SAP during the 2005 fishing year. Under-harvesting the haddock TAC for this SAP reduces the ability of participating vessels to fully realize the economic benefits of this SAP, as specified in Framework 41. Frameworks 40A and 41 were implemented to mitigate the economic and social impacts resulting from Amendment 13 to the NE multispecies FMP and the management requirements of the Magnuson-Stevens Fishery Conservation and Management Act. If a proposed rule for this action or delay in effectiveness were required, the intent of Framework 41 would not be achieved. This would result in decreased revenue for the NE multispecies fishery, increased economic impacts to vessels operating in the CA I Hook Gear Haddock SAP, reduced opportunities to fully harvest the GB haddock TAC, and a reduced chance of achieving optimum yield in the groundfish fishery.

For the above reasons, under 5 U.S.C. 553(b)(3), proposed rulemaking is waived because it would be impracticable and contrary to the public interest. Furthermore, for the same reasons specified above, there is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delayed effectiveness period for this action.

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

Dated: December 20, 2005.

John H. Dunnigan,

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

[FR Doc. 05-24471 Filed 12-21-05; 1:26 pm]

BILLING CODE 3510-22-S