

United States is a party to many different international agreements that require observer coverage. They state that unless an international body waives its observer coverage requirements, NMFS must ensure individual waivers comply with international observer requirements within the relevant convention waters.

Two commenters requested a waiver for the international purse seine fishery. They indicated that several international agencies have granted temporary allowances to allow for the relevant fisheries to operate without observers as a result of the pandemic, and urge NMFS to waive observer coverage fully for the relevant fisheries. They note fishermen could experience economic harm if they are prohibited from fishing when observers are not available. They also note concern that these emergency measures will be lifted by NMFS on “The date when the current COVID-19 pandemic is no longer deemed a public health emergency by the Secretary of Health and Human Services.” They state that the condition of the pandemic in the United States may not match the conditions internationally.

Response: NMFS understand these concerns, is assessing conditions around international fisheries, and is waiving observer coverage where appropriate.

Classification

This action is issued pursuant to section 305(c) of the MSA, 16 U.S.C. 1855(c), and pursuant to the rulemaking authority under other statutes that apply to Federal fisheries management or that implement international agreements. Such statutes include, but are not limited to, the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*), South Pacific Tuna Act of 1988 (16 U.S.C. 973 *et seq.*), Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 *et seq.*), Antigua Convention Implementing Act (16 U.S.C. 951 *et seq.*), High Seas Fishing Compliance Act (16 U.S.C. 5501 *et seq.*), and MMPA (16 U.S.C. 1361 *et seq.*). This temporary rule is intended to authorize NMFS to waive any observer requirement implemented under any of those authorities, consistent with other applicable law. Consistent with MSA section 305(c)(3)(B), this action will remain in effect as to all such requirements for 186 days (366 days from the original rulemaking) (unless, prior to these dates, the current COVID-19 pandemic is no longer deemed a public health emergency by the Secretary of Health and Human Services, in which case NMFS anticipates that a notice of termination

of this temporary rule would be filed in the **Federal Register** pursuant to MSA section 305(c)(3)(D)). If this emergency needs to be extended beyond that time, or if this public health emergency evolves to the point where it is deemed necessary, NMFS will consult with the Secretary of Health and Human Services, pursuant to MSA section 305(c)(3)(C), to seek the Secretary’s concurrence on extending the action until the circumstances that created the public health emergency related to COVID-19 no longer exist.

The Assistant Administrator for Fisheries, NOAA (AA), finds good cause under 5 U.S.C. 553(b)(B) of the Administrative Procedure Act (APA) that it is unnecessary, impracticable, and contrary to the public interest to provide for any additional prior notice and opportunity for the public to comment. As more fully explained above, the reasons justifying promulgation of this rule on an emergency basis, coupled with the fact that the public has had the opportunity to comment on the original emergency rule, make solicitation of additional comment unnecessary, impractical and contrary to the public interest. This action is needed immediately to enable NMFS to continue to respond to evolving, public safety-related concerns. NMFS is implementing this extension of an emergency action to continue to authorize action to prevent any potential health issues caused by spreading the COVID-19 virus to fishermen, observers, technicians, and other persons involved with observer coverage. Any delay of implementation of this extension could result in public health and safety issues during this global pandemic. In addition, this extension is needed to address potential disruptions in observer and technician availability due to health, training or travel issues or COVID-19-related guidance, requirements, or restrictions.

For the reasons stated above, the AA also finds good cause to waive the 30-day delay in effective date of this temporary rule under 5 U.S.C. 553(d)(3).

Because prior notice and opportunity for public comment are not required for this temporary rule by 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

Dated: September 15, 2020.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 200221-0062; RTID 0648-XA485]

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 flathead sole and rock sole Community Development Quota (CDQ) for yellowfin sole CDQ acceptable biological catch (ABC) reserves in the Bering Sea and Aleutian Islands management area. This action is necessary to allow the 2020 total allowable catch (TAC) of yellowfin sole in the Bering Sea and Aleutian Islands management area to be harvested.

DATES: Effective September 17, 2020, through December 31, 2020.

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 2020 flathead sole, rock sole, and yellowfin sole CDQ reserves specified in the BSAI are 2,087 metric tons (mt), 5,040 mt, and 16,125 mt as established by the final 2020 and 2021 harvest specifications for groundfish in the BSAI (85 FR 13553, March 9, 2020). The 2020 flathead sole, rock sole, and yellowfin sole CDQ ABC reserves are 5,204 mt, 11,363 mt, and 11,793 mt as established by the final 2020 and 2021 harvest specifications for groundfish in the BSAI (85 FR 13553, March 9, 2020).

The Coastal Villages Regional Fund has requested that NMFS exchange 125 mt of flathead sole and 175 mt of rock sole CDQ reserves for 300 mt of yellowfin sole CDQ ABC reserves under

§ 679.31(d). Therefore, in accordance with § 679.31(d), NMFS exchanges 125 mt of flathead sole and 175 mt of rock sole CDQ reserves for 300 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 2020 and 2021 harvest specifications for

groundfish in the BSAI (85 FR 13553, March 9, 2020) are further revised as follows:

TABLE 11—FINAL 2020 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 Aleutian District	Central Aleutian District	Western Aleutian District	BSAI	BSAI	BSAI
TAC	10,613	8,094	10,000	19,375	46,925	151,000
CDQ	1,136	866	1,070	1,962	4,865	16,425
ICA	100	60	10	3,000	6,000	4,000
BSAI trawl limited access	938	717	178	17,172
Amendment 80	8,440	6,451	8,742	14,414	36,060	113,403

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

TABLE 13—FINAL 2020 AND 2021 ABC SURPLUS, ABC RESERVES, 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	2020 Flathead sole	2020 Rock sole	2020 Yellowfin sole	2021 ¹ Flathead sole	2021 ¹ Rock sole	2021 ¹ Yellowfin sole
ABC	68,134	153,300	260,918	71,079	230,700	261,497
TAC	19,375	46,925	151,000	24,000	49,000	168,900
ABC surplus	48,759	106,375	109,918	47,079	181,700	92,597
ABC reserve	48,759	106,375	109,918	47,079	181,700	92,597
CDQ ABC reserve	5,329	11,538	11,493	5,037	19,442	9,908
Amendment 80 ABC reserve	43,430	94,837	98,425	42,042	162,258	82,689

¹ The 2021 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, 2020.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be 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 Coastal Villages Regional Fund 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 September 4, 2020.

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

Dated: September 15, 2020.

Jennifer M. Wallace,
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. 200221–0062; RTID 0648–XA352]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area 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 Pacific ocean perch in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2020 total allowable catch of Pacific ocean perch in the Western Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), September 16, 2020, through 2400 hours, A.l.t., December 31, 2020.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 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.