

determines that the boundaries of a closed area are not appropriate, or similar situations occur.

On April 30, 2001, NMFS received a verified report of 13 northern right whales, including 4 cow-calf pairs, in the proximity of 42° 16' N. lat. and 69° 28' W. long. On May 2, 2001, NMFS received a verified sighting of six northern right whales, including two cow-calf pairs, in the proximity of 42° 12' N. lat. and 69° 30' W. long. These positions lie northeast of Cape Cod in an area called Wilkinson Basin.

The AA, through this action, restricts lobster and gillnet gear set in the waters bounded by: 42° 30' N. lat. 69° 15' W. long. (NE corner); 42° 05' N. lat. 69° 15' W. long. (SE corner); 42° 30' N. lat. 69° 40' W. long. (NW corner); and 42° 05' N. lat. 69° 40' W. long. (SW corner), as follows: (1) All gillnet gear must be removed from these waters within 48 hours of filing of this document in the **Federal Register**, and no new gear may be set in this area; (2) for all lobster trap gear set within this area at least 50 percent of the vertical lines in the water must be removed within 48 hours of filing of this document in the **Federal Register**, and no new gear may be set in this area. The restrictions will remain in effect through May 30, 2001, unless terminated sooner or extended by the AA, through another notification in the **Federal Register**. This restriction will be announced to state officials and fishermen through e-mail, phone contact, NOAA website, and other media immediately upon filing with the **Federal Register**.

In addition, the AA requests voluntary compliance from gillnet and lobster fishermen, with the same restrictions as mentioned here, for the precautionary area, which surrounds the restricted area, in the waters bounded by: 42° 36' N. lat., 69° 10' W. long. (NE corner); 41° 55' N. lat., 69° 10' W. long. (SE corner); 42° 36' N. lat., 69° 45' W. long. (NW corner); and 41° 55' N. lat., 69° 45' W. long. (SW corner). Voluntary compliance with the measures in this precautionary area is urged for the same time period as the restricted area defined above.

Authority

This action is authorized by section 118 of the Marine Mammal Protection Act and regulations at 50 CFR 229.32(g)(2).

Dated: May 10, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 010208032-1109-02; I.D. 050801D]

Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Harvested for North Carolina

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Commercial quota harvest; closure.

SUMMARY: NMFS announces that the Atlantic bluefish commercial quota available to the State of North Carolina has been harvested. Vessels issued a commercial Federal fisheries permit for the Atlantic bluefish fishery may not land Atlantic bluefish in North Carolina for the remainder of calendar year 2001, unless additional quota becomes available through a transfer. Regulations governing the Atlantic bluefish fishery require publication of this notification to advise the State of North Carolina that the quota has been harvested and to advise Federal vessel permit holders and Federal dealer permit holders that no commercial quota is available for landing Atlantic bluefish in North Carolina.

DATES: Effective 0001 hours, May 15, 2001, through 2400 hours, December 31, 2001.

FOR FURTHER INFORMATION CONTACT: Myles A. Raizin, Fishery Policy Analyst, (978) 281-9273.

SUPPLEMENTARY INFORMATION: Regulations governing the Atlantic bluefish fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned on a percentage basis among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.160.

The initial total commercial quota for Atlantic bluefish for the 2001 calendar year was set equal to 9,583,010 lb (4,348,008 kg) (66 FR 23625, May 9, 2001). The percent allocated to vessels landing Atlantic bluefish in North Carolina is 32.0608 percent, or 3,072,386 lb (1,394,005 kg).

Section 648.161(b) requires the Administrator, Northeast Region, NMFS (Regional Administrator) to monitor

state commercial quotas and to determine when a state's commercial quota is harvested. NMFS will then publish a notification in the **Federal Register** advising a state and notifying Federal vessel and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available for landing Atlantic bluefish in that state. The Regional Administrator has determined, based upon dealer reports and other available information, that the State of North Carolina has attained its quota for 2001.

The regulations at § 648.4(b) provide that Federal permit holders agree as a condition of the permit not to land Atlantic bluefish in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, effective 0001 hours, May 15, 2001, further landings of Atlantic bluefish in North Carolina by vessels holding Atlantic bluefish commercial Federal fisheries permits are prohibited for the remainder of the 2001 calendar year, unless additional quota becomes available through a transfer and is announced in the **Federal Register**. Effective 0001 hours, May 15, 2001, federally permitted dealers are also advised that they may not purchase Atlantic bluefish from federally permitted vessels that land in North Carolina for the remainder of the calendar year, or until additional quota becomes available through a transfer.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: May 10, 2001.

Bruce C. Morehead,

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. 010112013-1013-01; I.D. 043001B]

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Fisheries by Vessels Using Hook-and-Line Gear in 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 groundfish by vessels using hook-and-line gear in the Gulf of Alaska (GOA), except for sablefish or demersal shelf rockfish in the Southeast Outside District. This action is necessary because the second seasonal bycatch mortality allowance of Pacific halibut apportioned to hook-and-line gear targeting groundfish other than sablefish and demersal shelf rockfish in the Southeast Outside District has been reached.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), May 17, 2001, until 1200 hrs, A.l.t., August 31, 2001.

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), as 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 Pacific halibut bycatch mortality allowance for groundfish included in

the other hook-and-line fishery, which is defined at § 679.21(d)(4)(iii)(C), was established by the Final 2001 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska (66 FR 7276, January 22, 2001) and subsequent adjustment (66 FR 17087, March 29, 2001) for the second season, the period May 17, 2001, through August 31, 2001, as 0 metric tons (mt). Under 50 CFR 679.21(d)(5), 30 mt of the Pacific halibut hook-and-line prohibited species catch (PSC) limit was moved from the May 17 through August 31 seasonal allowance to the January 1 through May 17 seasonal allowance in order to accommodate new Pacific cod seasons implemented under an emergency rule (66 FR 7276, January 22, 2001) and to optimize the harvest of Pacific cod.

The other hook-and-line fishery includes all groundfish except sablefish in the GOA and demersal shelf rockfish in the Southeast Outside District.

In accordance with § 679.21(d)(7)(ii), NMFS is prohibiting directed fishing for groundfish other than sablefish in the GOA or demersal shelf rockfish in the Southeast Outside District by vessels using hook-and-line gear.

Maximum retainable bycatch 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 that the need to immediately implement this action because the Pacific halibut hook-and-line PSC limit for the second seasonal bycatch mortality allowance has been reached constitutes 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)(3)(B) and 50 CFR 679.20(b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly, the need to implement these measures in a timely fashion because the Pacific halibut hook-and-line PSC limit for the second seasonal allowance has been reached constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.21 and is exempt from review under Executive Order 12866.

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

Dated: May 10, 2001.

Bruce C. Morehead,

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