

Dated: January 30, 2023.

**Samuel D. Rauch, III,**

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

For the reasons set out in the  
preamble, 50 CFR part 229 is amended  
as follows:

**PART 229—AUTHORIZATION FOR  
COMMERCIAL FISHERIES UNDER THE  
MARINE MAMMAL PROTECTION ACT  
OF 1972**

- 1. The authority citation for 50 CFR  
part 229 continues to read as follows:

**Authority:** 16 U.S.C. 1361 *et seq.*;  
§ 229.32(f) also issued under 16 U.S.C. 1531  
*et seq.*

- 2. Amend § 229.32 by adding  
paragraph (c)(3)(iv) to read as follows:

**§ 229.32 Atlantic large whale take  
reduction plan regulations.**

\* \* \* \* \*

(c) \* \* \*

(3) \* \* \*

(iv) *Massachusetts Restricted Area  
Emergency Extension.* During the period  
from February 1, 2023 through April 30,  
2023, the Massachusetts Restricted Area  
defined in paragraph (c)(3)(i) of this  
section is extended from the  
Massachusetts state waters boundary at  
MRAW1 to MRAW2 (also MRA3 in  
Table 11 to paragraph (c)(3)(i)), then it  
is bounded by a rhumb line connecting  
points MRAW2 to MRAW3 (MRA4), and  
then bounded by a rhumb line  
connecting points MRAW3 through  
MRAW4 (MRA5) back to MRAW1, in  
the order detailed in Table 11a to  
paragraph (c)(3)(iv); From February 1,  
2023 through April 30, 2023, it is  
prohibited to fish with, set, or possess  
trap/pot gear in the area in this  
paragraph (c)(3)(iv) of this section  
unless it is fished without buoy lines or  
with buoy lines that are stored on the  
bottom until remotely released for  
hauling, or buoy lines that are stowed in  
accordance with § 229.2. Authorizations  
for fishing without buoy lines must be  
obtained if such fishing would not be in  
accordance with surface marking  
requirements of §§ 697.21 and 648.84 of  
this title or other applicable fishery  
management regulations. The minimum  
number of trap/trawl gear configuration  
requirements specified in paragraph  
(c)(2)(iv) of this section remain in effect  
unless an exemption to those  
requirements is authorized.

TABLE 11a TO (c)(3)(iv)

Point	Lat	Long
MRAW1 .....	42°39.77'	70°30'
MRAW2 (MRA3) ...	42°12'	70°38.69'
MRAW3 (MRA4) ...	42°12'	70°30'
MRAW4 (MRA5) ...	42°30'	70°30'
MRAW1 .....	42°39.77'	70°30'

\* \* \* \* \*  
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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric  
Administration**

**50 CFR Part 679**

[Docket No. 220216–0049; RTID 0648–  
XC670]

**Fisheries of the Exclusive Economic  
Zone Off Alaska; Pacific Cod by  
Vessels Using Pot Gear in the Western  
Regulatory Area of the Gulf of Alaska**

**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 cod by vessels using  
pot gear in the Western Regulatory Area  
of the Gulf of Alaska (GOA). This action  
is necessary to prevent exceeding the A  
season allowance of the 2023 total  
allowable catch (TAC) of Pacific cod by  
vessels using pot gear in the Western  
Regulatory Area of the GOA.

**DATES:** Effective 1200 hrs, Alaska local  
time (A.l.t.), February 1, 2023, through  
1200 hrs, A.l.t., June 10, 2023.

**FOR FURTHER INFORMATION CONTACT:**  
Abby Jahn, 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 A season allowance of the 2023  
Pacific cod TAC apportioned to vessels  
using pot gear in the Western Regulatory  
Area of the GOA is 998 metric tons (mt)  
as established by the final 2022 and  
2023 harvest specifications for

groundfish in the GOA (87 FR 11599,  
March 2, 2022) and inseason adjustment  
(87 FR 80088, December 29, 2022).

In accordance with § 679.20(d)(1)(i),  
the Regional Administrator has  
determined that the A season allowance  
of the 2023 Pacific cod TAC  
apportioned to vessels using pot gear in  
the Western Regulatory Area of the GOA  
will soon be reached. Therefore, the  
Regional Administrator is establishing a  
directed fishing allowance of 993 mt  
and is setting aside the remaining 5 mt  
as bycatch to support other anticipated  
groundfish fisheries. 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 cod by  
vessels using pot gear in the Western  
Regulatory Area of the GOA.

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

**Classification**

NMFS issues this action pursuant to  
section 305(d) of the Magnuson-Stevens  
Act. This action is required by 50 CFR  
part 679, which was issued pursuant to  
section 304(b), and is exempt from  
review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there  
is good cause to waive prior notice and  
an opportunity for public comment on  
this action, as notice and comment  
would be 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 Pacific  
cod by vessels using pot gear in the  
Western Regulatory Area of the GOA.  
NMFS was unable to publish a notice  
providing time for public comment  
because the most recent, relevant data  
only became available as of January 30,  
2023.

The Assistant Administrator for  
Fisheries, NOAA 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.

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

Dated: January 31, 2023.

**Jennifer M. Wallace,**

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

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