

notice was incorrect. The correct adjusted quota level for the 2001 fishing year was 2,768.8 mt dw.

In order to comply with a recommendation made at the 2000 meeting of ICCAT, NMFS agreed to transfer up to 400 mt whole weight (ww) (300.8 mt dw) of unharvested U.S. swordfish quota in 2001 to Japan to account for excess dead discards of North Atlantic swordfish from Japanese vessels. However, the transfer would only apply to dead discards from a defined area. At the 2002 meeting, Japan indicated that a total of 215 mt ww (161.7 mt dw) of swordfish were discarded dead from the defined area. NMFS must therefore deduct 161.7 mt dw from the reserve quota category which was established in the November 20, 2002, rulemaking (67 FR 70023). Following the quota transfer to Japan, the reserve category has 139.1 mt dw remaining in the 2002 fishing year.

In the 2001 fishing year, the directed and incidental fishery landings of North Atlantic swordfish were reported to be 1,581.7 mt dw. The estimated amount of dead discards for the 2001 fishing year has not been determined yet and will be assessed later. Any excess dead discards will be deducted from the 2003 landings allowance. The underharvest for the 2001 fishing year, after accounting for the transfer from the reserve category, is 1,025.4 mt dw, which may be added to the underharvest from the 2000 fishing year for a total of 1,144.5 mt dw available for carry over to the 2002 fishing year as required by 50 CFR 635.27(c)(3).

#### South Atlantic Swordfish

Directed fishery landings of South Atlantic swordfish during the 2000 and 2001 fishing years were reported to be 93.8 mt dw and 69.8 mt dw, respectively. The quota for the 2000 and 2001 fishing years was 289.0 mt dw. Consequently, 195.2 mt dw and 219.2 mt dw were unharvested at the end of these fishing years. ICCAT recommended that the U.S. underharvest from 2000 may be carried over to 2003 in addition to the quotas specified for that year. Underharvests from 2001 and 2002 are ineligible for carryover because individual country quota levels in those years were not agreed by ICCAT, but established autonomously. Therefore, the 2002 U.S. quota for South Atlantic swordfish remains at the current level of 289.0 mt dw and 195.2 mt dw will be applied to 2003 in a separate action. There is no incidental catch quota for South Atlantic swordfish.

#### Classification

This action is taken under 50 CFR 635.27(c)(3)(ii) and (c)(3)(iii) and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: March 18, 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. 021122286-3036-02; I.D. 031703E]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pacific cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska

**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 vessels catching Pacific cod for processing by the offshore component in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allocation of the 2003 total allowable catch (TAC) of Pacific cod apportioned to vessels catching Pacific cod for processing by the offshore component of the Western Regulatory Area of the GOA.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), March 20, 2003, through 1200 hrs, A.l.t., September 1, 2003.

**FOR FURTHER INFORMATION CONTACT:** Mary Furuness, 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 allocation of the 2003 TAC of Pacific cod apportioned to vessels catching Pacific cod for processing by the offshore component in the Western Regulatory Area of the GOA is 927 metric tons (mt) as established by the final 2003 harvest specifications of groundfish for the GOA (68 FR 9924, March 3, 2002).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the A season allocation of the 2003 TAC of Pacific cod apportioned to vessels catching Pacific cod for processing by the offshore component of the Western Regulatory Area of the GOA will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 877 mt, and is setting aside the remaining 50 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 will soon be reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the offshore component in the Western Regulatory Area of the GOA.

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, 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 allocation of the 2003 TAC, and therefore reduce the public's ability to use and enjoy the fishery resource.

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.

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: March 19, 2003.

**Richard W. Surdi,**

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

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