

giving a longer period of time to seek reinstatement of lapsed leases. Therefore, the Department of the Interior has determined that the rule would not cause a taking of private property or require further discussion of takings implications under this Executive Order.

Executive Order 13132, Federalism

The final rule will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. The final rule will have no effect on the States, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. The final regulation is essentially administrative in nature, merely expanding the types of lease holdings that are exempt from the lease acreage holding limitations and extending the maximum time to file a lease reinstatement petition from 15 months to 24 months. Therefore, in accordance with Executive Order 13132, the BLM has determined that this final rule does not have sufficient Federalism implications to warrant preparation of a Federalism Assessment.

Executive Order 12988, Civil Justice Reform

Under Executive Order 12988, the Office of the Solicitor has determined that this final rule would not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

In accordance with Executive Order 13175, the BLM has determined that this rule has no impact on Tribal lands because the BLM's part 3100 regulations do not apply to Tribal lands.

Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

In accordance with Executive Order 13211, the BLM has determined that the final rule will not have substantial direct effects on the energy supply, distribution or use, including a shortfall in supply or price increase. This rule does not represent the exercise of agency discretion. Congress' mandate to expand the types of holdings that are exempt from the acreage holding limitations and to increase the

maximum amount of time to petition for lease reinstatement in certain circumstances may result in an increase in oil and gas production of unknown amounts. It does not impose a regulatory burden on any lessee.

Executive Order 13352, Facilitation of Cooperative Conservation

In accordance with Executive Order 13352, the BLM has determined that this final rule is administrative in nature, merely expanding the types of lease holdings that are exempt from the lease acreage holding limitations and extending the maximum time to file a lease reinstatement petition from 15 months to 24 months. This rule does not impede facilitating cooperative conservation; takes appropriate account of and considers the interests of persons with ownership or other legally recognized interests in land or other natural resources; has no effect on local participation in the Federal decision-making process; and does not affect programs, projects, and activities having to do with protecting public health and safety.

Paperwork Reduction Act

The BLM has determined that this rulemaking does not contain any new information collection requirements that the Office of Management and Budget (OMB) must approve under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The OMB has approved the information collection requirements in the regulations under OMB control number 1004-0185 which expires June 30, 2006.

Author

The principal author of this rule is Jay Douglas of BLM's Fluid Minerals Group (WO320) assisted by Ian Senio of BLM's Regulatory Affairs Group and Dennis Daugherty, Office of the Solicitor, Department of the Interior.

List of Subjects in 43 CFR Part 3100

Government contracts; Mineral royalties; Oil and gas exploration; Public lands—mineral resources; Reporting and recordkeeping requirements; Surety bonds.

Dated: March 10, 2006.

Chad Calvert,

Acting, Assistant Secretary, For Land and Minerals Management.

■ Accordingly, BLM amends 43 CFR part 3100, as set forth below:

PART 3100—OIL AND GAS LEASING

■ 1. Revise the authority citation for part 3100 to read as follows:

Authority: 30 U.S.C. 189 and 359; 43 U.S.C. 1732(b), 1733, and 1740; and the Energy Policy Act of 2005 (Pub. L. 109-58).

■ 2. Amend § 3101.2-3 by designating the first sentence of the section as paragraph (a) and the second sentence of the section as paragraph (b) and by revising newly designated paragraph (a) to read as follows:

§ 3101.2-3 Excepted acreage.

(a) The following acreage shall not be included in computing accountable acreage:

- (1) Acreage under any lease any portion of which is committed to any Federally approved unit or cooperative plan or communitization agreement;
- (2) Acreage under any lease for which royalty (including compensatory royalty or royalty in-kind) was paid in the preceding calendar year; and
- (3) Acreage under leases subject to an operating, drilling or development contract approved by the Secretary.

* * * * *

■ 3. Amend § 3108.2-3 by redesignating paragraph (b)(1) and (b)(2) as paragraphs (b)(2) and (b)(3), respectively, adding a new paragraph (b)(1), and revising newly designated paragraph (b)(2) to read as follows:

§ 3108.2-3 Reinstatement at higher rental and royalty rates: Class II reinstatements.

* * * * *

(b)(1) Leases that terminate on or before August 8, 2005, may be reinstated if the required back rental and royalty at the increased rates accruing from the date of termination, together with a petition for reinstatement, are filed on or before the earlier of:

(i) Sixty days after the receipt of the Notice of Termination sent to the lessee of record, whether by return of check or any form of actual notice; or

(ii) Fifteen months after termination of the lease.

(2) Leases that terminate after August 8, 2005 may be reinstated if the required back rental and royalty at the increased rates accruing from the date of termination, together with a petition for reinstatement, are filed on or before the earlier of:

(i) Sixty days after the last date that any lessee of record received Notice of Termination by certified mail; or

(ii) Twenty four months after termination of the lease.

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[FR Doc. 06-2848 Filed 3-23-06; 8:45 am]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 660**

[Docket No. 060317076-6076-01; I.D. 032006E]

RIN 0648-AU41

Fisheries off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Fishery Closure

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is closing the shallow-set pelagic longline fishery north of the equator for all vessels registered under the Hawaii longline limited access program. This action is necessary to comply with regulations that govern the pelagic fisheries of the western Pacific region that establish maximum annual limits on the numbers of interactions that occur between longline fishing gear and sea turtles. The 2006 annual limit on physical interactions between longline fishing and sea turtles has been reached, so the fishery must be closed for the remainder of the calendar year.

DATES: Effective 7:09 a.m. (0709 hrs) Hawaii Standard Time (HST) on March 20, 2006, through 11:59 p.m. (2359 hrs) HST on December 31, 2006.

FOR FURTHER INFORMATION CONTACT: Robert Harman, NMFS, 808-944-2271.

SUPPLEMENTARY INFORMATION: NMFS manages the pelagic longline fishery for swordfish, tunas and related species in the western Pacific region, according to the Fishery Management Plan for the Pelagic Species of the Western Pacific Region, prepared by the Western 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 660.

The regulations at § 660.33(b)(1) governing western Pacific pelagic fisheries establish maximum annual limits on the numbers of physical interactions that occur between longline fishing gear and sea turtles. These limits apply to physical interactions experienced by vessels registered under Hawaii longline limited-access permits while engaged in shallow-set longline fishing, i.e., fishing that is directed at swordfish. There are two calendar-year annual limits on physical interactions,

one for leatherback sea turtles set at 16, and one for loggerhead sea turtles set at 17.

Interactions with turtles are monitored using data from scientific observers placed by NMFS aboard all vessels engaged in shallow-set longline fishing. NMFS is required to maintain 100 percent observer coverage in the Hawaii shallow-set longline fishery.

The regulations at § 660.33(b)(2) prescribe that, as soon as the interaction limit for either of the two turtle species has been determined to have been reached in a given year, the shallow-set component of the Hawaii-based longline fishery must be closed for the remainder of the calendar year, after giving permit holders and operators actual notice of the closure. Upon receiving actual notice from NMFS, fishermen are required to remove all longline fishing gear from the water and immediately terminate their fishing trip. Once the shallow-set component of the fishery is closed, it is prohibited for any vessel registered under a Hawaii longline limited-access permit to engage in shallow-set longline fishing north of the equator.

In accordance with § 660.33(b)(2), the Regional Administrator, Pacific Islands Region, NMFS, has determined that the 2006 interaction limit of 17 loggerhead turtles has been reached. Consequently, NMFS closed the shallow-set component of the Hawaii-based longline fishery at 7:09 a.m. (0709) HST on March 20, 2006. This closure ends at 11:59 pm (2359 hrs) HST on December 31, 2006.

Classification

This action responds to the best available information 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. Given the ability of the fishery to suddenly reach and exceed the low limit on turtle takes, it is impracticable for NMFS to delay implementing the closure. There is insufficient time between when the observer data are collected as to the number of turtle interactions in the fishery and the time the fishery closure must be implemented. If not implemented quickly, the number of allowable interactions will likely be exceeded, thereby imposing harm to the public interest in protecting these turtle species. For the same reasons, 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 action is required by § 660.33(b)(2) and is exempt from review under Executive Order 12866.

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

Dated: March 20, 2006.

Alan D. Risenhoover,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 06-2883 Filed 3-21-06; 2:00 pm]

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

[Docket No. 060216044-6044-01; I.D. 032106B]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 620 of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the B season allowance of the 2006 total allowable catch (TAC) of pollock for Statistical Area 620 of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 21, 2006, through 1200 hrs, A.l.t., August 25, 2006.

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 B season allowance of the 2006 TAC of pollock in Statistical Area 620 of the GOA is 13,394 metric tons (mt) as established by the 2006 and 2007 harvest specifications for groundfish of the GOA (71 FR 10870, March 3, 2006). In accordance with § 679.20(a)(5)(iv)(B) the Administrator, Alaska Region, NMFS (Regional Administrator), hereby increases the B season pollock