may have satellite communication equipment by the 1995 trawl season, and five vessels will probably not have satellite communication capabilities for the 1995 season.

#### **Economic Considerations**

A total of 62 processor vessels and six shoreside processors participated in the nonpelagic trawl fisheries in the BSAI in 1994. Based on 1994 ADF&G fish tickets, at least 61 catcher vessels delivered to either shoreplants or motherships. The majority of fishing activity in the RKCSA is carried out by the rock sole roe fishery.

Thirty catcher/processor vessels and five catcher vessels participated in a flatfish fishery in the BS between January and May 1994. Between 2.5 and 3 percent of the total groundfish catch in the BSAI came from the closure area in 1992 and 1993, respectively. Data from 1990–1994 indicate that between 20 and 45 percent of the rock sole catch has come from the closure area. The estimated gross wholesale value of rock sole harvests in the BSAI between January and April 1994 was \$36,313,484. The displacement of fishing effort for rock sole from the RKCSA to less productive areas of the Bering Sea in anticipated to result in some foregone harvest of roe-bearing rock sole and an increase in operating costs. A quantitative assessment of these costs is not possible because the amount of roe-bearing rock sole that will be harvested outside the RKCSA is unknown. Given the improbable assumption that the entire amount of rock sole harvested in the RKCSA would be foregone, the maximum potential impact incurred by the rock sole fishery could range from \$7.3 million to \$16.3 million. More likely, the greatest potential for foregone revenue is associated with the increased probability of a closure of the rock sole fishery due to increased bycatch rates of C. bairdi and halibut, and a more rapid attainment of a crab or halibut bycatch allowance before the end of the roe season. The rock sole roe season typically ends by the first week of March, although some fishing effort continues into mid March. In 1994, Zone 1 was closed February 28 because of red king crab bycatch; however, the fishery was able to continue outside the area until Zone 2 was closed to the rock sole fleet on May 7, when the C. bairdi Tanner crab bycatch allowance was reached. This closure likely will occur sooner under the emergency rule, as would a closure of the BSAI due to attainment of the halibut bycatch allowance, but a projection of the actual date, as well as the potential foregone

harvest of rock sole, cannot be estimated given available information.

Additional observer coverage on the flatfish and pelagic pollock vessels would result in costs per vessel of approximately \$200/day for each observer. Three catcher/processor vessels and one catcher vessel participating in a Zone 1 flatfish fishery in 1994 were under 125 ft (38.1m) LOA and may be subject to the additional requirement for 100-percent observer coverage for the duration of this emergency rule. Ten to 12 vessels that participated in the 1994 pelagic trawl pollock fishery were also under 125 ft (38.1 m) LOA and may also be subject to the requirement for 100-percent observer coverage under this rule.

**Observer-coverage requirements** currently are specified under regulations implementing the North Pacific Fishers Research Plan (Research Plan) at 50 CFR part 677. Under the Research Plan, the costs of increased observer coverage incurred by catcher/ processors under this emergency rule may be credited up to each processor's 1995 Research Plan fee liability. This credit amount would reduce the revenue to the North Pacific Observer Fund by a corresponding amount. Increased observer-coverage requirements for catcher vessels under this emergency rule will not affect the amount of fees generated under the Research Plan because these vessels are exempt from 1995 Research Plan fees (§677.6(b)(1)).

Electronic reporting, on a daily basis, by the observers on those vessels that currently have INMARSAT Standard A satellite communication capabilities would result in additional transmission costs for operators of each of the 21 vessels. The cost of an electronic transmission is between \$3-5 per transmission. The remaining nine vessels in the flatfish fisheries would incur additional cost of daily fax transmission, which range between \$10–20 per fax. No other cost would be incurred by the industry for the daily electronic reporting.

NMFS concurs that the above regulatory measurers must be implemented by emergency rulemaking to conserve the female red king crab stocks in the Bristol Bay area of the BS.

### Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that this rule is necessary to respond to an emergency situation and that it is consistent with the Magnuson Act and other applicable laws.

This rule is exempt from the procedures of the Regulatory flexibility Act, because it is not required to be issued with prior notice and opportunity for prior public comment.

This emergency interim rule has been determined to be not significant for purposes of E.O. 12866.

NMFS finds that the immediate need to protect and conserve female red king crab in the Bristol Bay area of the BS, as explained in the preamble to this rule, constitutes good cause to waive the requirement to provide prior notice and an opportunity for public comment pursuant to authority set forth at 5 U.S.C. 553(b)(B), as a delay to provide prior notice and an opportunity for public comment would be contrary to the public interest. Similarly, the need to implement these measures in a timely manner to protect female red king crab during the rock sole roe fishery, which opens January 20, 1995, constitutes good cause under authority contained in 5 U.S.C. 553(d)(3) to make the rule effective less than 30 days after publication in the Federal Register.

## List of Subjects in 50 CFR Parts 675 and 677

Fisheries, Reporting and recordkeeping requirements.

Dated: January 19, 1995.

Gary Matlock,

\*

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 675 and 677 are amended as follows:

# PART 675—GROUNDFISH OF THE **BERING SEA AND ALEUTIAN ISLANDS** AREAS

1. The authority citation for part 675 continues to read as follows:

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

2. In §675.22, paragraph (h) is added to read as follows:

#### §675.22 Time and areas closures. \* \* \*

(h) Red king crab savings area. Directed fishing for groundfish by vessels using trawl gear other than pelagic trawl gear is prohibited at all times, in that part of the Bering Sea Subarea defined by straight lines connecting the following coordinates, in the order listed:

Latitude	Longitude
56°00' N. 56°00' N. 57°00' N. 57°00' N. 56°00' N.	164°00′ W. 164°00′ W. 162°00′ W.