

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 679

[Docket No. 971208298-8055-02; I.D. 051598A]

**Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Hook-and-Line Gear in Bering Sea and Aleutian Islands**

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

**ACTION:** Closure.

**SUMMARY:** NMFS is closing directed fishing for Pacific cod by vessels using hook-and-line gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the second seasonal apportionment of the 1998 Pacific halibut bycatch allowance specified for the Pacific cod hook-and-line fishery category.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), May 17, 1998, through 1200 hrs, A.l.t., September 15, 1998.

**FOR FURTHER INFORMATION CONTACT:** Mary Furuness, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS

according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The second seasonal apportionment of the 1998 Pacific halibut bycatch allowance specified for the Pacific cod hook-and-line fishery in the BSAI, which is defined at § 679.21(e)(5)(ii)(A), was established by the Final 1998 Harvest Specifications of Groundfish for the BSAI (63 FR 12689, March 16, 1998) as 37 mt.

In accordance with § 679.21(e)(9), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the second seasonal apportionment of the 1998 Pacific halibut bycatch allowance specified for the Pacific cod hook-and-line fishery in the BSAI has been caught. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels using hook-and-line gear in the BSAI.

Maximum retainable bycatch amounts may be found at § 679.20(e) and (f).

**Classification**

This action responds to the best available information recently obtained

from the fishery. It must be implemented immediately to prevent exceeding the second seasonal apportionment of the 1998 Pacific halibut bycatch allowance specified for the Pacific cod hook-and-line fishery in the BSAI. Providing prior notice and an opportunity for public comment on this action is impracticable and contrary to the public interest. The fleet will soon take the apportionment. Further delay would only result in the second seasonal apportionment of the 1998 Pacific halibut bycatch allowance specified for the Pacific cod hook-and-line fishery in the BSAI being exceeded and disrupt the FMP's objective of limiting hook-and-line Pacific halibut mortality. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.21 and is exempt from review under E.O. 12866.

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

Dated: May 15, 1998.

**Bruce C. Morehead,**

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