

After careful consideration of public comments and prior analyses regarding biological, economic, and social impacts of an increased JVP, NMFS has determined that there is no basis to conclude that an increase in JVP will have a substantially negative impact on shoreside processors. Furthermore, sufficient evidence exists to conclude that increasing JVP will have a substantially positive economic impact on the domestic harvesting sector and those entities that service vessels participating in the JVP. Descriptions of the economic and social impacts of this action are provided below.

USAP

The FMP requires a USAP specification to allow a specific amount of herring to be allocated to large U.S. processing vessels. The Council specified 20,000 mt of USAP, since specifying USAP at zero would have precluded large U.S. vessels from taking fish over the side while large foreign vessels are allowed to do so. Since the USAP specification has not been utilized, NMFS has determined that it is appropriate to transfer 10,000 mt from the USAP specification. This would leave 10,000 mt available for USAP.

Biological Impacts

Since the optimum yield (OY) of 250,000 mt is not affected by this inseason action, there would be no biological impacts to herring stocks that were not already contemplated in the environmental assessment accompanying the 2001 herring specifications. The only distinction between JVP and USAP, which does not alter the environmental assessment of the herring fishery in any significant way, is that JVP operations are restricted to Areas 2 and 3, while USAP operations could take place in any area.

Economic and Social Impacts

As of October 6, 2001, six U.S. vessels had delivered 5,658.8 mt of herring or 56.6 percent of the allocation to 3 vessels of the Russian Federation. Based on an estimated price of \$110 per mt, this results in \$622,468 in gross revenue earned collectively by the 6 vessels or, on the average, \$103,745 per vessel. Using an average of gross revenue earned over the last 4 weeks to project the amount that could be harvested in the future, NMFS estimates that the full allocation of 10,000 mt, valued at around \$1,100,000, could be harvested by early November. This additional 10,000 mt could potentially double gross revenues earned by domestic vessels.

As discussed in the economic analyses accompanying the 2001 submission for herring specifications, profits to U.S. vessels would be calculated by deducting the costs of participating in the JVP from revenues earned by selling over-the-side to foreign vessels. The calculation of economic value of the JVP to U.S. vessels requires a comparison of JVP and shoreside processing profitability. If there is limited shoreside processing demand, it is likely that vessels would derive substantial economic benefits from participating in joint venture operations. A positive impact of increased JVP is increased employment opportunities in affected communities. The JVP would benefit fuel and food providers and vessel servicing facilities as measured by economic multiplier effects.

If harvesting capacity was less than shoreside processing demand, and vessels that are participating in JVP operations would alternatively have landed herring in communities with processing facilities, negative economic and social impacts from reduced supply could result in reduced profits to shoreside processors, and reduced employment in processing plants, vessel servicing facilities, including stevedoring, and fuel and food vendors. However, as noted in the analyses accompanying the 2001 specifications, there is no evidence that shoreside processing demand is sufficient to meet harvesting capacity such that substantially negative economic and social impacts to processors or communities would ensue. Shoreside processing demand appears to be limited to the extent that the harvesting sector can easily participate in both an ongoing JVP and meet the demand of shoreside processors with limited economic impact on shoreside processing facilities and communities. In the future, this could change if shoreside facilities are able to increased the demand for their fish by developing export markets.

The 2001 Atlantic Herring Specifications adjusted for this inseason action are presented in the table below.

TABLE 1. 2001 ATLANTIC HERRING SPECIFICATIONS (ADJUSTED)

Specification	Amount (mt)
ABC	300,000
OY	250,000
DAH	245,000
TALFF	5,000
DAP	221,000
USAP	10,000
BT	4,000
JVPt	30,000

TABLE 1. 2001 ATLANTIC HERRING SPECIFICATIONS (ADJUSTED)—Continued

Specification	Amount (mt)
JVP—Area 2 and Area 3	20,000
IWP	10,000
Reserve	0
TAC—Area 1A	60,000
TAC—Area 1B	10,000
TAC—Area 2	50,000
	(80,000 TAC reserve)
TAC—Area 3	50,000

Classification

This action is authorized by 50 CFR part 648 and is exempt from review under E.O. 12866.

Because this action received prior public comment at Council meetings and any further delay would likely jeopardize the ability of U.S. and foreign vessels to access this increased herring allocation, there is good cause to waive additional opportunity for prior public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B), as such procedures would be contrary to the public interest. Similarly, because the inseason adjustment only provides for a transfer of the herring allocation from USAP to JVP and does not establish any requirements for which a regulated entity must come into compliance, it is unnecessary to delay for 30 days the effective date of this action. Therefore, the Assistant Administrator for Fisheries, NOAA, finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delayed effectiveness period for the inseason adjustment.

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

Dated: October 31, 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 648

[Docket No. 010313064–1064–01; I.D. 103101B]

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Commercial Haddock Harvest

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

ACTION: Removal of haddock daily trip limit.

SUMMARY: NMFS announces that the Administrator, Northeast Region, NMFS (Regional Administrator), has projected that less than 75 percent of the 6,252 mt haddock target total allowable catch (TAC) will be harvested for the 2001 fishing year under the present landing limit, so the daily landing limit is being suspended until March 1, 2002. Therefore, between November 6, 2001, and February 28, 2002, vessels fishing under a multispecies day-at-sea (DAS) may possess no more than 50,000 lb (22,680 kg) per trip, but are not restricted to a limit of haddock per DAS. Unless subsequent projections indicate some other measure is required to ensure that the haddock target TAC is harvested but not exceeded, the existing daily trip limit of 5,000 lb (2,268 kg) per DAS will go back into effect on March 1, 2002.

DATES: Effective November 6, 2001, through February 28, 2002.

FOR FURTHER INFORMATION CONTACT: Rick A. Pearson, Fishery Policy Analyst, 978-281-9279.

SUPPLEMENTARY INFORMATION:

Regulations implementing the haddock trip limit in Framework Adjustment 33 (65 FR 21658, April 24, 2000) became effective May 1, 2000, and were maintained for the current fishing year. To ensure that haddock landings remain within the target TAC of 6,252 mt established for the 2001 fishing year (66 FR 15812, March 21, 2001), Framework 33 established an initial landing limit of 3,000 lb (1,360.8 kg) per DAS fished and 30,000 lb (13,608 kg) per trip maximum, followed by an increased landing limit of 5,000 lb (2,268 kg) per DAS and 50,000 lb (22,680 kg) per trip from October 1 through April 30. Framework 33 also provided a mechanism to adjust the haddock trip limit based upon the percentage of TAC which is projected to be harvested.

Section 648.86 (a)(1)(iii)(B) specifies that if the Regional Administrator has projected that less than 75 percent (4,689 mt) of the haddock target TAC will be harvested in the fishing year, the landing limit may be adjusted. Further, this section stipulates that NMFS will publish a notification in the **Federal Register** informing the public of the date of any changes to the landing limit. Based on the available information, the Regional Administrator has projected that 4,689 mt will not be harvested by April 30, 2002, under the existing landing limit. The Regional Administrator has determined that removal of the daily landing limit of

5,000 lb (2,268 kg) per DAS through February 28, 2002, while retaining the 50,000 lb (22,680 kg) per trip possession limit, provides the industry with the opportunity to harvest at least 75 percent of the target TAC for the 2001 fishing year. However, because of difficulties inherent in collecting real-time haddock landings information, the Regional Administrator has determined that the daily trip limit will be reimposed on March 1, 2002, unless she can project that the haddock target TAC for fishing year 2001 will be harvested but not exceeded before the end of the fishing year. Therefore, pursuant to § 648.86(a)(1)(iii)(B), the haddock daily landing limit is suspended, while the 50,000 lb (22,680 kg) per trip maximum possession limit is retained, from November 6, 2001, until February 28, 2002. The Regional Administrator may adjust this possession limit again through publication of a notification in the **Federal Register**, pursuant to § 648.86(a)(1)(iii).

Classification

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

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 to remove the haddock daily trip limit in order to provide industry with the opportunity to harvest at least 75 percent of the target TAC for the 2001 fishing year constitutes good cause to waive the requirement to provide prior notice or opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553 (b)(B), as such procedures would be unnecessary and contrary to the public interest. Similarly, the need to implement the measure that relieves a restriction (removal of the trip limit) in a timely fashion to allow for the additional harvest of haddock 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)(1), a delay in the effective date is hereby waived.

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

Dated: October 31, 2001.

Bruce 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 648

[Docket No. 010220043-1132-1132; I.D. 103101A]

Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1A

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

ACTION: Closure of directed fishery for Management Area 1A.

SUMMARY: NMFS announces that 95 percent of the Atlantic herring total allowable catch (TAC) allocated to Management Area 1A (Area 1A) for the fishing year 2001 has been harvested. Therefore, federally permitted vessels may not fish for, catch, possess, transfer or land more than 2,000 lb (907.2 kg) of Atlantic herring harvested from Area 1A per trip or calendar day for the remainder of the 2001 fishery (through December 31, 2001). Regulations governing the Atlantic herring fishery require publication of this notification when 95 percent of the Atlantic herring TAC allocated to Area 1A has been harvested to advise vessel and dealer permit holders that no TAC is available for the directed fishery for Atlantic herring harvested from Area 1A.

DATES: Effective 0001 hrs local time, November 10, 2001, through 2400 hrs local time, December 31, 2001.

FOR FURTHER INFORMATION CONTACT: David M. Gouveia, Fishery Policy Analyst, at (978) 281-9280.

SUPPLEMENTARY INFORMATION:

Regulations governing the Atlantic herring fishery are found at 50 CFR part 648. The regulations require annual specification of optimum yield, domestic and foreign fishing, domestic and joint venture processing, and management area TACs. The specifications are allocated on an annual basis from January through December. The TAC allocated to Area 1A for the Atlantic herring fishery for the 2001 fishing year was 60,000 mt (66 FR 28846, May 25, 2001).

The regulations at 50 CFR 648.202 require the Administrator, Northeast Region, NMFS (Regional Administrator) to monitor the Atlantic herring fishery in each of the four management areas designated in the FMP and, based upon dealer reports, state data, and other