

A delay to provide a cooling off period also would be expected to cause the fishery to exceed its allocation. Therefore, good cause also exists to waive the 30-day delay in effectiveness requirement of 5 U.S.C. 553 (d)(3). The aggregate data upon which the determination is based are available for public inspection at the Office of the Regional Administrator (see **ADDRESSES**) during business hours. This action is taken under the authority of 50 CFR 660.323 (b) 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. E6-16676 Filed 10-6-06; 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. 100406B]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands

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

**ACTION:** Temporary rule; prohibition of retention.

**SUMMARY:** NMFS is prohibiting retention of Pacific ocean perch in the Western Aleutian District of the Bering Sea and Aleutian Islands (BSAI). NMFS is requiring that catch of Pacific ocean perch in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the 2006 total allowable catch (TAC) of Pacific ocean perch in this area has been reached.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), October 4, 2006, until 2400 hrs, A.l.t., December 31, 2006.

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

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery 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 CFR part 679.

The 2006 TAC of Pacific ocean perch in the Western Aleutian District of the BSAI is 4,703 metric tons as established by the 2006 and 2007 harvest specifications for groundfish of the BSAI (71 FR 10870, March 3, 2006).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS, has determined that the 2006 TAC of Pacific ocean perch in the Western Aleutian District of the BSAI has been reached. Therefore, NMFS is requiring that further catches of Pacific ocean perch in the Western Aleutian District of the BSAI be treated as prohibited species in accordance with § 679.21(b).

#### 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 prohibition of retention of Pacific ocean perch in the Western Aleutian District of 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 3, 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 4, 2006.

**James P. Burgess,**

*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. 060216045-6045-01; I.D. 100306E]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod 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 reallocating the projected unused amount of Pacific cod from vessels using trawl and jig gear to catcher processor vessels using hook-and-line gear and vessels using pot gear in the Bering Sea and Aleutian Islands management area (BSAI). These actions are necessary to allow the 2006 total allowable catch (TAC) of Pacific cod to be harvested.

**DATES:** Effective October 6, 2006, until 2400 hours, A.l.t., December 31, 2006.

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

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the 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 2006 Pacific cod TAC in the BSAI is 189,768 metric tons (mt) as established by the 2006 and 2007 final 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). Pursuant to § 679.29(a)(7)(i), the allocations of the Pacific cod TAC are 267 mt to catcher vessels using hook-and-line gear, 71,218 mt to catcher processor vessels using hook-and-line gear, 2,938 mt to catcher processor vessels using pot gear, 13,354 mt to catcher vessels using pot gear, 41,251 mt to catcher processors using trawl gear, and 41,251 mt to catcher vessels using trawl gear. The allocation to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear is 3,232

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.*

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## 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).