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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 121018563-3148-02]

RIN 0648-XD028

Fisheries of the Exclusive Economic Zone Off Alaska; Several Groundfish Species 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 to the initial total allowable catch of Bering Sea Greenland turbot and Bering Sea and Aleutian Islands (BSAI) Alaska plaice and the total allowable catch of BSAI sculpins and BSAI skates in the BSAI management area. This action is necessary to allow the fisheries to continue operating. It is intended to promote the goals and objectives of the fishery management plan for the BSAI management area.

DATES: Effective [insert date of filing for public inspection in the FEDERAL REGISTER], through 2400 hrs, Alaska local time, December 31, 2013. Comments must be received at the following address no later than 4:30 p.m., Alaska local time, [insert date 15 days after date of filing for public inspection with the OFFICE OF THE FEDERAL REGISTER].

ADDRESSES: You may submit comments on this document, identified by FDMS Docket Number NOAA-NMFS-2012-0210 by any of the following methods:

- Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2012-0210, click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.
- Mail: Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802-1668.
- Fax: Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Fax comments to 907-586-7557.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS.

All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 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 2013 initial total allowable catch (ITAC) of Bering Sea (BS) Greenland turbot in the BSAI was established as 1,369 metric tons (mt), the 2013 ITAC of BSAI Alaska plaice was established as 17,000 mt, the 2013 total allowable catch (TAC) of BSAI sculpins was established as 5,600 mt, and the 2013 TAC of BSAI skates was established as 24,000 mt by the final 2013 and 2014 harvest specifications for groundfish of the BSAI (78 FR 13813, March 1, 2013). In accordance with § 679.20(a)(3) the Regional Administrator, Alaska Region, NMFS, has reviewed the most current available data and finds that the ITACs for Bering Sea Greenland turbot and Bering Sea and Aleutian Islands (BSAI) Alaska plaice and the total allowable catch of BSAI sculpins and BSAI skates in the BSAI need to be supplemented from the non-specified reserve to promote efficiency in the utilization of fishery resources in the BSAI and allow fishing operations to continue.

Therefore, in accordance with § 679.20(b)(3), NMFS apportionments from the non-specified reserve of groundfish 69 mt to the BS Greenland turbot ITAC, 4,571 mt to the BSAI Alaska plaice ITAC, 300 mt to the BSAI sculpins TAC and 1,500 mt to the BSAI skates TAC in the BSAI. These apportionments are consistent with § 679.20(b)(1)(i) and do not result in overfishing of any target species because the revised ITACs and TAC are equal to or less than the specifications of the acceptable biological catch in the final 2013

and 2014 harvest specifications for groundfish in the BSAI (78 FR 13813, March 1, 2013).

The harvest specification for the 2013 ITACs included in the harvest specifications for groundfish in the BSAI are revised as follows: 1,610 mt for BS Greenland turbot, 21,571 mt for BSAI Alaska plaice, 5,900 mt for BSAI sculpins, and 25,500 mt for BSAI skates.

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 § 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 BS Greenland turbot, BSAI Alaska plaice, BSAI sculpins, and BSAI skates fisheries in the BSAI. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet and processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of December 3, 2013.

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 [INSERT DATE 15 DAYS AFTER DATE OF FILING FOR PUBLIC INSPECTION WITH THE OFFICE OF THE FEDERAL REGISTER].

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: December 12, 2013

Sean F. Corson,
Acting Deputy Director,
Office of Sustainable Fisheries,
National Marine Fisheries Service.

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