

quota is authorized by 50 CFR 660.409(a)(1).

#### *Inseason Action #23*

The RA consulted with representatives of the Council, Washington Department of Fish and Wildlife (WDFW), and ODFW on September 11, 2012. The information considered during this consultation related to catch and effort to date in the recreational salmon fishery north of Cape Falcon. Inseason action #23 adjusted the daily bag limit for the recreational salmon fishery in the Westport subarea (Queets River to Leadbetter Point) to two fish per day both of which can be a coho salmon and unmarked coho may be retained. This action was taken to allow greater access to available coho quota in the recreational fishery. On September 11, 2012, the states recommended this action and the RA concurred; inseason action #23 took effect on September 13, 2012, superseding inseason action #16 (77 FR 61728, October 11, 2012), and remained in effect until the end of the fishing season. Modification of recreational bag limits is authorized by 50 CFR 660.409(b)(1)(iii).

#### *Inseason Action #24*

The RA consulted with representatives of the Council, ODFW, and CDFG on September 18, 2012. The information considered during this consultation related to catch and effort to date in the recreational salmon fishery south of Cape Falcon. Inseason action #24 adjusted the schedule for the Cape Falcon to Humbug Mountain non-mark-selective coho fishery. The opening scheduled preseason for September 20 through September 22 was changed to September 21 only. This action was taken due to projected attainment of non-mark-selective quota for this fishery. On September 18, 2012, the states recommended this action and the RA concurred; inseason action #24 took effect on September 20, 2012 and remained in effect until September 22, 2012. Inseason modification of fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

#### *Inseason Action #25*

The RA consulted with representatives of the Council, ODFW, and CDFG on September 19, 2012. The information considered during this consultation related to catch and effort to date in the commercial salmon fishery in the California KMZ. Inseason action #25 closed the commercial salmon fishery between the Oregon/California Border and Humboldt South Jetty on September 19, 2012 due to

projected attainment of Chinook salmon quota. On September 19, 2012, the states recommended this action and the RA concurred; inseason action #25 took effect on September 19, 2012 and remained in effect through the end of the fishing season. Inseason action to effect season closure due to attainment of quota is authorized by 50 CFR 660.409(a)(1).

#### *Inseason Action #26*

The RA consulted with representatives of the Council, (WDFW), and (ODFW) on September 27, 2012. The information considered during this consultation related to catch and effort to date in the recreational salmon fisheries north of Cape Falcon. Inseason action #26 transferred 150 coho salmon from the recreational fishery quota for the Neah Bay subarea to the recreational fishery quota for the La Push subarea. This action resulted in a final coho quota of 8,200 for Neah Bay and 2,360 for La Push. This action was taken to allow the La Push fall fishing season to proceed as scheduled for September 29 through October 14 (77 FR 25915, May 2, 2012) while staying within the coho quota. On September 27, 2012, the states recommended this action and the RA concurred; inseason action #26 took effect on September 27, 2012 and remains in effect until the end of the fishing season or subsequent inseason action. Inseason modification of quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

All other restrictions and regulations remain in effect as announced for the 2012 Ocean Salmon Fisheries (77 FR 25915, May 2, 2012) and subsequent inseason actions (77 FR 55426, September 10, 2012; and 77 FR 61728, October 11, 2012) not otherwise modified herein.

The RA determined that the best available information indicated that the stock abundance, and catch and effort projections supported the above inseason actions recommended by the states. The states manage the fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone in accordance with these Federal actions. As provided by the inseason notice procedures of 50 CFR 660.411, actual notice of the described regulatory actions was given, prior to the date the action was effective, by telephone hotline number 206–526–6667 and 800–662–9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF–FM and 2182 kHz.

#### **Classification**

The Assistant Administrator for Fisheries, NOAA (AA), finds that good

cause exists for this notification to be issued without affording prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B) because such notification would be impracticable. As previously noted, actual notice of the regulatory actions was provided to fishers through telephone hotline and radio notification. These actions comply with the requirements of the annual management measures for ocean salmon fisheries (77 FR 25915, May 2, 2012), the West Coast Salmon Plan, and regulations implementing the West Coast Salmon Plan (50 CFR 660.409 and 660.411). Prior notice and opportunity for public comment was impracticable because NMFS and the state agencies had insufficient time to provide for prior notice and the opportunity for public comment between the time the fishery catch and effort data were collected to determine the extent of the fisheries, and the time the fishery modifications had to be implemented in order to ensure that fisheries are managed based on the best available scientific information, thus allowing fishers access to the available fish at the time the fish were available while ensuring that quotas are not exceeded. The AA also finds good cause to waive the 30-day delay in effectiveness required under 5 U.S.C. 553(d)(3), as a delay in effectiveness of these actions would allow fishing at levels inconsistent with the goals of the Salmon Fishery Management Plan and the current management measures.

These actions are authorized by 50 CFR 660.409 and 660.411 and are exempt from review under Executive Order 12866.

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

Dated: October 23, 2012.

**James P. Burgess,**

*Acting Deputy 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. 111207737–2141–02]**

**RIN 0648–XC319**

#### **Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; modification of a closure.

**SUMMARY:** NMFS is opening directed fishing for pollock in Statistical Area 620 of the Gulf of Alaska (GOA). This action is necessary to fully use the 2012 total allowable catch of pollock in Statistical Area 620 of the GOA.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), October 24, 2012, through 1200 hrs, A.l.t., November 1, 2012. Comments must be received at the following address no later than 4:30 p.m., A.l.t., November 13, 2012.

**ADDRESSES:** You may submit comments, identified by NOAA–NMFS–2012–0213, by any one of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal <http://www.regulations.gov>. To submit comments via the e-Rulemaking Portal, first click the “submit a comment” icon, then enter NOAA–NMFS–2012–0213 in the keyword search. Locate the document you wish to comment on from the resulting list and click on the “Submit a Comment” icon on that line.

- **Mail:** Address 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.

- **Hand delivery to the Federal Building:** Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Deliver comments to 709 West 9th Street, Room 420A, Juneau, AK.

**Instructions:** Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. 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. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. 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 or Excel, WordPerfect, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:** Obren Davis, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (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.

NMFS closed directed fishing for pollock in Statistical Area 620 of the GOA under § 679.20(d)(1)(iii) on October 1, 2012 (77 FR 60321, October 3, 2012).

As of October 22, 2012, NMFS has determined that approximately 4,900 metric tons of pollock remain in the directed fishing allowance for pollock in Statistical Area 620 of the GOA. Therefore, in accordance with § 679.25(a)(1)(i), (a)(2)(i)(C), and (a)(2)(iii)(D), and to fully utilize the 2012 TAC of pollock in Statistical Area 620 of the GOA, NMFS is terminating the previous closure and is reopening directed fishing pollock in Statistical Area 620 of the GOA, effective 1200 hrs, A.l.t., October 24, 2012.

The Administrator, Alaska Region (Regional Administrator) considered the following factors in reaching this decision: (1) The current catch of pollock in Statistical Area 620 of the GOA and, (2) the harvest capacity and stated intent on future harvesting

patterns of vessels in participating in this fishery.

### 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 opening of the directed pollock fishery in Statistical Area 620 of the GOA. 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 October 22, 2012.

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.

Without this inseason adjustment, NMFS could not allow pollock fishery in Statistical Area 620 of the GOA to be harvested in an expedient manner and in accordance with the regulatory schedule. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until November 13, 2012.

This action is required by § 679.25 and is exempt from review under Executive Order 12866.

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

Dated: October 23, 2012.

**James P. Burgess,**

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

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