

TABLE 17.—AFA CATCHER VESSEL SIDEBORD DIRECTED FISHING CLOSURES ¹—Continued

Species	Area	Gear	Incidental catch amount
Pacific ocean perch	BS	all	120
	Western AI	all	0
	Central AI	all	8
	Eastern AI	all	25
Northern rockfish	BS	all	3
	AI	all	48
Shortraker/Rougheye rockfish	BS	all	1
	AI	all	3
Other rockfish	BS	all	4
	AI	all	5
Squid	BSAI	all	641
Other species	BSAI	all	1,617

¹ Maximum retainable percentages may be found in Table 11 to 50 CFR part 679.

Response to Comments

NMFS received one letter of comment in response to the proposed 2003 harvest specifications (67 FR 76362, December 12, 2002.)

Comment 1. A request for an extension of time in which to comment on the document.

Response. Regulations at 50 CFR 679.20(c)(1)(i)(B) provide for a 30-day comment period on the proposed specifications. NMFS has determined that an extension of the 30-day comment period on the proposed harvest specifications would pose unacceptable management implications for the 2003 groundfish fisheries.

Without proposed and interim specifications in effect on January 1, the groundfish fisheries would not be able to open on that date, which would result in unnecessary closures and disruption within the fishery industry. Therefore, NMFS declines to extend the comment period on the proposed specifications.

Small Entity Compliance Guide

The following information is a plain language guide to assist small entities in complying with this final rule as required by the Small Business Regulatory Enforcement Fairness Act of 1996. This final rule's primary management measures are to announce final 2003 harvest specifications and prohibited species bycatch allowances for the groundfish fishery of the BSAI. This action is necessary to establish harvest limits and associated management measures for groundfish during the 2003 fishing year and to accomplish the goals and objectives of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area. This action affects all fishermen who participate in the BSAI fishery. NMFS will announce closures of directed fishing in the **Federal Register** and in information

bulletins released by the Alaska Region. Affected fishermen should keep themselves informed of such closures.

Classification

This action is authorized under 50 CFR 679.20 and is exempt from review under Executive Order 12866.

NMFS prepared an Initial Regulatory Flexibility Analysis (IRFA) that describes the impact the 2003 harvest specifications may have on small entities, in accordance with the provisions of the Regulatory Flexibility Act of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 603(b)). Notice of the availability of the IRFA, and a summary, were published in the classification section of the proposed harvest specifications for the groundfish fisheries in the BSAI in the **Federal Register** on December 12, 2002 (67 FR 76362). The comment period on the proposed BSAI harvest specifications and IRFA ended on January 13, 2003. NMFS did not receive any comments on the IRFA. NMFS has prepared a FRFA for this action and a copy is available from the Council (see **ADDRESSES**).

The small entities affected by this action are those that harvest fish under the terms of the specifications in the BSAI. The FRFA identified 193 small catcher vessels, 31 small catcher/processors, and six small CDQ groups.

No projected additional reporting, recordkeeping or other compliance requirements were identified in connection with the final notice of specifications.

Four alternatives were evaluated, in addition to the preferred alternative. Alternatives were defined by the use of different harvest rates (F values). Impacts of the alternatives were estimated on the basis of their associated overall fleet gross revenue levels. Three alternatives (set F equal to 50% of max F_{ABC}, set F equal to the

most recent five year average actual F, and set F equal to zero) all appeared to have greater adverse impacts on small entities than the preferred alternative. Alternative 1 (set F equal to max F_{ABC}) had impacts on small entities that appeared to be similar to those of the preferred alternative. However, this alternative was not chosen because it used 2002 TACs, which do not take into consideration biological survey information collected and analyzed in 2002, and evaluated by the Council and its SSC and AP committees at the end of 2002. The preferred alternative was chosen, rather than Alternative 1, because the TACs in the preferred alternative take into account the best and most recent information available regarding the status of the groundfish stocks, public testimony, and socio-economic concerns.

The apportionment of a portion of the nonspecified reserve (see Table 2) is necessary to provide increased ITAC to provide for more efficient operation of intensive fast-paced fisheries for Pacific cod, Atka mackerel and Pacific ocean perch, and to allow for the orderly conduct of the flatfish and rockfish fisheries. Also, U.S. fishing vessels have demonstrated the capacity to catch the full TAC allocations. Therefore, a delay for prior notice and public procedure is contrary to the public interest. Accordingly, the Assistant Administrator for Fisheries, NOAA (AA), finds there is good cause to waive the requirement for prior notice under 5 U.S.C. 553(b)(3). In accordance with 50 CFR 679(b)(3), comments on the apportionment of reserves are invited by March 18, 2003.

In some cases, the interim specifications currently in effect are not sufficient to allow directed fisheries to continue, resulting in unnecessary closures and disruption within the fishing industry. This action establishes the harvest specifications for the 2003