

closure or recreational component closure notifications, the bag and possession limit for red snapper or for the recreational component is zero. When the recreational sector or Federal charter vessel/headboat component is closed, this bag and possession limit applies in the Gulf on board a vessel for which a valid Federal charter vessel/headboat permit for Gulf reef fish has been issued, without regard to where such species were harvested, *i.e.*, in state or Federal waters.

(ii) In addition to the measures specified in paragraph (q)(2)(i) of this section, if red snapper recreational landings, as estimated by the SRD, exceed the total recreational quota specified in § 622.39(a)(2)(i)(A), and red snapper are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the total recreational quota by the amount of the quota overage in the prior fishing year, and reduce the applicable recreational component quota(s) specified in § 622.39(a)(2)(i)(B) and (C) and the applicable recreational component ACT(s) specified in paragraph (q)(2)(iii) of this section (based on the buffer between the total recreational ACT and the total recreational quota specified in the FMP), unless NMFS determines based upon the best scientific information available that a greater, lesser, or no overage adjustment is necessary.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 141021887-5172-02]

RIN 0648-XE210

Fisheries of the Exclusive Economic Zone Off Alaska; Exchange of Flatfish 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 exchanging allocations of Amendment 80 cooperative quota (CQ) for Amendment 80 acceptable biological catch (ABC) reserves. This action is necessary to allow the 2015 total allowable catch of flathead sole, rock sole, and yellowfin sole in the Bering Sea and Aleutian Islands management area to be harvested.

DATES: Effective September 28, 2015, through December 31, 2015.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the Bering Sea and Aleutian Islands management area (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 2015 flathead sole, rock sole, and yellowfin sole Amendment 80 allocations of the total allowable catch (TAC) specified in the BSAI are 16,655 metric tons (mt), 53,840 mt, and 111,892 mt as established by the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015). The 2015 flathead sole, rock sole, and yellowfin sole Amendment 80 ABC reserves are 37,399 mt, 100,418 mt, and 89,121 mt as established by the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015).

The Alaska Seafood cooperative has requested that NMFS exchange 5,620 mt of flathead sole and 1,450 mt of rock sole Amendment 80 allocations of the TAC for 7,070 mt of yellowfin sole Amendment 80 ABC reserves under § 679.91(i). Therefore, in accordance with § 679.91(i), NMFS exchanges 5,620 mt of flathead sole and 1,450 mt of rock sole Amendment 80 allocations of the TAC for 7,070 mt of yellowfin sole Amendment 80 ABC reserves in the BSAI. This action also decreases and increases the TACs and Amendment 80 ABC reserves by the corresponding amounts. Tables 11 and 13 of the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015) and as revised (80 FR 55562, September 16, 2015) are further revised as follows:

TABLE 11—FINAL 2015 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAS), AND AMENDMENT 80 ALLOCATIONS OF THE ALEUTIAN ISLANDS PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS

[Amounts are in metric tons]

| Sector | Pacific ocean perch | | | Flathead sole | Rock sole | Yellowfin sole |
|-------------------------------------|---------------------------|---------------------------|---------------------------|---------------|-----------|----------------|
| | Eastern Aleutian district | Central Aleutian district | Western Aleutian district | BSAI | BSAI | BSAI |
| TAC | 8,000 | 7,000 | 9,000 | 18,355 | 67,475 | 156,670 |
| CDQ | 856 | 749 | 963 | 2,320 | 7,085 | 16,543 |
| ICA | 100 | 75 | 10 | 5,000 | 8,000 | 5,000 |
| BSAI trawl limited access | 704 | 618 | 161 | 0 | 0 | 16,165 |
| Amendment 80 | 6,340 | 5,558 | 7,866 | 11,035 | 52,390 | 118,962 |
| Alaska Groundfish Cooperative | 3,362 | 2,947 | 4,171 | 1,708 | 13,318 | 44,455 |
| Alaska Seafood Cooperative | 2,978 | 2,611 | 3,695 | 9,327 | 39,072 | 74,507 |

Note: Sector apportionments may not total precisely due to rounding.

TABLE 13—FINAL 2015 AND 2016 ABC SURPLUS, COMMUNITY DEVELOPMENT QUOTA (CDQ) ABC RESERVES, AND AMENDMENT 80 ABC RESERVES IN THE BSAI FOR FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE
[Amounts are in metric tons]

| Sector | 2015 Flathead sole | 2015 Rock sole | 2015 Yellowfin sole | 2016 Flathead sole | 2016 Rock sole | 2016 Yellowfin sole |
|---|--------------------|----------------|---------------------|--------------------|----------------|---------------------|
| ABC | 66,130 | 181,700 | 248,800 | 63,711 | 164,800 | 245,500 |
| TAC | 18,355 | 67,475 | 156,670 | 24,250 | 69,250 | 149,000 |
| ABC surplus | 47,775 | 114,225 | 92,130 | 39,461 | 95,550 | 96,500 |
| ABC reserve | 47,775 | 114,225 | 92,130 | 39,461 | 95,550 | 96,500 |
| CDQ ABC reserve | 4,756 | 12,357 | 10,079 | 4,222 | 10,224 | 10,326 |
| Amendment 80 ABC reserve | 43,019 | 101,868 | 82,051 | 35,239 | 85,326 | 86,175 |
| Alaska Groundfish Cooperative for 2015 ¹ | 3,836 | 24,840 | 35,408 | n/a | n/a | n/a |
| Alaska Seafood Cooperative for 2015 ¹ .. | 39,183 | 77,028 | 46,643 | n/a | n/a | n/a |

¹ The 2016 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2015.

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 flatfish exchange by the

Alaska Seafood cooperative the BSAI. Since these fisheries are currently open, it is important to immediately inform the industry as to the revised allocations. 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 as well as processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 17, 2015.

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 22, 2015.

Emily H. Menashes,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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