

Issued: October 20, 2022.

Kimberly D. Bose,
Secretary.

**Appendix: Percentage Comparison Test
and Substantially Exacerbate Test
Formulas**

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Percentage Comparison Test

$$[Index\ Adjustment]_t - \left(\frac{[Costs]_{t-1} - [Costs]_{t-2}}{[Costs]_{t-2}} \right)$$

Where [Index Adjustment] is expressed in percentage terms and
 t = index adjustment year

Substantially Exacerbate Test

Exacerbation	=	$\frac{[Post-Index\ Over-Recovery] - [Existing\ Over-Recovery]}{[Existing\ Over-Recovery]}$
Post-Index Over-Recovery	=	$\frac{[Index\ Adjustment]_t * [Revenues]_{t-1} - [Costs]_{t-1}}{[Costs]_{t-1}}$
Existing Over-Recovery	=	$\frac{[Revenues]_{t-1} - [Costs]_{t-1}}{[Costs]_{t-1}}$

Where [Index Adjustment] is expressed in percentage terms and
 t = index adjustment year

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 220216-0049]

RTID 0648-XC499

Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker Rockfish in the Central Regulatory Areas 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 retention of shortraker rockfish in the Central Regulatory Areas of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2022 total allowable catch of shortraker rockfish in the Central Regulatory Areas of the GOA.

DATES: Effective 12 p.m., Alaska local time (A.l.t.), October 25, 2022, through 12 a.m., A.l.t., December 31, 2022.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 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 parts 600 and 679.

The 2022 total allowable catch (TAC) of shortraker rockfish in the Central Regulatory Areas of the GOA is 280 metric tons (mt) as established by the final 2022 and 2023 harvest specifications for groundfish of the GOA (87 FR 11599, March 2, 2022).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2022 shortraker rockfish TAC in the Central Regulatory

Areas of the GOA will soon be reached. Therefore, NMFS is requiring that shortraker rockfish in the Central Regulatory Areas of the GOA be treated as prohibited species in accordance with § 679.21(b), as described under § 679.21(a), for the remainder of the year, except shortraker rockfish in the Central Regulatory Areas of the GOA caught by catcher vessels using hook-and-line, pot, or jig gear as described in § 679.20(j). This action does not apply to fishing by trawl catcher/processors in the cooperative fishery in the Rockfish Program for the Central GOA.

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 prohibiting retention of shortraker rockfish in the Central Regulatory Areas 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 October 24, 2022.

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: October 25, 2022.

Jennifer M. Wallace,

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

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