

Dated: March 27, 2003.

Anthony S. Lowe,

Director, Mitigation Division.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 021212307-3037-02; I.D. 032703E]

Fisheries of the Exclusive Economic Zone off Alaska; Pacific Cod by Catcher Vessels 60 Feet (18.3 m) Length Overall and Longer Using Hook-and-line Gear in the Bering Sea and Aleutian Islands

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher vessels 60 feet (18.3 m) length overall (LOA) and longer using hook-and-line gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the A season apportionment of the 2003 total allowable catch (TAC) of Pacific cod allocated to catcher vessels using hook-and-line gear in this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 28, 2003, until 1200 hrs, A.l.t., June 10, 2003.

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

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI 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.

The A season apportionment of the 2003 Pacific cod TAC allocated to catcher vessels using hook-and-line gear in the BSAI is 175 metric tons (mt) as established by the final 2003 harvest specifications for groundfish of the BSAI (68 FR 9924, March 3, 2003).

In accordance with § 679.20(d)(1)(iii), the Administrator, Alaska Region,

NMFS, has determined that the A season apportionment of the 2003 Pacific cod TAC allocated as a directed fishing allowance to catcher vessels using hook-and-line gear in the BSAI will soon be reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher vessels 60 feet (18.3 m) length overall and longer using hook-and-line gear in the BSAI. Catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line gear in the BSAI may continue to participate in the directed fishery for Pacific cod under a separate Pacific cod allocation to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear.

Maximum retainable amounts may be found in the regulations at § 679.20(e) and (f).

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 contrary to the public interest. This requirement is contrary to the public interest as it would delay the closure of the fishery, lead to exceeding the A season apportionment of the 2003 Pacific cod TAC allocated to catcher vessels using hook-and-line gear in the BSAI, and therefore reduce the public's ability to use and enjoy the fishery resource.

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 section 679.20 and is exempt from review under Executive Order 12866.

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

Dated: March 27, 2003.

Richard W. Surdi

Acting 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. 011219306-3058-03; I.D. 110501A]

RIN 0648-AM44

Fisheries of the Exclusive Economic Zone off Alaska; Revisions to Observer Coverage Requirements for Vessels and Shoreside Processors in the North Pacific Groundfish Fisheries; Correction

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

ACTION: Final rule; Technical correction.

SUMMARY: This document corrects a January 7, 2003, final rule that implemented changes to regulations governing the North Pacific Groundfish Observer Program (Observer Program). The action is necessary to correct erroneous cross references and inaccurate amendatory language that occurred in the final rule.

DATES: Effective April 2, 2003.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, 907-586-7008.

SUPPLEMENTARY INFORMATION: A final rule implementing changes to regulations governing the Observer Program was published in the **Federal Register** January 7, 2003 (68 FR 715). The final rule contained five errors in cross references caused by renumbering of paragraphs. These errors are corrected by this action.

Need for Corrections

In this final rule, the renumbering of paragraphs affected cross references in three paragraphs that were not addressed in the final rule. Newly redesignated paragraph 679.50(d)(5)(i) is corrected by removing the reference to "(d)(4)(ii)" and by adding in its place "(d)(5)(ii)"; Newly redesignated paragraph 679.50(d)(5)(ii)(B) is corrected by removing reference to "(d)(4)(iii)", and by adding in its place "(d)(5)(iii)"; and paragraph 679.50(g)(2)(iii)(B)(2) is corrected by removing the reference to "(d)(3)" and by adding in its place "(d)(4)".

Amendatory instruction 2 of 68 FR 715 is corrected by removing the text "(d)(3) through (6)" and by adding in its place "(d)(3) through (5)" by removing the text "(d)(4) through (7)" and by adding in its place "(d)(4) through (6)" and by correcting the text

“paragraphs(i)(2)(vi) and (i)(2)(xii) are revised;” to read as “paragraph(i)(2)(vi) is revised; and paragraph (i)(2)(xii) is added;”.

Classification

This action corrects paragraph numbering and cross references, a non-discretionary technical change with no substantive effects. Therefore, the Assistant Administrator for Fisheries, NOAA, finds good cause to waive the requirement to provide prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B), as such procedure would be unnecessary. Because this technical amendment does not constitute a substantive rule, it is not subject to the requirement for a 30-day delay in effective date under 5 U.S.C. 553(d). Because prior notice and opportunity to comment is not required for this action by 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* are not applicable.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: March 24, 2003.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

■ Accordingly, 50 CFR part 679 is corrected by making the following correcting amendments to the final rule published on January 7, 2003 (68 FR 715):

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*; 3631 *et seq.*; Title II of Division C, Pub. L. 105–277; Sec 3027, Pub. L. 106–31; 113 Stat. 57; 16 U.S.C. 1540(f); and Sec. 209, Pub. L. 106–554.

§ 679.50 [Corrected]

■ 2. In § 679.50, correct the reference to paragraphs redesignated in the final rule 68 FR 715, January 7, 2003:

■ a. In paragraph (d)(5)(i), remove the reference “(d)(4)(ii)” and add in its place “(d)(5)(ii)”.

■ b. In paragraph (d)(5)(ii)(B), remove the reference “(d)(4)(iii)” and add in its place “(d)(5)(iii)”.

■ c. In paragraph (g)(2)(iii)(B)(2), remove the reference “(d)(3)” and add in its place “(d)(4)”.

■ 3. On page 719 of 68 FR 715, third column, amendatory instruction 2:

■ a. Lines 1 and 2, remove “(d)(3) through (6)” and add in its place “(d)(3) through (5)”.

■ b. Lines 2 and 3, remove “(d)(4) through (7)” and add in its place “(d)(4) through (6)”.

■ c. Line 5 and 6, remove “paragraphs (i)(2)(vi) and (i)(2)(xii) are revised” and add in its place “paragraph (i)(2)(vi) is revised; and new paragraph (i)(2)(xii) is added;”.

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