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Dated: July 9, 2013.

Michael J. Bean,

*Principal Deputy Acting Assistant Secretary
for Fish and Wildlife and Parks.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 121018563-3148-02]

RIN 0648-XC757

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed
fishing for Pacific ocean perch in the
Western Aleutian district (WAI) of the
Bering Sea and Aleutian Islands
management area (BSAI) by vessels
participating in the BSAI trawl limited
access fishery. This action is necessary
to prevent exceeding the 2013 total
allowable catch (TAC) of Pacific ocean
perch in this area allocated to vessels
participating in the BSAI trawl limited
access fishery.

DATES: Effective 1200 hrs, Alaska local
time (A.l.t.), July 12, 2013, through 2400
hrs, A.l.t., December 31, 2013.

FOR FURTHER INFORMATION CONTACT:
Steve Whitney, 907-586-7269.

SUPPLEMENTARY INFORMATION: NMFS
manages the groundfish fishery in the
BSAI exclusive economic zone
according to the Fishery Management
Plan for Groundfish of the Bering Sea
and Aleutian Islands Management 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 2013 TAC of Pacific ocean perch,
in the WAI, allocated to vessels
participating in the BSAI trawl limited
access fishery was established as a
directed fishing allowance of 182 metric
tons by the final 2013 and 2014 harvest
specifications for groundfish in the
BSAI (78 FR 13813, March 1, 2013).

In accordance with § 679.20(d)(1)(iii),
the Regional Administrator finds that
this directed fishing allowance has been
reached. Consequently, NMFS is
prohibiting directed fishing for Pacific
ocean perch in the WAI by vessels
participating in the BSAI trawl limited
access fishery.

After the effective dates of this
closure, the maximum retainable
amounts at § 679.20(e) and (f) apply at
any time during a trip.

Classification

This action responds to the best
available information recently obtained
from the fishery. The Acting 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 a 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 closure of the Pacific ocean
perch directed fishery in the WAI for
vessels participating in the BSAI trawl
limited access fishery. NMFS was
unable to publish a notice providing
time for public comment because the
most recent, relevant data only became
available as of July 10, 2013. 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 § 679.20
and is exempt from review under
Executive Order 12866.

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

Dated: July 12, 2013.

Galen Tromble,

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

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