

Dated: March 30, 2006.

**Mark B. McClellan,**  
Administrator, Centers for Medicare &  
Medicaid Services.

Approved: June 12, 2006.

**Michael O. Leavitt,**  
Secretary.

[FR Doc. 06-7886 Filed 9-21-06; 8:45 am]

BILLING CODE 4120-01-P

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 49 CFR Part 40

[Docket OST-2006-24112]

RIN 2105-AD57

#### Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Corrections to the Federal Register

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Final rule; correction.

**SUMMARY:** The Department of Transportation published in the **Federal Register** of August 23, 2006, a final rule (effective September 22, 2006) which added state-licensed or certified marriage and family therapists to the list of credentialed professionals eligible to serve as substance abuse professionals under subpart O of 49 CFR part 40. The final rule also made a series of technical amendments to its drug and alcohol testing procedural rule. This notice corrects a misspelling in the final rule and adds text that was discussed in the preamble but omitted in the rule text.

**DATES:** This correction is effective September 22, 2006.

**FOR FURTHER INFORMATION CONTACT:** Bohdan Baczara, Office of Drug and Alcohol Policy and Compliance, 400 Seventh Street, SW., Washington, DC 20590; 202-366-3784 (voice), 202-366-3897 (fax), or [bohdan.baczara@dot.gov](mailto:bohdan.baczara@dot.gov) (e-mail).

**SUPPLEMENTARY INFORMATION:** The Office of Drug & Alcohol Policy & Compliance published a final rule in the **Federal Register** (71 FR 49382). In this rule, there was a typographical error and an omission of text. This notice will correct these oversights.

■ In rule FR Doc. E6-13956 published on August 23, 2006 (71 FR 49382) make the following corrections.

#### § 40.3 [Corrected]

■ 1. On page 49384, in the second column, third line, replace the word "Material" with "Materials".

#### § 40.281 [Corrected]

■ 2. On page 49384, in the third column, add a new instruction 10a following the amendment to § 40.281 to read as follows:

■ "10a. Section 40.281 is further amended in the introductory text after the word 'drug' by adding the text 'and alcohol'."

Dated: September 14, 2006.

**Jim L. Swart,**

Acting Director, Office of Drug and Alcohol  
Policy and Compliance, United States  
Department of Transportation.

[FR Doc. E6-15617 Filed 9-21-06; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 060216045-6045-01; I.D.  
091806A]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Adjustment of Pacific Cod Total Allowable Catch Amount in the Bering Sea and Aleutian Islands

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

**ACTION:** Temporary rule; inseason adjustment; request for comments.

**SUMMARY:** NMFS is adjusting the 2006 Pacific cod total allowable catch (TAC) amount in the Bering Sea and Aleutian Islands Management Area (BSAI). This action is necessary to allow harvest of Pacific cod that will not be harvested under the State of Alaska's guideline harvest level (GHL) for the Aleutian Islands subarea state waters Pacific cod fishery. This action is consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the BSAI (FMP).

**DATES:** Effective September 19, 2006, through 2400 hrs, Alaska local time (A.l.t.), December 31, 2007.

Comments must be received at the following address no later than 4:30 p.m., A.l.t., October 4, 2006.

**ADDRESSES:** Send comments to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Walsh. Comments may be submitted by:

• Mail to: P.O. Box 21668, Juneau, AK 99802;

• Hand delivery to the Federal Building, 709 West 9th Street, Room 420A, Juneau, Alaska;

• FAX to 907-586-7557;

• E-mail to [statepcodrelb@noaa.gov](mailto:statepcodrelb@noaa.gov) and include in the subject line of the e-mail comment the document identifier: statepcodrelb (E-mail comments, with or without attachments, are limited to 5 megabytes); or

• Webform at the Federal eRulemaking Portal: <http://www.regulations.gov>.

Follow the instructions at that site for submitting comments.

**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 (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 2006 and 2007 final harvest specifications for groundfish in the BSAI (71 FR 10894, March 3, 2006) established the 2006 and 2007 Pacific cod acceptable biological catches (ABC) as 194,000 metric tons (mt) and 148,000 mt, respectively. The TACs were set equal to the ABCs for Pacific cod in the BSAI. On March 14, 2006, NMFS reduced the Pacific cod TAC in the BSAI after the Alaska Department of Fish and Game (ADF&G) announced by emergency regulation a Pacific cod GHL, west of 170 degrees west longitude in the Aleutian Islands subarea, equal to three percent of the Pacific cod ABC in the BSAI (71 FR 13777, March 17, 2006).

On August 28, 2006, ADF&G announced the closure of the 2006 state waters Pacific cod fishery, west of 170 degrees west longitude in the Aleutian Islands subarea, effective 11:59 a.m. A.l.t., September 1, 2006. As of September 1, 2006, the Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that ADF&G is making available 1,588 mt of unharvested Pacific cod from the Aleutian Islands state waters Pacific cod fishery to the federal Pacific cod fisheries. As a result, the Regional Administrator has determined, using the best scientific information available, that the current 2006 TAC is incorrectly specified because the transfer of unharvested state waters GHL in the Aleutian Islands subarea to the federally managed fisheries requires an increase to the 2006 TAC of Pacific cod in the BSAI. This action will not exceed the

2006 ABC of Pacific cod in the BSAI established in the 2006 and 2007 final harvest specifications for groundfish in the BSAI (71 FR 10894, March 3, 2006). Therefore, in accordance with § 679.25(a)(1)(iii), (a)(2)(i)(B) and

(a)(2)(iv), the Regional Administrator adjusts the 2006 Pacific cod TAC in the BSAI.

Pursuant to § 679.20(a)(7), Tables 1, 2, 5, 12, and 14 of the 2006 and 2007 final harvest specifications for groundfish in

the BSAI (71 FR 10894, March 3, 2006) and adjustment (71 FR 13777, March 17, 2006) are revised for the 2006 Pacific cod TAC consistent with this adjustment.

TABLE 1—2006 AND 2007 OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND CDQ RESERVE ALLOCATION OF GROUND FISH IN THE BSAI<sup>1</sup>

[Amounts are in metric tons]

| Species                     | Area                  | 2006      |           |           |                   |                  | 2007      |           |           |                   |                  |
|-----------------------------|-----------------------|-----------|-----------|-----------|-------------------|------------------|-----------|-----------|-----------|-------------------|------------------|
|                             |                       | OFL       | ABC       | TAC       | ITAC <sup>2</sup> | CDQ <sup>3</sup> | OFL       | ABC       | TAC       | ITAC <sup>2</sup> | CDQ <sup>3</sup> |
| Pollock <sup>4</sup>        | BS <sup>5</sup> ..... | 2,090,000 | 1,930,000 | 1,485,000 | 1,336,500         | 148,500          | 1,930,000 | 1,790,000 | 1,500,000 | 1,350,000         | 150,000          |
|                             | AI <sup>2</sup> ..... | 39,100    | 29,400    | 19,000    | 17,100            | 1,900            | 39,100    | 29,400    | 19,000    | 17,100            | 1,900            |
|                             | Bogoslof .....        | 50,600    | 5,500     | 10        | 10                | n/a              | 50,600    | 5,500     | 10        | 10                | n/a              |
| Pacific cod                 | BSAI .....            | 230,000   | 194,000   | 189,768   | 161,302           | 14,233           | 176,000   | 148,000   | 143,560   | 122,026           | 10,767           |
|                             | BS .....              | 3,680     | 3,060     | 2,820     | 2,327             | 388              | 3,260     | 2,700     | 2,700     | 1,148             | 101              |
| Sablefish <sup>5</sup>      | AI .....              | 3,740     | 3,100     | 3,000     | 2,438             | 499              | 3,300     | 2,740     | 2,740     | 582               | 51               |
|                             | BSAI .....            | 130,000   | 110,000   | 63,000    | 53,550            | 4,725            | 107,000   | 91,000    | 63,000    | 53,550            | 4,725            |
| Atka mackerel               | EAI/BS .....          | n/a       | 21,780    | 7,500     | 6,375             | 563              | n/a       | 18,020    | 7,500     | 6,375             | 563              |
|                             | CAI .....             | n/a       | 46,860    | 40,000    | 34,000            | 3,000            | n/a       | 38,760    | 38,000    | 32,300            | 2,850            |
| Yellowfin sole              | WAI .....             | n/a       | 41,360    | 15,500    | 13,175            | 1,163            | n/a       | 34,220    | 17,500    | 14,875            | 1,313            |
|                             | BSAI .....            | 144,000   | 121,000   | 95,701    | 81,346            | 7,178            | 137,000   | 116,000   | 107,641   | 91,495            | 8,073            |
| Rock sole                   | BSAI .....            | 150,000   | 126,000   | 41,500    | 35,275            | 3,113            | 145,000   | 122,000   | 44,000    | 37,400            | 3,300            |
|                             | BSAI .....            | 14,200    | 2,740     | 2,740     | 2,329             | 206              | 13,400    | 2,630     | 2,630     | 2,236             | 197              |
| Greenland turbot            | BS .....              | n/a       | 1,890     | 1,890     | 1,607             | 142              | n/a       | 1,815     | 1,815     | 1,543             | 136              |
|                             | AI .....              | n/a       | 850       | 850       | 723               | 64               | n/a       | 815       | 815       | 693               | 61               |
| Arrowtooth flounder         | BSAI .....            | 166,000   | 136,000   | 13,000    | 11,050            | 975              | 174,000   | 142,000   | 18,000    | 15,300            | 1,350            |
|                             | Flathead sole         | 71,800    | 59,800    | 19,500    | 16,575            | 1,463            | 67,900    | 56,600    | 22,000    | 18,700            | 1,650            |
| Other flatfish <sup>6</sup> | BSAI .....            | 24,200    | 18,100    | 3,500     | 2,975             | 263              | 24,200    | 18,100    | 5,000     | 4,250             | 375              |
|                             | Alaska plaice         | 237,000   | 188,000   | 8,000     | 6,800             | 600              | 231,000   | 183,000   | 15,000    | 12,750            | 1,125            |
| Pacific ocean perch         | BSAI .....            | 17,600    | 14,800    | 12,600    | 10,710            | 945              | 17,600    | 14,800    | 14,800    | 12,580            | 1,110            |
|                             | BS .....              | n/a       | 2,960     | 1,400     | 1,190             | 105              | n/a       | 2,960     | 2,960     | 2,516             | 222              |
| Northern rockfish           | EAI .....             | n/a       | 3,256     | 3,080     | 2,618             | 231              | n/a       | 3,256     | 3,256     | 2,768             | 244              |
|                             | CAI .....             | n/a       | 3,212     | 3,035     | 2,580             | 228              | n/a       | 3,212     | 3,212     | 2,730             | 241              |
| Shortraker rockfish         | WAI .....             | n/a       | 5,372     | 5,085     | 4,322             | 381              | n/a       | 5,375     | 5,372     | 4,566             | 403              |
|                             | BSAI .....            | 10,100    | 8,530     | 4,500     | 3,825             | 338              | 9,890     | 8,320     | 5,000     | 4,250             | 375              |
| Rougheye rockfish           | BSAI .....            | 774       | 580       | 580       | 493               | 44               | 774       | 580       | 580       | 493               | 44               |
|                             | BSAI .....            | 299       | 224       | 224       | 190               | 17               | 299       | 224       | 224       | 190               | 17               |
| Other rockfish <sup>7</sup> | BSAI .....            | 1,870     | 1,400     | 1,050     | 893               | 79               | 1,870     | 1,400     | 1,400     | 1,190             | 105              |
|                             | BS .....              | n/a       | 810       | 460       | 391               | 35               | n/a       | 810       | 810       | 689               | 61               |
| Squid                       | AI .....              | n/a       | 590       | 590       | 502               | 44               | n/a       | 590       | 590       | 502               | 44               |
|                             | BSAI .....            | 2,620     | 1,970     | 1,275     | 1,084             | n/a              | 2,620     | 1,970     | 1,275     | 1,084             | n/a              |
| Other species <sup>8</sup>  | BSAI .....            | 89,404    | 58,882    | 29,000    | 24,650            | 2,175            | 89,404    | 62,950    | 27,000    | 22,950            | 2,025            |
|                             | TOTAL                 | 3,476,987 | 3,013,086 | 1,995,768 | 1,771,423         | 187,641          | 3,224,217 | 2,799,914 | 1,995,560 | 1,769,284         | 187,290          |

<sup>1</sup>These amounts apply to the entire BSAI management area unless otherwise specified. With the exception of pollock, and for the purpose of these harvest specifications, the Bering Sea (BS) subarea includes the Bogoslof District.

<sup>2</sup>Except for pollock and the portion of the sablefish TAC allocated to hook-and-line and pot gear, 15 percent of each TAC is put into a reserve. The ITAC for each species is the remainder of the TAC after the subtraction of these reserves.

<sup>3</sup>Except for pollock, squid and the hook-and-line or pot gear allocation of sablefish, one half of the amount of the TACs placed in reserve, or 7.5 percent of the TACs, is designated as a CDQ reserve for use by CDQ participants (see §§ 679.20(b)(1)(iii) and 679.31).

<sup>4</sup>Pursuant to § 679.20(a)(5)(i)(A)(1), the annual Bering Sea pollock TAC after subtraction for the CDQ directed fishing allowance - 10 percent and the ICA - 3.35 percent, is further allocated by sector for a directed pollock fishery as follows: inshore - 50 percent; catcher/processor - 40 percent; and motherhips - 10 percent. Pursuant to § 679.20(a)(5)(iii)(B)(2)(i) and (j), the annual AI pollock TAC, after subtracting first for the CDQ directed fishing allowance - 10 percent and second for the ICA - 1,800 mt, is allocated to the Aleut Corporation for a directed pollock fishery.

<sup>5</sup>Twenty percent of the sablefish TAC allocated to hook-and-line gear or pot gear and 7.5 percent of the sablefish TAC allocated to trawl gear is reserved for use by CDQ participants (see § 679.20(b)(1)(iii)).

<sup>6</sup>“Other flatfish” includes all flatfish species, except for halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, arrowtooth flounder and Alaska plaice.

<sup>7</sup>“Other rockfish” includes all *Sebastes* and *Sebastes* species except for Pacific ocean perch, northern, shortraker, and rougheye rockfish.

<sup>8</sup>“Other species” includes sculpins, sharks, skates and octopus. Forage fish, as defined at § 679.2, are not included in the “other species” category.

TABLE 2—2006 AND 2007 APPORTIONMENT OF RESERVES TO ITAC CATEGORIES

[Amounts are in metric tons]

| Species—area or subarea                                         | 2006 Reserve amount | 2006 Final ITAC | 2007 Reserve amount | 2007 Final ITAC |
|-----------------------------------------------------------------|---------------------|-----------------|---------------------|-----------------|
| Atka mackerel--Eastern Aleutian District and Bering Sea subarea | 563                 | 6,938           | 563                 | 6,938           |
| Atka mackerel--Central Aleutian District                        | 3,000               | 37,000          | 2,850               | 35,150          |
| Atka mackerel--Western Aleutian District                        | 1,163               | 14,338          | 1,313               | 16,188          |
| Pacific ocean perch--Eastern Aleutian District                  | 231                 | 2,849           | 244                 | 3,012           |
| Pacific ocean perch--Central Aleutian District                  | 228                 | 2,808           | 241                 | 2,971           |
| Pacific ocean perch--Western Aleutian District                  | 381                 | 4,703           | 403                 | 4,969           |
| Pacific cod--BSAI                                               | 14,233              | 175,535         | 10,767              | 132,793         |
| Shortraker rockfish BSAI                                        | 44                  | 537             | 44                  | 537             |
| Rougheye rockfish BSAI                                          | 17                  | 207             | 17                  | 207             |
| Northern rockfish-BSAI                                          | 338                 | 4,163           | 375                 | 4,625           |
| Other rockfish--Bering Sea subarea                              | 35                  | 426             | 61                  | 750             |
| Total                                                           | 20,233              | 249,504         | 16,878              | 208,140         |

TABLE 5—2006 AND 2007 GEAR SHARES AND SEASONAL ALLOWANCES OF THE BSAI PACIFIC COD ITAC

[Amounts are in metric tons]

| Gear Sector                                      | Per-cent | 2006 Share of gear sector total | 2006 Sub-total per-cent-ages for gear sectors | 2006 Share of gear sector total | 2006 Seasonal apportion-ment <sup>1</sup> |                  | 2007 Share of gear sector total | 2007 Sub-total per-cent-ages for gear sectors | 2007 Share of gear sector total | 2007 Seasonal apportion-ment <sup>1</sup> |                  |
|--------------------------------------------------|----------|---------------------------------|-----------------------------------------------|---------------------------------|-------------------------------------------|------------------|---------------------------------|-----------------------------------------------|---------------------------------|-------------------------------------------|------------------|
|                                                  |          |                                 |                                               |                                 | Date                                      | Amount           |                                 |                                               |                                 | Date                                      | Amount           |
| Total hook-and-line/pot gear                     | 51       | 89,523                          | n/a                                           | n/a                             | n/a                                       | n/a              | 67,724                          | n/a                                           | n/a                             | n/a                                       | n/a              |
| Hook-and-line/pot ICA                            | n/a      | n/a                             | n/a                                           | 500                             | n/a                                       | n/a              | n/a                             | n/a                                           | 500                             | n/a                                       | n/a              |
| Hook-and-line/pot sub-total                      | n/a      | 89,023                          | n/a                                           | n/a                             | n/a                                       | n/a              | 67,224                          | n/a                                           | n/a                             | n/a                                       | n/a              |
| Hook-and-line C/P                                | n/a      | n/a                             | 80                                            | 71,218                          | Jan 1–Jun 10<br>Jun 10–Dec 31             | 42,731<br>28,487 | n/a                             | 80                                            | 53,780                          | Jan 1–Jun 10<br>Jun 10–Dec 31             | 32,268<br>21,512 |
| Hook-and-line CV                                 | n/a      | n/a                             | 0.3                                           | 267                             | Jan 1–Jun 10<br>Jun 10–Dec 31             | 160<br>107       | n/a                             | 0.3                                           | 202                             | Jan 1–Jun 10<br>Jun 10–Dec 31             | 121<br>81        |
| Pot C/P                                          | n/a      | n/a                             | 3.3                                           | 2,938                           | Jan 1–Jun 10<br>Sept 1–Dec 31             | 1,763<br>1,175   | n/a                             | 3.3                                           | 2,218                           | Jan 1–Jun 10<br>Sept 1–Dec 31             | 1,331<br>887     |
| Pot CV                                           | n/a      | n/a                             | 15                                            | 13,354                          | Jan 1–Jun 10<br>Sept 1–Dec 31             | 8,012<br>5,342   | n/a                             | 15                                            | 10,084                          | Jan 1–Jun 10<br>Sept 1–Dec 31             | 6,050<br>4,033   |
| CV < 60 feet LOA using Hook-and-line or Pot gear | n/a      | n/a                             | 1.4                                           | 1,246                           | n/a                                       | n/a              | n/a                             | 1.4                                           | 941                             | n/a                                       | n/a              |
| Total Trawl Gear                                 | 47       | 82,502                          | n/a                                           | n/a                             | n/a                                       | n/a              | 62,413                          | n/a                                           | n/a                             | n/a                                       | n/a              |
| Trawl CV                                         |          |                                 | 50                                            | 41,251                          | Jan 20–Apr 1                              | 28,876           |                                 | 50                                            | 31,206                          | Jan 20–Apr 1                              | 21,844           |
|                                                  |          |                                 |                                               |                                 | Apr 1–Jun 10                              | 4,125            |                                 |                                               |                                 | Apr 1–Jun 10                              | 3,121            |
|                                                  |          |                                 |                                               |                                 | Jun 10–Nov 1                              | 8,250            |                                 |                                               |                                 | Jun 10–Nov 1                              | 6,241            |
| Trawl CP                                         |          |                                 | 50                                            | 41,251                          | Jan 20–Apr 1                              | 20,626           |                                 | 50                                            | 31,206                          | Jan 20–Apr 1                              | 15,603           |
|                                                  |          |                                 |                                               |                                 | Apr 1–Jun 10                              | 12,375           |                                 |                                               |                                 | Apr 1–Jun 10                              | 9,362            |
|                                                  |          |                                 |                                               |                                 | Jun 10–Nov 1                              | 8,250            |                                 |                                               |                                 | Jun 10–Nov 1                              | 6,241            |

TABLE 5—2006 AND 2007 GEAR SHARES AND SEASONAL ALLOWANCES OF THE BSAI PACIFIC COD ITAC—Continued

[Amounts are in metric tons]

| Gear Sector | Percent | 2006 Share of gear sector total | 2006 Sub-total percentages for gear sectors | 2006 Share of gear sector total | 2006 Seasonal apportionment <sup>1</sup> |        | 2007 Share of gear sector total | 2007 Sub-total percentages for gear sectors | 2007 Share of gear sector total | 2007 Seasonal apportionment <sup>1</sup> |        |
|-------------|---------|---------------------------------|---------------------------------------------|---------------------------------|------------------------------------------|--------|---------------------------------|---------------------------------------------|---------------------------------|------------------------------------------|--------|
|             |         |                                 |                                             |                                 | Date                                     | Amount |                                 |                                             |                                 | Date                                     | Amount |
| Jig         | 2       | 3,510                           | n/a                                         | n/a                             | Jan 1–Apr 30                             | 1,405  | 2,656                           | n/a                                         | n/a                             | Jan 1–Apr 30                             | 1,062  |
|             |         |                                 | n/a                                         | n/a                             | Apr 30–Aug 31                            | 701    |                                 |                                             |                                 | Apr 30–Aug 31                            | 531    |
|             |         |                                 | n/a                                         | n/a                             | Aug 31–Dec 31                            | 1,404  |                                 |                                             |                                 | Aug 31–Dec 31                            | 1,062  |
| Total       | 100     | 175,535                         | n/a                                         | n/a                             | n/a                                      | n/a    | 132,793                         | n/a                                         | n/a                             | n/a                                      | n/a    |

<sup>1</sup>For most non-trawl gear the first season is allocated 60 percent of the ITAC and the second season is allocated 40 percent of the ITAC. For jig gear, the first season and third seasons are each allocated 40 percent of the ITAC and the second season is allocated 20 percent of the ITAC. No seasonal harvest constraints are imposed for the Pacific cod fishery by catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear. For trawl gear, the first season is allocated 60 percent of the ITAC and the second and third seasons are each allocated 20 percent of the ITAC. The trawl catcher vessels' allocation is further allocated as 70 percent in the first season, 10 percent in the second season and 20 percent in the third season. The trawl catcher/processors' allocation is allocated 50 percent in the first season, 30 percent in the second season and 20 percent in the third season. Any unused portion of a seasonal Pacific cod allowance will be reapportioned to the next seasonal allowance.

TABLE 12—2006 AND 2007 LISTED BSAI AMERICAN FISHERIES ACT CATCHER/PROCESSOR GROUND FISH SIDEBOARD LIMITS

[Amounts are in metric tons]

| Target species      | Area                       | 1995 - 1997    |             |                                        | 2006 ITAC available to trawl C/Ps | 2006 C/P sideboard limit | 2007 ITAC available to trawl C/Ps | 2007 C/P sideboard limit |
|---------------------|----------------------------|----------------|-------------|----------------------------------------|-----------------------------------|--------------------------|-----------------------------------|--------------------------|
|                     |                            | Retained catch | Total catch | Ratio of retained catch to total catch |                                   |                          |                                   |                          |
| Pacific cod trawl   | BSAI .....                 | 12,424         | 48,177      | 0.258                                  | 41,251                            | 10,643                   | 31,206                            | 8,051                    |
| Sablefish trawl     | BS .....                   | 8              | 497         | 0.016                                  | 1,199                             | 19                       | 1,148                             | 18                       |
|                     | AI .....                   | 0              | 145         | 0.000                                  | 638                               | 0                        | 582                               | 0                        |
| Atka mackerel       | Central AI .....           | n/a            | n/a         | n/a                                    | n/a                               | n/a                      | n/a                               | n/a                      |
|                     | A season <sup>1</sup> .... | n/a            | n/a         | 0.115                                  | 18,500                            | 2,128                    | 17,575                            | 2,021                    |
|                     | HLA limit <sup>2</sup> ... | n/a            | n/a         | n/a                                    | 11,100                            | 1,277                    | 10,545                            | 1,213                    |
|                     | B season <sup>1</sup> .... | n/a            | n/a         | 0.115                                  | 18,500                            | 2,128                    | 17,575                            | 2,021                    |
|                     | HLA limit <sup>2</sup> ... | n/a            | n/a         | n/a                                    | 11,100                            | 1,277                    | 10,545                            | 1,213                    |
|                     | Western AI .....           | n/a            | n/a         | n/a                                    | n/a                               | n/a                      | n/a                               | n/a                      |
|                     | A season <sup>1</sup> .... | n/a            | n/a         | 0.200                                  | 7,169                             | 1,434                    | 8,094                             | 1,619                    |
|                     | HLA limit <sup>2</sup> ... | n/a            | n/a         | n/a                                    | 4,301                             | 860                      | 4,856                             | 971                      |
|                     | B season <sup>1</sup> .... | n/a            | n/a         | 0.200                                  | 7,169                             | 1,434                    | 8,094                             | 1,619                    |
|                     | HLA limit <sup>2</sup> ... | n/a            | n/a         | n/a                                    | 4,301                             | 860                      | 4,856                             | 971                      |
| Yellowfin sole      | BSAI .....                 | 100,192        | 435,788     | 0.230                                  | 81,346                            | 18,710                   | 91,495                            | 21,044                   |
| Rock sole           | BSAI .....                 | 6,317          | 169,362     | 0.037                                  | 35,275                            | 1,305                    | 37,400                            | 1,384                    |
| Greenland turbot    | BS .....                   | 121            | 17,305      | 0.007                                  | 1,607                             | 11                       | 1,543                             | 11                       |
|                     | AI .....                   | 23             | 4,987       | 0.005                                  | 723                               | 4                        | 693                               | 3                        |
| Arrowtooth flounder | BSAI .....                 | 76             | 33,987      | 0.002                                  | 11,050                            | 22                       | 15,300                            | 31                       |
| Flathead sole       | BSAI .....                 | 1,925          | 52,755      | 0.036                                  | 16,575                            | 597                      | 18,700                            | 673                      |
| Alaska plaice       | BSAI .....                 | 14             | 9,438       | 0.001                                  | 6,800                             | 7                        | 12,750                            | 13                       |
| Other flatfish      | BSAI .....                 | 3,058          | 52,298      | 0.058                                  | 2,975                             | 173                      | 4,250                             | 247                      |
| Pacific ocean perch | BS .....                   | 12             | 4,879       | 0.002                                  | 1,190                             | 2                        | 2,516                             | 5                        |
|                     | Eastern AI .....           | 125            | 6,179       | 0.020                                  | 2,849                             | 57                       | 3,012                             | 60                       |
|                     | Central AI .....           | 3              | 5,698       | 0.001                                  | 2,808                             | 3                        | 2,971                             | 3                        |
|                     | Western AI .....           | 54             | 13,598      | 0.004                                  | 4,703                             | 19                       | 4,969                             | 20                       |
| Northern rockfish   | BSAI .....                 | 91             | 13,040      | 0.007                                  | 4,163                             | 29                       | 4,625                             | 32                       |
| Shortraker rockfish | BSAI .....                 | 50             | 2,811       | 0.018                                  | 537                               | 10                       | 537                               | 10                       |
| Rougheye rockfish   | BSAI .....                 | 50             | 2,811       | 0.018                                  | 207                               | 4                        | 207                               | 4                        |
| Other rockfish      | BS .....                   | 18             | 621         | 0.029                                  | 426                               | 12                       | 750                               | 22                       |
|                     | AI .....                   | 22             | 806         | 0.027                                  | 502                               | 14                       | 502                               | 14                       |
| Squid               | BSAI .....                 | 73             | 3,328       | 0.022                                  | 1,084                             | 24                       | 1,084                             | 24                       |
| Other species       | BSAI .....                 | 553            | 68,672      | 0.008                                  | 24,650                            | 197                      | 22,950                            | 184                      |

<sup>1</sup>The seasonal apportionment of Atka mackerel in the open access fishery is 50 percent in the A season and 50 percent in the B season. Listed AFA catcher/processors are limited to harvesting no more than zero in the Eastern Aleutian District and Bering Sea subarea, 20 percent of the annual ITAC specified for the Western Aleutian District, and 11.5 percent of the annual ITAC specified for the Central Aleutian District.

<sup>2</sup> Harvest Limit Area (HLA) limit refers to the amount of each seasonal allowance that is available for fishing inside the HLA (see § 679.2). In 2006 and 2007, 60 percent of each seasonal allowance is available for fishing inside the HLA in the Western and Central Aleutian Districts.

TABLE 14—2006 AND 2007 BSAI AMERICAN FISHERIES ACT CATCHER VESSEL SIDEBOARD LIMITS  
[Amounts are in metric tons]

| Species              | Fishery by area/season/processor/gear             | Ratio of 1995–1997 AFA CV catch to 1995–1997 TAC | 2006 initial TAC | 2006 Catcher vessel sideboard limits | 2007 initial TAC | 2007 Catcher vessel sideboard limits |
|----------------------|---------------------------------------------------|--------------------------------------------------|------------------|--------------------------------------|------------------|--------------------------------------|
| Pacific cod          | BSAI .....                                        | n/a                                              | n/a              | n/a                                  | n/a              | n/a                                  |
|                      | Jig gear .....                                    | 0.0000                                           | 3,510            | 0                                    | 2,656            | 0                                    |
|                      | Hook-and-line CV .....                            | n/a                                              | n/a              | n/a                                  | n/a              | n/a                                  |
|                      | Jan 1 - Jun 10 .....                              | 0.0006                                           | 160              | 0                                    | 121              | 0                                    |
|                      | Jun 10 - Dec 31 .....                             | 0.0006                                           | 107              | 0                                    | 81               | 0                                    |
|                      | Pot gear CV .....                                 | n/a                                              | n/a              | n/a                                  | n/a              | n/a                                  |
|                      | Jan 1 - Jun 10 .....                              | 0.0006                                           | 8,013            | 5                                    | 6,050            | 4                                    |
|                      | Sept 1 - Dec 31 .....                             | 0.0006                                           | 5,341            | 3                                    | 4,033            | 2                                    |
|                      | CV < 60 feet LOA using hook-and-line or pot gear. | 0.0006                                           | 1,245            | 1                                    | 941              | 1                                    |
|                      | Trawl gear CV .....                               | n/a                                              | n/a              | n/a                                  | n/a              | n/a                                  |
|                      | Jan 20 - Apr 1 .....                              | 0.8609                                           | 28,876           | 24,859                               | 21,844           | 18,805                               |
|                      | Apr 1 - Jun 10 .....                              | 0.8609                                           | 4,125            | 3,551                                | 3,121            | 2,687                                |
| Jun 10 - Nov 1 ..... | 0.8609                                            | 8,250                                            | 7,102            | 6,241                                | 5,373            |                                      |
| Sablefish            | BS trawl gear .....                               | 0.0906                                           | 1,199            | 109                                  | 1,148            | 104                                  |
|                      | AI trawl gear .....                               | 0.0645                                           | 638              | 41                                   | 582              | 38                                   |
| Atka mackerel        | Eastern AI/BS .....                               | n/a                                              | n/a              | n/a                                  | n/a              | n/a                                  |
|                      | Jig gear .....                                    | 0.0031                                           | 69               | 0                                    | 69               | 0                                    |
|                      | Other gear .....                                  | n/a                                              | n/a              | n/a                                  | n/a              | n/a                                  |
|                      | Jan 1 - Apr 15 .....                              | 0.0032                                           | 3,434            | 11                                   | 3,434            | 11                                   |
|                      | Sept 1 - Nov 1 .....                              | 0.0032                                           | 3,434            | 11                                   | 3,434            | 11                                   |
|                      | Central AI .....                                  | n/a                                              | n/a              | n/a                                  | n/a              | n/a                                  |
|                      | Jan - Apr 15 .....                                | 0.0001                                           | 18,500           | 2                                    | 17,575           | 2                                    |
|                      | HLA limit .....                                   | 0.0001                                           | 11,100           | 1                                    | 10,545           | 1                                    |
|                      | Sept 1 - Nov 1 .....                              | 0.0001                                           | 18,500           | 2                                    | 17,575           | 2                                    |
|                      | HLA limit .....                                   | 0.0001                                           | 11,100           | 1                                    | 10,545           | 1                                    |
|                      | Western AI .....                                  | n/a                                              | n/a              | n/a                                  | n/a              | n/a                                  |
|                      | Jan - Apr 15 .....                                | 0.0000                                           | 7,169            | 0                                    | 8,094            | 0                                    |
| HLA limit .....      | n/a                                               | 4,301                                            | 0                | 4,856                                | 0                |                                      |
| Sept 1 - Nov 1 ..... | 0.0000                                            | 7,169                                            | 0                | 8,094                                | 0                |                                      |
| HLA limit .....      | n/a                                               | 4,301                                            | 0                | 4,856                                | 0                |                                      |
| Yellowfin sole       | BSAI .....                                        | 0.0647                                           | 81,346           | 5,263                                | 91,495           | 5,920                                |
| Rock sole            | BSAI .....                                        | 0.0341                                           | 35,275           | 1,203                                | 37,400           | 1,275                                |
| Greenland Turbot     | BS .....                                          | 0.0645                                           | 1,607            | 104                                  | 1,543            | 100                                  |
|                      | AI .....                                          | 0.0205                                           | 723              | 15                                   | 693              | 14                                   |
| Arrowtooth flounder  | BSAI .....                                        | 0.0690                                           | 11,050           | 762                                  | 15,300           | 1,056                                |
| Alaska plaice        | BSAI .....                                        | 0.0441                                           | 6,800            | 300                                  | 12,750           | 562                                  |
| Other flatfish       | BSAI .....                                        | 0.0441                                           | 2,975            | 131                                  | 4,250            | 187                                  |
| Pacific ocean perch  | BS .....                                          | 0.1000                                           | 1,190            | 119                                  | 2,516            | 252                                  |
|                      | Eastern AI .....                                  | 0.0077                                           | 2,849            | 22                                   | 3,012            | 23                                   |
|                      | Central AI .....                                  | 0.0025                                           | 2,808            | 7                                    | 2,971            | 7                                    |
|                      | Western AI .....                                  | 0.0000                                           | 4,703            | 0                                    | 4,969            | 0                                    |
| Northern rockfish    | BSAI .....                                        | 0.0084                                           | 4,163            | 35                                   | 4,625            | 39                                   |
| Shortraker rockfish  | BSAI .....                                        | 0.0037                                           | 537              | 2                                    | 537              | 2                                    |
| Rougheye rockfish    | BSAI .....                                        | 0.0037                                           | 207              | 1                                    | 207              | 1                                    |
| Other rockfish       | BS .....                                          | 0.0048                                           | 426              | 2                                    | 750              | 4                                    |
|                      | AI .....                                          | 0.0095                                           | 502              | 5                                    | 502              | 5                                    |
| Squid                | BSAI .....                                        | 0.3827                                           | 1,084            | 415                                  | 1,084            | 415                                  |
| Other species        | BSAI .....                                        | 0.0541                                           | 24,650           | 1,334                                | 22,950           | 1,242                                |
| Flathead Sole        | BS trawl gear .....                               | 0.0505                                           | 16,575           | 837                                  | 18,700           | 944                                  |

**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 adjustment of the 2006 Pacific cod TAC in the BSAI. ADF&G announced the closure of the state

waters Pacific cod fishery in the Aleutian Islands subarea, effective 11:59 a.m., A.I.t, September 1, 2006. Since the 2006 fisheries are currently underway, it is necessary to immediately adjust the TACs to allow harvest of additional Pacific cod in the BSAI. Immediate adjustment is necessary to allow for the orderly conduct and efficient operation of this fishery, allow the industry to

plan for the remainder of the 2006 fishing season, and avoid potential disruption to the fishing fleet and processors.

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.

Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until October 4, 2006.

This action is required by § 679.20 and § 679.25 and is exempt from review under Executive Order 12866.

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

Dated: September 18, 2006.

**James P. Burgess,**

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

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