

Federal Communications Commission.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 971208298-8055-02; I.D. 082798B]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod

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

**ACTION:** Reallocation.

**SUMMARY:** NMFS is reallocating the projected unused amount of Bering Sea and Aleutian Islands management area (BSAI) Pacific cod from trawl catcher/processors and vessels using jig gear to vessels using hook-and-line or pot gear. These actions are necessary to allow the 1998 total allowable catch (TAC) of Pacific cod to be harvested.

**DATES:** Effective October 6, 1998.

**FOR FURTHER INFORMATION CONTACT:** Andrew N. Smoker, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone 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. 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.

In accordance with § 679.20(c)(5), the Pacific cod TAC for the BSAI was established as 210,000 mt by the Final 1998 Harvest Specifications for Groundfish for the BSAI (63 FR 12689, March 16, 1998). Of this amount, 3,885 mt was allocated to vessels using jig gear, 45,649 mt to trawl catcher vessels, 45,649 mt to trawl catcher/processors, and 99,068 mt to vessels using hook-and-line or pot gear.

On September 4, 1998, NMFS published a request for public comment on a proposed reallocation of BSAI Pacific cod from trawl catcher/processors to either trawl catcher vessels and/or to vessels using hook-and-line or pot gear (63 FR 47218, September 4, 1998). Five letters of comment were received during the comment period from hook-and-line and trawl catcher/processor industry representatives. No comments were received from trawl catcher vessels expressing interest in the trawl catcher/processor projected unused amount. Trawl catcher/processor representatives expressed an interest in targeting Pacific cod in October and November after the end of the B season pollock fishery. Based on those comments and the expected bycatch of Pacific cod in the continuing pollock, yellowfin sole, and Atka mackerel fisheries, the projected unused amount was reduced from 7,000 mt to 1,500 mt.

Accordingly, the Acting Administrator, Alaska Region, NMFS (Acting Regional Administrator), has

determined that trawl catcher/processors will not be able to harvest 1,500 mt of Pacific cod allocated to those vessels under § 679.20(a)(7)(i)(A).

Therefore, in accordance with § 679.20(a)(7)(ii), NMFS apportions 1,500 mt of Pacific cod from trawl catcher/processors to vessels using hook-and-line or pot gear.

The Acting Regional Administrator also has determined that vessels using jig gear will not harvest 3,500 mt of Pacific cod by the end of the year. Therefore, in accordance with § 679.20(a)(7)(iii), NMFS is reallocating the unused amount of 3,500 mt of Pacific cod allocated to vessels using jig gear to vessels using hook-and-line or pot gear.

#### Classification

This action is taken under 50 CFR 679.20 and is exempt from OMB review under E.O. 12866.

The Assistant Administrator for Fisheries, NOAA, has determined, under section 553(b)(B) and (d)(3) of the Administrative Procedure Act and 50 CFR 679.20(b)(3)(iii)(A), that good cause exists for waiving the opportunity for public comment and the 30-day delayed effectiveness period for this action. Fisheries are currently taking place that will be supplemented by this apportionment. Delaying the implementation of this action would be disruptive and costly to these ongoing operations.

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

Dated: October 6, 1998.

**Richard W. Surdi,**

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

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