

Federal Communications Commission.

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DEPARTMENT OF TRANSPORTATION

49 CFR Part 1

[Docket No. OST-2006-24108]

RIN 9991-AA48

Organization and Delegation of Powers and Duties; National Highway Traffic Safety Administrator

AGENCY: Office of the Secretary of Transportation.

ACTION: Final rule.

SUMMARY: The Secretary of Transportation (Secretary) is delegating to the National Highway Traffic Safety Administrator his authority to engage in activities with States and State legislators to consider proposals related to safety belt use laws.

DATES: *Effective Date:* This final rule is effective on March 8, 2006.

FOR FURTHER INFORMATION CONTACT: Stan Feldman, Associate Chief Counsel, Office of Chief Counsel, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, SW., Washington, DC 20590, Telephone: (202) 366-9511.

SUPPLEMENTARY INFORMATION: The Secretary of Transportation is delegating to the National Highway Traffic Safety Administrator his authority under 23 U.S.C. 406(e)(3), as added by section 2005(a) of SAFETEA-LU, Public Law 109-59, to engage in activities with States and State legislators to consider proposals related to safety belt use laws. The National Highway Traffic Safety Administrator may further delegate this authority, including to other modal Administrators within the Department of Transportation.

This amendment adds 49 CFR 1.50(o) to reflect the Secretary of Transportation's delegation of this authority. Since this amendment relates to departmental organization, procedure and practice, notice and comment are unnecessary under 5 U.S.C. 553(b). Further, since the amendment expedites the National Highway Traffic Safety Administrator's ability to meet the statutory intent of the applicable law and regulations covered by this delegation, the Secretary finds good cause under 5 U.S.C. 553(d)(3) for the final rule to be effective on the date of publication in the **Federal Register**.

Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

The final rule is not considered a significant regulatory action under Executive Order 12866 and DOT Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034). There are no costs associated with this rule.

B. Executive Order 13132

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, dated August 4, 1999. This final rule does not have a substantial direct effect on, or sufficient federalism implications for, the States, nor would it limit the policymaking discretion of the States. Therefore, the consultation and funding requirements do not apply.

C. Executive Order 13084

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13084 ("Consultation and Coordination with Indian Tribal Governments"). Because this final rule does not significantly or uniquely affect the communities of the Indian tribal governments and does not impose substantial direct compliance costs, the funding and consultation requirements of Executive Order 13084 do not apply.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) requires an agency to review regulations to assess their impact on small entities unless the agency determines that a rule is not expected to have a significant impact on a substantial number of small entities. I hereby certify this final rule, which amends the CFR to reflect a modification of authority from the Secretary, will not have a significant economic impact on a substantial number of small businesses.

E. Paperwork Reduction Act

This rule contains no information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

F. Unfunded Mandates Reform Act

The Department of Transportation has determined that the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply to this rulemaking.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

■ In consideration of the foregoing, part 1 of title 49, Code of Federal Regulations, is amended, effective upon publication, to read as follows:

PART 1—[AMENDED]

■ 1. The authority citation for part 1 is revised to read as follows:

Authority: 49 U.S.C. 322; 28 U.S.C. 2672; 31 U.S.C. 3711(a)(2); Pub. L. 101-552, 104 Stat. 2736; Pub. L. 106-159, 113 Stat. 1748; Pub. L. 107-71, 115 Stat. 597; Pub. L. 107-295, 116 Stat. 2064; Pub. L. 107-295, 116 Stat. 2065; Pub. L. 107-296, 116 Stat. 2135; 41 U.S.C. 414; Pub. L. 108-426, 118 Stat. 2423; Pub. L. 109-59, 119 Stat. 1144.

■ 2. Section 1.50 is amended by adding paragraph (o) to read as follows:

§ 1.50 Delegations to National Highway Traffic Safety Administrator.

* * * * *

(o) Carry out the functions and exercise the authority vested in the Secretary under 23 U.S.C. 406 (e)(3), as added by section 2005(a) of SAFETEA-LU, Public Law 109-59, to engage in activities with States and State legislators to consider proposals related to safety belt use laws. The National Highway Traffic Safety Administrator may further delegate this authority, including to other modal Administrators within the Department of Transportation.

Issued on the 2nd day of March, 2006, at Washington, DC.

Norman Y. Mineta,

Secretary of Transportation.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 060216045-6045-01; I.D. 030306A]

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock from the Aleutian Islands Subarea to the Bering Sea Subarea

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 Community Development Quota (CDQ) and non-CDQ pollock from the Aleutian Islands subarea to the Bering Sea

subarea. 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 March 3, 2006, through 2400 hrs, Alaska local time (A.l.t.), December 31, 2006.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the 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 2006 A season allowance of non-CDQ pollock is 9,800 metric tons (mt) and the CDQ pollock is 760 mt as established by the 2006 and 2007 final harvest specifications for groundfish in the BSAI (71 FR 10894, March 3, 2006), for the period 1200 hrs, A.l.t., January 1, 2006, through 1200 hrs, A.l.t., June 10, 2006.

As of March 1, 2006, the Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that the following A season apportionments of pollock in the Aleutian Islands subarea will not be harvested: 5,800 of non-CDQ pollock and 760 mt of CDQ pollock. Therefore, in accordance with § 679.20(a)(5)(iii)(B)(4), NMFS proportionally reallocates 5,800 mt of non-CDQ pollock and 760 mt of CDQ pollock from the Aleutian Islands subarea to the 2006 Bering Sea subarea A season allocations, as listed in Tables

3,10, and 11 of the 2006 and 2007 final harvest specifications for groundfish in the BSAI (71 FR 10894, March 3, 2006).

The A season harvest specifications for pollock in the Aleutian Islands subarea included in the harvest specifications for groundfish in the BSAI (71 FR 10894, March 3, 2006) are revised as follows: 4,000 mt to the A season allowance of non-CDQ pollock and 0 mt to the A season allowance of CDQ pollock.

Pursuant to § 679.20(a)(5), Tables 3,10, and 11 of the 2006 and 2007 final harvest specifications for groundfish in the BSAI (71 FR 10894, March 3, 2006) are revised for the 2006 A season non-CDQ pollock and the A season CDQ pollock allocations consistent with this reallocation. This reallocation results in proportional adjustments to the 2006 A season non-CDQ pollock directed fishery allocation (DFA) established at § 679.20(a)(5).

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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	2007 Allocations	2007 A season ¹		2007 B season ¹
		A season DFA	SCA harvest limit ²			A season DFA	SCA harvest limit ²	
Bering Sea subarea	1,491,560	n/a	n/a	n/a	1,500,000	n/a	n/a	n/a
CDQ DFA	149,260	59,704	41,793	89,100	149,156	59,662	41,764	89,494
ICA	44,967	n/a	n/a	n/a	45,253	n/a	n/a	n/a
AFA Inshore	648,666	261,148	181,626	387,518	652,795	261,118	182,783	391,677
AFA Catcher/Processors ³	518,933	208,918	145,301	310,015	522,236	208,895	146,226	313,342
Catch by C/Ps	474,824	191,160	n/a	283,664	477,846	191,138	n/a	286,708
Catch by CVs ³	44,109	17,758	n/a	26,351	44,390	17,756	n/a	26,634
Unlisted C/P Limit ⁴	2,595	1,045	n/a	1,550	2,611	1,044	n/a	1,567
AFA Motherships	129,733	52,230	36,325	77,504	130,559	52,224	36,557	78,335
Excessive Harvesting Limit ⁵	227,033	n/a	n/a	n/a	228,478	n/a	n/a	n/a
Excessive Processing Limit ⁶	389,200	n/a	n/a	n/a	391,677	n/a	n/a	n/a
Total Bering Sea DFA	1,446,592	582,000	405,046	864,137	1,454,747	581,899	407,329	872,848
Aleutian Islands subarea ¹	11,300	n/a	n/a	n/a	19,000	n/a	n/a	n/a
CDQ DFA	1,140	n/a	n/a	1,140	1,900	760	n/a	1,140
ICA	1,800	1,200	n/a	600	1,800	1,200	n/a	600
Aleut Corporation	9,500	4,000	n/a	5,500	15,300	9,800	n/a	5,500
Bogoslof District ICA ⁷	10	n/a	n/a	n/a	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/processors shall be available for harvest only by eligible catcher vessels delivering to listed catcher/processors.

⁴ Pursuant to § 679.20(a)(5)(i)(A)(4)(iii), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processors 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	202,027	203,186
Arctic Enterprise Association		1.146	7,432	7,476
Northern Victor Fleet Cooperative		8.412	54,568	54,879
Peter Pan Fleet Cooperative		2.876	18,657	18,763
Unalaska Cooperative		12.191	79,076	79,533
UniSea Fleet Cooperative		25.324	164,269	165,211
Westward Fleet Cooperative		18.906	122,635	123,340
Open access AFA vessels		0	0	0
Total inshore allocation	875,572	100	648,666	652,388

¹According 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/processors for vessels that made 500 or more mt of landings to catcher/processors from 1995 through 1997.

TABLE 11—2006 AND 2007 BERING SEA SUBAREA POLLOCK ALLOCATIONS TO THE COOPERATIVE AND OPEN ACCESS SECTORS OF THE INSHORE POLLOCK FISHERY
[Amounts are in metric tons]

Sector	2006 A season TAC	2006 A season SCA harvest limit ¹	2006 B season TAC	2007 A season TAC	2007 A season SCA harvest limit ¹	2007 B season TAC
Inshore cooperative sector						
Vessels > 99 ft	n/a	155,862	n/a	n/a	156,923	n/a
Vessels ≤ 99 ft	n/a	25,765	n/a	n/a	25,746	n/a
Total	261,148	181,627	387,518	260,955	182,669	391,433
Open access sector	0	0 ²	0	0	0 ²	0
Total inshore sector	261,148	181,627	387,518	260,955	182,669	391,433

¹ The Steller sea lion conservation area (SCA) is established at § 679.22(a)(7)(vii).

² The SCA limitations for vessels less than or equal to 99 ft LOA that are not participating in a cooperative will be established on an inseason basis in accordance with § 679.22(a)(7)(vii)(C)(2) that specifies that “the Regional Administrator will prohibit directed fishing for pollock by vessels greater than 99 ft (30.2 m) LOA, catching pollock for processing by the inshore component before reaching the inshore SCA harvest limit before April 1 to accommodate fishing by vessels less than or equal to 99 ft (30.2 m) inside the SCA until April 1.”

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 Aleutian Islands subarea pollock to the Bering

Sea subarea. On March 1, 2006, NMFS was notified by the Aleut Corporation and the CDQ groups that some of the pollock allocations in the Aleutian Islands subarea will not be harvested. Since the A season is currently open, it is important to immediately inform the industry as to the final Bering Sea subarea A season 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 A season pollock allocations while roe quality and value are 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: March 3, 2006.

James P. Burgess,

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

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