

South Carolina Ozone (8-Hour Standard)

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² Early Action Compact Area, effective date deferred until December 31, 2006.

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■ 8. In §81.343, the table entitled “Tennessee–Ozone (8-Hour Standard)” is amended by revising footnote 2 to read as follows:

§ 81.343 Tennessee.

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Tennessee Ozone (8-Hour Standard)

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² Early Action Compact Area, effective date deferred until December 31, 2006.

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■ 9. In §81.344, the table entitled “Texas–Ozone (8-Hour Standard)” is amended by revising footnote 2 to read as follows:

§ 81.344 Texas.

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Texas Ozone (8-Hour Standard)

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² Early Action Compact Area, effective date deferred until December 31, 2006.

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■ 10. In §81.347, the table entitled “Virginia–Ozone (8-Hour Standard)” is amended by revising footnote 2 to read as follows:

§ 81.347 Virginia.

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Virginia Ozone (8-Hour Standard)

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² Early Action Compact Area, effective date deferred until December 31, 2006.

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■ 11. In §81.349, the table entitled “West Virginia–Ozone (8-Hour Standard)” is amended by revising footnote 2 to read as follows:

§ 81.349 West Virginia.

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West Virginia Ozone (8-Hour Standard)

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² Early Action Compact Area, effective date deferred until December 31, 2006.

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

[Docket No. 041126332–5039–02; I.D. 082305B]

Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole 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; prohibition of retention.

SUMMARY: NMFS is prohibiting retention of yellowfin sole in the Bering Sea and Aleutian Islands management area (BSAI). NMFS is requiring that catch of yellowfin sole in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the 2005 total allowable catch (TAC) of yellowfin sole in the BSAI has been reached.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), August 24, 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 BSAI exclusive economic zone 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 2005 TAC of yellowfin sole in the BSAI was established as 83,883 metric

tons by the 2005 and 2006 final harvest specifications for groundfish in the BSAI (70 FR 8979, February 24, 2005) and the apportionment of the non-specified reserve to the yellowfin sole TAC on July 28, 2005 (70 FR 43644, July 28, 2005).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS, has determined that the yellowfin sole TAC in the BSAI has been reached. Therefore, NMFS is requiring that further catches of yellowfin sole in the BSAI be treated as a prohibited species in accordance with § 679.21(b).

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 a 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 prohibition of retention of yellowfin sole in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of August 22, 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 § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: August 23, 2005.

Alan D. Risenhoover,

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

[FR Doc. 05–17141 Filed 8–24–05; 2:52 pm]

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