

Dated: September 25, 1998.

Bruce C. Morehead,

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

[FR Doc. 98-26483 Filed 10-1-98; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208297-8054-02; I.D. 092298A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Modification of a closure.

SUMMARY: NMFS is opening directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to fully utilize the total allowable catch (TAC) of Pacific cod in this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), October 5, 1998, until 2400 hrs, A.l.t., December 31, 1998.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 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.

The 1998 TAC of Pacific cod allocated to vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area was established as 30,037 metric tons (mt) by the Final 1998 Harvest Specifications of Groundfish for the GOA (63 FR 12027, March 12, 1998). See § 679.20(c)(3). On April 16, 1998 (63 FR 18848), it was increased by an apportionment of reserves to 37,548 mt.

The fishery for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the GOA was closed to directed fishing under § 679.20(d)(1)(iii) on March 10, 1998 (63 FR 12416 March 13, 1998) in order to reserve amounts anticipated to be needed for incidental catch in other fisheries.

In accordance with § 679.20(d)(1)(i), the Regional Administrator is establishing a directed fishing allowance of 36,548 mt, and is setting aside the remaining 100 mt as bycatch to support other anticipated groundfish fisheries.

NMFS has determined that as of September 5, 1998, 1,677 mt remain in the directed fishing allowance. Therefore, NMFS is terminating the previous closure and is opening directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in

the Central Regulatory Area of the GOA effective 1200 hrs, A.l.t., October 5, 1998.

The Assistant Administrator for Fisheries, NOAA, finds for good cause that providing prior notice and public comment or delaying the effective date of this action is impracticable and contrary to the public interest.

All other closures remain in full force and effect. This action responds to the best available information recently obtained from the fishery. It must be implemented immediately in order to allow full utilization of the Pacific cod TAC. Further delay would only disrupt the FMP's objective of providing a portion of the Pacific cod TAC for processing by the inshore component in the Central Regulatory Area of the GOA. Without this action, the Pacific cod allocation for vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the GOA would be underharvested. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

Classification

This action is required by § 679.20 and is exempt from review under E.O. 12866.

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

Dated: September 25, 1998.

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

[FR Doc. 98-26482 Filed 10-1-98; 8:45 am]

BILLING CODE 3510-22-F