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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 041126332-5039-02; I.D. 080805B]

Fisheries of the Exclusive Economic Zone Off Alaska; Arrowtooth
Flounder 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; apportionment of reserves; request for
comments.

SUMMARY: NMFS apportions amounts of the non-specified reserve of
groundfish to the arrowtooth flounder initial total allowable catch
(ITAC) in the Bering Sea and Aleutian Islands management area (BSAI).
This action is necessary to allow the fishery to continue operating. It
is intended to promote the goals and objectives of the fishery
management plan for the BSAI.

DATES: Effective August 11, 2005 through 2400 hrs, Alaska local time
(A.l.t.), December 31, 2005. Comments must be received at the following
address no later than 4:30 p.m., A.l.t., August 23, 2005.

ADDRESSES: Send comments to Sue Salvesson, Assistant Regional
Administrator, Sustainable Fisheries Division, Alaska Region, NMFS,
Attn: Lori Durall. 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 bsairelarth@noaa.gov and include in the subject
line of the e-mail comment the document identifier: bsairelarth; 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 exclusive economic zone 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 2005 ITAC of arrowtooth flounder in the BSAI was established as 10,200 metric tons by the 2005 and 2006 final harvest specifications for groundfish in the BSAI (70 FR 8979, February 24, 2005). The Administrator, Alaska Region, NMFS, has determined that the ITAC for arrowtooth flounder in the BSAI needs to be supplemented from the non-specified reserve in order to continue operations.

Therefore, in accordance with Sec. 679.20(b)(3), NMFS apportions 3,000 metric tons from the non-specified reserve of groundfish to the arrowtooth flounder ITAC in the BSAI. This apportionment is consistent with Sec. 679.20(b)(1)(ii) and does not result in overfishing of a target species because the revised ITAC is equal to or less than the specification of the acceptable biological catch (70 FR 8979, February 24, 2005).

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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) and 50 CFR 679.20(b)(3)(iii)(A) 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 apportionment of the non-specified reserves of groundfish to the arrowtooth flounder fishery. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of August 2, 2005.

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 679.20(b)(3)(iii), interested persons are invited to submit written comments on this action (see ADDRESSES) until August 23, 2005.

This action is required by 50 CFR 679.20 and is exempt from review under Executive Order 12866.

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

Dated: August 8, 2005.

Anne M. Lange,
Acting Director, Office of Sustainable Fisheries, National Marine
Fisheries Service.

[FR Doc. 05-15962 Filed 8-8-05; 3:21 pm]

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