

TABLE 1. EFFECTIVE DATES AND TIMES

Action	Area	Effective Date <sup>1</sup>	
		From	To
Closed Atka Mackerel with gears other than jig gear	Eastern Aleutian District (area 541) and the Bering Sea subarea	1200 hrs, September 11, 2007	1200 hrs, December 31, 2007
Opening the first directed fishery in the HLA	542	1200 hrs, September 13, 2007	1200 hrs, September 20, 2007
	543	1200 hrs, September 13, 2007	1200 hrs, September 20, 2007
Opening the second directed fishery in the HLA	542	1200 hrs, September 22, 2007	1200 hrs, September 29, 2007
	543	1200 hrs, September 22, 2007	1200 hrs, September 29, 2007

<sup>1</sup>Alaska local time

In accordance with § 679.20(a)(8)(iii)(A) and (B), vessels using trawl gear for directed fishing for Atka mackerel have previously registered with NMFS to fish in the HLA fisheries in areas 542 and/or 543. NMFS has randomly assigned each vessel to the directed fishery or fisheries for which they have registered. NMFS has notified each vessel owner as to which fishery each vessel has been assigned by NMFS (72 FR 46038, August 16, 2007).

In accordance with the 2007 and 2008 final harvest specifications for groundfish in the BSAI (72 FR 9451, March 2, 2007) and § 679.20(a)(8)(ii)(C)(1), the HLA limits of the B season allowance of the 2007 TACs in areas 542 and 543 are 8,214 mt and 2,664 mt, respectively. Based on those limits and the proportion of the number of vessels in each fishery compared to the total number of vessels participating in the HLA directed fishery for area 542 or 543, the harvest limit for each HLA directed fishery in areas 542 and 543 are as follows: for the first directed fishery in area 542, 4,107 mt; for the first directed fishery in area 543, 1,332 mt; for the second directed fishery in area 542, 4,107 mt; and for the second directed fishery in area 543, 1,332 mt. In accordance with § 679.20(a)(8)(iii)(E), the Regional Administrator has established the closure dates of the Atka mackerel directed fisheries in the HLA for areas 542 and 543 based on the amount of the harvest limit and the estimated fishing capacity of the vessels assigned to the respective fisheries. Consequently, NMFS is prohibiting directed fishing for Atka mackerel in the HLA of areas 542 and 543 in accordance with the dates and times listed in Table 1 of this notice.

After the effective dates of these closures, the maximum retainable

amounts at § 679.20(e) and (f) apply at any time during a trip.

#### 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 opening and closing of the fisheries for the HLA limits established for area 542 and area 543 pursuant to the 2007 Atka mackerel TAC. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 10, 2007. 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: September 11, 2007.

#### Alan D. Risenhoover

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. 070213033-7033-01]

RIN 0648-XC55

#### 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 catcher vessels using trawl and vessels using 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 2007 total allowable catch (TAC) of Pacific cod to be harvested.

**DATES:** Effective September 13, 2007, until 2400 hours, A.l.t., December 31, 2007.

**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 2007 Pacific cod TAC in the BSAI is 170,720 metric tons (mt) as established by the 2007 and 2008 final harvest specifications for groundfish in the BSAI (72 FR 9451, March 2, 2007). Pursuant to § 679.20(a)(7)(i), the allocations of the Pacific cod TAC are 240 mt to catcher vessels using hook-and-line gear, 64,030 mt to catcher processor vessels using hook-and-line gear, 2,641 mt to catcher processor vessels using pot gear, 12,006 mt to catcher vessels using pot gear, 37,110 mt to catcher processors using trawl gear, and 37,110 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 2,853 mt and to vessels using jig gear is 1,426 mt after two reallocations (72 FR 10428, March 8, 2007 and 72 FR 18595, April 13, 2007).

As of September 5, 2007, the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that catcher vessels using trawl gear will not be able to harvest 3,000 mt of the allocation under § 679.20(a)(7)(i)(B). Therefore, in accordance with § 679.20(a)(7)(ii)(C)(2), NMFS apportions 2,850 mt of Pacific cod from catcher vessels using trawl gear to catcher processor vessels using hook-and-line gear, 27 mt of Pacific cod to catcher processor vessels using pot gear, and 123 mt of Pacific cod to catcher 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. Therefore, in accordance with § 679.20(a)(7)(ii)(C)(1), NMFS is reallocating 75 mt of Pacific cod to catcher vessels less than 60 feet (18.3 m) length overall (LOA) using hook-and-line or pot gear. The Regional Administrator has determined that catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear will not be able to harvest the remaining amount of the available reallocation. Therefore, in accordance with § 679.20(a)(7)(ii)(B), NMFS is reallocating the unused amount of 1,225 mt of Pacific cod allocated to vessels using jig gear to catcher processor vessels using hook-and-line gear.

The harvest specifications for Pacific cod included in the harvest specifications for groundfish in the BSAI (72 FR 9451, March 2, 2007) and adjustments (72 FR 10428, March 8, 2007 and 72 FR 18595, April 13, 2007) are revised as follows: 126 mt to vessels using jig gear, 68,105 mt to catcher processor vessels using hook-and-line

gear, 12,129 mt to catcher vessels using pot gear, 2,668 mt to catcher processor vessels using pot gear, 34,110 mt to catcher vessels using trawl gear, and 2,928 mt to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot 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 September 5, 2007.

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: September 11, 2007.

**Alan D. Risenhoover**

*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. 070213033-7033-01]

RIN 0648-XC54

### 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 2007 pollock incidental catch allowance (ICA) to the directed fisheries in the Bering Sea subarea. This action is necessary to provide opportunity for harvest of the 2007 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 September 13, 2007, through 2400 hrs, Alaska local time (A.l.t.), December 31, 2007.

**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 Bering Sea subarea, the portion of the 2007 pollock TAC allocated to the ICA is 35,129 mt as established by the 2007 and 2008 final harvest specifications for groundfish in the BSAI (72 FR 9451, March 2, 2007).

As of September 6, 2007, the Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that the ICA has been set too high: 2,000 mt of the 2007 pollock ICA in the Bering Sea subarea will not be harvested. Therefore, in accordance with § 679.20(a)(5)(i)(A)(1), NMFS reallocates 2,000 mt of the 2007 pollock ICA to the directed fisheries in the Bering Sea subarea.

As a result, in accordance with § 679.20(a)(5)(i)(A)(3), (4), and (5), the 2007 harvest specifications for pollock in the Bering Sea subarea included in the harvest specifications for groundfish in the BSAI (72 FR 9451, March 2, 2007) are revised as follows: 33,129 to the pollock ICA, 366,841 to B season AFA catcher vessels harvesting pollock for processing by AFA inshore processors, 293,473 mt to B season AFA catcher processors and AFA catcher vessels delivering pollock to catcher processors, and 73,368 mt to B season AFA catcher vessels harvesting pollock for processing by AFA motherships.

Furthermore, pursuant to § 679.20(a)(5)(i), Table 3 of the 2007 and 2008 final harvest specifications for groundfish in the BSAI (72 FR 9451,