

mt and to vessels using jig gear is 1,514 mt after three reallocations (71 FR 14825, March 24, 2006, 71 FR 25508 May 1, 2006, and 71 FR 44230, August 4, 2006).

As of October 02, 2006, the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that catcher processors using trawl gear will not be able to harvest 5,406 mt and catcher vessels using trawl gear will not be able to harvest 7,427 mt of Pacific cod allocated to those vessels under § 679.20(a)(7)(i)(B). Therefore, in accordance with § 679.20(a)(7)(ii)(C)(2), NMFS apportions 12,833 mt of Pacific cod from trawl gear to catcher processor vessels using hook-and-line gear and vessels using pot gear.

The Regional Administrator has also determined that vessels using jig gear will not harvest 1,300 mt of their Pacific cod allocation by the end of the year. Also, catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear will not be able to harvest any additional Pacific cod. Therefore, in accordance with § 679.20(a)(7)(ii)(C)(1) and § 679.20(a)(7)(ii)(B), NMFS is reallocating the unused amount of 1,300 mt of Pacific cod allocated to vessels using jig gear to catcher processor vessels using hook-and-line gear and vessels using pot gear.

The harvest specifications for Pacific cod included in the harvest specifications for groundfish in the BSAI (71 FR 10894, March 3, 2006) and adjustments (71 FR 13777, March 17, 2006 and 71 FR 55347, September 22, 2006) are revised as follows: 214 mt to vessels using jig gear, 84,709 mt to catcher processor vessels using hook-and-line gear, 13,880 mt to catcher vessels using pot gear, 3,053 mt to catcher processor vessels using pot gear, 35,845 mt to catcher processor vessels using trawl gear, and 33,824 mt to catcher vessels using trawl gear.

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 reallocation of projected unused amounts of Pacific cod 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 October 2, 2006.

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: October 03, 2006.

James P. Burgess,

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

[FR Doc. E6-16675 Filed 10-6-06; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 060216045-6045-01; I.D. 100306D]

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands

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 the Aleut Corporation's pollock directed fishing allowance (DFA) and the Aleutian Islands pollock incidental catch allowance (ICA) from the Aleutian Islands subarea to the Bering Sea subarea directed fisheries. These actions are necessary to provide opportunity for harvest of the 2006 total allowable catch (TAC) of pollock, consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the

Bering Sea and Aleutian Islands Management Area (FMP).

DATES: Effective October 6, 2006, through 2400 hrs, Alaska local time (A.l.t.), December 31, 2006.

FOR FURTHER INFORMATION CONTACT: Jennifer Hogan, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the Bering Sea and Aleutian Islands Management Area (BSAI) according to the 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 portion of the 2006 pollock TAC allocated to the Aleut Corporation's DFA is 5,500 metric tons (mt) and the ICA is 1,800 mt as established by the 2006 and 2007 final harvest specifications for groundfish in the BSAI (71 FR 10894, March 3, 2006) and the reallocation on March 3, 2006 (71 FR 11541, March 8, 2006) and on August 16, 2006 (71 FR 48483, August 21, 2006).

As of October 2, 2006, the Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that 4,603 mt of Aleut Corporation's DFA and 700 mt of ICA pollock in the Aleutian Islands subarea will not be harvested. Therefore, in accordance with § 679.20(a)(5)(iii)(B)(4), NMFS proportionally reallocates 4,603 mt of Aleut Corporation's DFA and 700 mt of ICA pollock from the Aleutian Islands subarea to the 2006 Bering Sea subarea B season allocations.

As a result, the harvest specifications for pollock in the Aleutian Islands subarea included in the harvest specifications for groundfish in the BSAI (71 FR 48483, August 21, 2006) are revised as follows: 897 mt to Aleut Corporation's DFA and 1,100 mt to ICA pollock. Furthermore, pursuant to § 679.20(a)(5), Tables 3 and 10 of the 2006 and 2007 final harvest specifications for groundfish in the BSAI (71 FR 48483, August 21, 2006) are revised for 2006 pollock allocations consistent with this reallocation. This reallocation results in proportional adjustments to the 2006 B season Aleut Corporation and ICA pollock allocations established at § 679.20(a)(5).

TABLE 3 – 2006 AND 2007 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA)¹

[Amounts are in metric tons]

Area and sector	2006 Allocations	2006 A season ¹		2006 B season ¹
		A season DFA	SCA harvest limit ²	B season DFA
Bering Sea subarea	1,502,003	n/a	n/a	n/a
CDQ DFA	150,400	60,160	41,793	90,240
ICA	30,967	n/a	n/a	n/a
AFA Inshore	660,318	261,148	181,626	399,170
AFA Catcher/Processors ³	528,254	208,918	145,301	319,336
Catch by C/Ps	483,353	191,160	n/a	292,193
Catch by CVs ³	44,902	17,758	n/a	27,144
Unlisted C/P Limit ⁴	2,641	1,045	n/a	1,597
AFA Motherships	132,064	52,230	36,325	79,834
Excessive Harvesting Limit ⁵	231,111	n/a	n/a	n/a
Excessive Processing Limit ⁶	396,191	n/a	n/a	n/a
Total Bering Sea DFA	1,471,636	582,456	405,045	888,580
Aleutian Islands subarea ¹	1,997	n/a	n/a	n/a
CDQ DFA	0	n/a	n/a	0
ICA	1,100	400	n/a	600
Aleut Corporation	897	359	n/a	538
Bogoslof District ICA ⁷	10	n/a	n/a	n/a

¹ Pursuant to § 679.20(a)(5)(i)(A), the Bering Sea subarea pollock, after subtraction for the CDQ DFA - 10 percent and the ICA - 3.35 percent, is allocated as a DFA as follows: inshore component - 50 percent, catcher/processor component - 40 percent, and mothership component - 10 percent. In the Bering Sea subarea, the A season, January 20 - June 10, is allocated 40 percent of the DFA and the B season, June 10 - November 1, is allocated 60 percent of the DFA. Pursuant to § 679.20(a)(5)(iii)(B)(2)(i) and (ii), the annual AI pollock TAC, after subtracting first for the CDQ directed fishing allowance - 10 percent and second the ICA - 1,800 mt, is allocated to the Aleut Corporation for a directed pollock fishery. In the AI subarea, the A season is allocated 40 percent of the ABC and the B season is allocated the remainder of the directed pollock fishery.

² In the Bering Sea subarea, no more than 28 percent of each sector's annual DFA may be taken from the SCA before April 1. The remaining 12 percent of the annual DFA allocated to the A season may be taken outside of SCA before April 1 or inside the SCA after April 1. If 28 percent of the annual DFA is not taken inside the SCA before April 1, the remainder is available to be taken inside the SCA after April 1.

³ Pursuant to § 679.20(a)(5)(i)(A)(4), not less than 8.5 percent of the DFA allocated to listed catcher/processers shall be available for harvest only by eligible catcher vessels delivering to listed catcher/processers.

⁴ Pursuant to § 679.20(a)(5)(i)(A)(4)(iii), the AFA unlisted catcher/processers are limited to harvesting not more than 0.5 percent of the catcher/processers sector's allocation of pollock.

⁵ Pursuant to § 679.20(a)(5)(i)(A)(6) NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the pollock DFAs.

⁶ Pursuant to § 679.20(a)(5)(i)(A)(7) NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the pollock DFAs.

⁷ The Bogoslof District is closed by the final harvest specifications to directed fishing for pollock. The amounts specified are for ICA only, and are not apportioned by season or sector.

TABLE 10 – 2006 AND 2007 BERING SEA SUBAREA INSHORE COOPERATIVE ALLOCATIONS

[Amounts are in metric tons]

Cooperative name and member vessels	Sum of member vessel's official catch histories ¹ (mt)	Percentage of inshore sector allocation	2006 Annual cooperative allocation (mt)	2007 Annual cooperative allocation (mt)
Akutan Catcher Vessel Association	31,145	31.145	205,656	203,186
Arctic Enterprise Association	1,146	1.146	7,566	7,476
Northern Victor Fleet Cooperative	8,412	8.412	55,548	54,879
Peter Pan Fleet Cooperative	2,876	2.876	18,992	18,763
Unalaska Cooperative	12,191	12.191	80,497	79,533
UniSea Fleet Cooperative	25,324	25.324	167,220	165,211
Westward Fleet Cooperative	18,906	18.906	124,838	123,340
Open access AFA vessels	0	0	0	0
Total inshore allocation	875,572	100	660,318	652,388

¹ According to regulations at § 679.62(e)(1), the individual catch history for each vessel is equal to the vessel's best 2 of 3 years inshore pollock landings from 1995 through 1997 and includes landings to catcher/processers for vessels that made 500 or more mt of landings to catcher/processers from 1995 through 1997.

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 BSAI pollock. Since the pollock fishery is currently open, it is important to immediately inform the industry as to the final Bering Sea subarea pollock allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery; allow the industry to plan for the fishing season and avoid potential disruption to the fishing fleet as well as processors; and provide opportunity to harvest increased B season pollock allocations while value is optimum.

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: October 3, 2006.

James P. Burgess,

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

[FR Doc. E6-16674 Filed 10-6-06; 8:45 am]

BILLING CODE 3510-22-S