

**Treaty Indian Fisheries**

Areas 4B, 5, and 6C: Open for drift gillnets from 12 p.m., Saturday, August 12, 2006, to 12 p.m., Wednesday, August 16, 2006.

Areas 6, 7, and 7A: Open to net fishing from 10 p.m., Friday, August 11, 2006, to 11:59 p.m., Sunday, August 13, 2006.

**All Citizen Fisheries**

Areas 7 and 7A Gillnet: Open to fishing from 8 a.m. until 11:59 p.m. on Monday, August 14 and on Tuesday, August 15, 2006.

Areas 7 and 7A Purse Seine: Open to fishing from 5 a.m. until 9 p.m. on Monday, August 14 and on Tuesday, August 15, 2006.

Areas 7 and 7A Reef Net: Open to fishing from 5 a.m. until 9 p.m. on Tuesday, August 15, and on Wednesday, August 16, 2006.

*Order No. 2006-06:* Issued 4 p.m., August 15, 2006.

**Treaty Indian Fisheries**

Areas 4B, 5, and 6C: Open for drift gillnets from 12 p.m., Wednesday, August 16, 2006, to 12 p.m., Saturday, August 19, 2006.

Areas 6, 7, and 7A: Open to net fishing from 4 a.m., Wednesday, August 16, 2006 to 10 p.m., Thursday, August 17, 2006.

*Order No. 2006-07:* Issued 12:30 p.m., August 17, 2006.

**All Citizen Fisheries**

Areas 7 and 7A Gillnet: Open to fishing from 8 a.m. until 11:59 p.m., Friday, August 18, 2006.

Areas 7 and 7A Purse Seine: Open to fishing from 5 a.m. until 9 p.m., Friday, August 18, 2006.

Areas 7 and 7A Reef Net: Open to fishing from 5 a.m. until 9 p.m., Saturday, August 19, 2006.

*Order No. 2006-08:* Issued 12:30 p.m., August 18, 2006.

**Treaty Indian Fisheries**

Areas 4B, 5, and 6C: Open for drift gillnets from 12 p.m., Saturday, August 19, 2006 to 12 p.m., Wednesday, August 23, 2006.

Areas 6, 7, and 7A: Open to net fishing from 4 a.m., Monday, August 21, 2006 to 10 p.m., Tuesday, August 22, 2006.

**All Citizen Fisheries**

Areas 7 and 7A Gillnet: Open to fishing from 8 a.m. until 11:59 p.m., Wednesday, August 23, 2006.

Areas 7 and 7A Purse Seine: Open to fishing from 5 a.m. until 9 p.m., Wednesday, August 23, 2006.

Areas 7 and 7A Reef Net: Open to fishing from 5 a.m. until 9 p.m., Sunday, August 20, 2006.

*Order No. 2006-09:* Issued 4:30 p.m., August 22, 2006.

**All Citizen Fisheries**

Areas 7 and 7A: Scheduled fishery opening for Wednesday, August 23, 2006 was rescinded.

*Order No. 2006-10:* Issued 12:30 p.m., August 25, 2006.

**Treaty Indian Fishery**

Areas 4B, 5, 6C: Open for fishing from 5 p.m. Friday, August 25, 2006 to 12:00, Wednesday, August 30, 2006.

Areas 6, 7, 7A: Open for fishing 4 a.m. Monday, August 28, 2006 to 10 p.m. Tuesday, August 29, 2006.

**All Citizen Fisheries**

Areas 7 and 7A Gillnet: Open to fishing from 9 a.m. Wednesday, August 30, 2006 to 1 a.m. Thursday, August 31, 2006.

Areas 7 and 7A Purse Seine: Open to fishing from 6 a.m. until 9 a.m., Wednesday, August 30, 2006.

Areas 7 and 7A Reef Net: Open to fishing from 5 a.m. until 9 p.m., Wednesday, August 30, 2006.

*Order No. 2006-11:* Issued 2:45 p.m. August 29, 2006.

**Treaty Indian Fisheries**

Areas 4B, 5, 6C: Open to fishing from 12 p.m., Wednesday, August 30, 2006 to 12 p.m., Saturday, September 2, 2006.

*Order No. 2006-12:* Issued 12:30 p.m. September 1, 2006.

**Treaty Indian Fisheries**

Areas 4B, 5, 6C: Open for fishing from 12 p.m., Saturday, September 2, 2006 to 12 p.m., Saturday, September 9, 2006.

Areas 6, 7, 7A: Open for net fishing 4 a.m. Tuesday, September 5, 2006 to 8 a.m. Wednesday, September 6, 2006.

**All Citizen Fisheries**

Areas 7 and 7A Gillnet: Open to fishing from 3 p.m. to 11 p.m. Wednesday, September 6, 2006.

Areas 7 and 7A Purse Seine: Open to fishing from 8 a.m. to 11 a.m., Wednesday, September 6, 2006.

Areas 7 and 7A Reef Net: Open to fishing from 5 a.m. to 9 p.m., Wednesday, September 6, 2006.

**Classification**

The Assistant Administrator for Fisheries NOAA (AA), finds that good cause exists for the inseason orders to be issued without affording the public prior notice and opportunity for comment under 5 U.S.C. 553(b)(B) as such prior notice and opportunity for comments is impracticable and contrary to the public interest. Prior notice and opportunity for public comment is impracticable because NMFS has insufficient time to allow for prior

notice and opportunity for public comment between the time the stock abundance information is available to determine how much fishing can be allowed and the time the fishery must open and close in order to harvest the appropriate amount of fish while they are available.

Moreover, such prior notice and opportunity for public comment is impracticable because not closing the fishery upon attainment of the quota would allow the quota to be exceeded and thus compromise the conservation objectives established preseason, and it does not allow fishers appropriately controlled access to the available fish at the time they are available.

The AA also finds good cause to waive the 30-day delay in the effective date, required under 5 U.S.C. 553(d)(3), of the inseason orders. A delay in the effective date of the inseason orders would not allow fishers appropriately controlled access to the available fish at that time they are available.

This action is authorized by 50 CFR 300.97, and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 3636(b).

Dated: October 25, 2006.

**Alan D. Risenhoover,**

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

[FR Doc. E6-18292 Filed 10-30-06; 8:45 am]

**BILLING CODE 3510-22-S**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 010319075-1217-02; I.D. 101306A]

**Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Tilefish Fishery**

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

**ACTION:** Temporary rule, tilefish commercial quota adjustment.

**SUMMARY:** NMFS announces that the Administrator, Northeast Region, NMFS (Regional Administrator), has determined that the quota for the tilefish Part-time permit category has been exceeded for fishing year (FY) 2006, requiring an adjustment of the Part-time permit category quota for FY 2007. This

action complies with the Fishery Management Plan for the Tilefish Fishery (FMP) and is intended to continue the rebuilding program in the FMP by taking into account previous overages of the tilefish quota.

**DATES:** Effective November 1, 2006, through October 31, 2007.

**FOR FURTHER INFORMATION CONTACT:** Brian R. Hooker, Fishery Policy Analyst, (978) 281-9220.

**SUPPLEMENTARY INFORMATION:**

**Background**

The regulations at 50 CFR 648.290(c) state that any overages of the quota for any tilefish limited access category that occur in a given fishing year will be subtracted from the quota for that category in the following fishing year. This same section also states that, if the tilefish harvest attributed to the open access Incidental permit category exceeds 5 percent of the total allowable landings (TAL) for a given fishing year,

the trip limit for the Incidental category may be reduced the following year. In both of these instances, § 648.290(c) specifies that, if an adjustment is required, a notification of adjustment of the quota will be published in the **Federal Register**.

The tilefish TAL for FY 2007 remains unchanged from FY 2006 at 1.995 million lb (905 mt). The FMP requires that the TAL be divided between the three limited access tilefish permit categories after the TAL is reduced by 5 percent to account for incidental tilefish landings (open-access Incidental permit category) as follows: Sixty-six percent (1,250,865 lb (466,875 kg)) to Full-time Tier 1; 15 percent (284,288 lb (106,108 kg)) to Full-time Tier 2; and 19 percent (360,098 lb (163,338 kg)) to Part-time vessels.

Based upon vessel reports and other information available as of October 20, 2006, FY 2006 tilefish landings for limited access Part-time permit category

were 453,033 lb (205,492 kg), resulting in an overage of 92,935 lb (42,155 kg). This overage amount is being deducted from the FY 2007 Part-time permit category quota through this action, which results in an adjusted quota of 267,163 lb (121,183 kg) for this category in FY 2007. Adjustments to the remaining permit categories are not needed, and the FY 2007 quotas for these categories, therefore, remain status quo, including the Incidental trip limit for tilefish for FY 2007, which will remain at its default value of 300 lb (136 kg).

The FY 2006 tilefish Part-time permit category quota, the FY 2006 tilefish Part-time permit category landings, and the resulting overage of the FY 2006 tilefish Part-time permit category quota are presented in Table 1. The resulting adjusted FY 2007 tilefish Part-time permit category commercial quota is presented in Table 2.

TABLE 1. TILEFISH PART-TIME CATEGORY 2006 LANDINGS AND OVERAGE

Permit Category	2006 Quota		2006 Landings		2006 Overage	
	Lb	kg <sup>1</sup>	Lb	Kg <sup>1</sup>	Lb	Kg <sup>1</sup>
Part-time	360,098	163,338	453,033	205,492	92,935	42,155

<sup>1</sup> Kilograms are as converted from pounds, and may not necessarily add due to rounding.

TABLE 2. TILEFISH PART-TIME CATEGORY ADJUSTED FY 2007 QUOTA

Permit Category	2007 Initial Quota		2007 Adjusted Quota	
	Lb	Kg <sup>1</sup>	Lb	Kg <sup>1</sup>
Part-time	360,098	163,338	267,163	121,183

<sup>1</sup> Kilograms are as converted from pounds, and may not necessarily add due to rounding.

**Classification**

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866. Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator finds good cause to waive prior notice and opportunity for public comment, as notice and comment would be impracticable and unnecessary. The regulations under § 648.290(c) requires the Regional Administrator to subtract any overage of the quota for any tilefish limited access category from the quota for that category in the following fishing year. Accordingly, the action being taken by this temporary rule is nondiscretionary. The procedure being followed by this action was subject to public comment, but there is no discretion to modify this action based on public comment at this time. The rate of harvest of tilefish by the Part-time permit category is updated weekly on the internet at [http://](http://www.nero.noaa.gov)

[www.nero.noaa.gov](http://www.nero.noaa.gov). Accordingly, the public is able to obtain information that would provide some advanced notice of a potential action as a result of a tilefish quota being exceeded during FY 2006. Further, the potential for this action was considered and open to public comment during the development of the tilefish FMP. Therefore, any negative effect the waiving of public comment may have on the public is mitigated by these factors.

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

Dated: October 24, 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. 060606148-6274-02; I.D. 112805A]

**Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Revision to the Final 2006 and 2007 Harvest Specifications for Groundfish**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS announces revised final 2006 and 2007 harvest specifications for the "other species" complex in the Gulf of Alaska (GOA) by