

allow continued gillnetting with a 550 or 450 pounds of tails per DAS (based on permit type). Should NMFS decide to follow the recommendation of the Council, emergency protection for sea turtles would remain necessary after May 1, 2002. However, should NMFS not follow the recommendation of the Council, NMFS will consider this in determining whether to adopt the interim final rule as a final rule.

This interim final rule will be effective for 240 days. If NMFS determines to adopt this interim final rule permanently, NMFS will publish the rule in the **Federal Register** by winter 2002. If significant changes to this interim final rule are needed, NMFS will first publish a proposed rule and seek additional public comment. If NMFS determines that the rule is no longer necessary, NMFS will withdraw this interim final rule.

For the reasons stated above, the AA finds good cause under both section 4(b)(7) of the ESA and 5 U.S.C. 553(d)(3) not to delay the effective date of this rule for 30 days. This restriction has been announced on the NOAA weather channel, in newspapers, and other media.

As prior notice and an opportunity for public comment are not required to be provided for this notification by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

The AA has prepared an Environmental Assessment for this interim final rule. Copies of the EA are available (see **ADDRESSES**).

List of Subjects in 50 CFR Part 223

Administrative practice and procedure, Endangered and threatened species, Exports, Imports, Reporting and record-keeping requirements.

Dated: March 15, 2002.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries.

For the reasons set out in the preamble, 50 CFR parts 222 and 223 are amended to read as follows:

PART 222—GENERAL ENDANGERED AND THREATENED MARINE SPECIES

1. The authority citation for part 222 continues to read as follows:

Authority: 16 U.S.C. § 1531 *et seq.*; 16 U.S.C. § 742a *et seq.*; 31 U.S.C. § 9701 *et seq.*

2. In § 222.102, Definitions, add after the definition for “Four-seam, tapered-wing trawl” and before the definition

for “Gulf Area”, the following regulatory definition to read as follows:

§ 222.102 Definitions.

* * * * *

Gillnet means a panel of netting, suspended vertically in the water by floats along the top and weights along the bottom, to entangle fish that attempt to pass through it.

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PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

1. The authority citation for part 223 continues to read as follows:

Authority: 16 U.S.C. 1531 *et seq.*

2. In § 223.206, paragraph (d) introductory text is suspended and paragraph (d)(8) and (e) are added to read as follows:

§ 223.206 Exceptions to prohibitions relating to sea turtles.

* * * * *

(d) * * *

(8) *Restrictions applicable to large-mesh gillnet fisheries in the mid-Atlantic region.* No person may fish (including, but not limited to, setting, hauling back, or leaving in the ocean) with, or possess any gillnet with a stretched mesh size larger than 8 inches (20.3 cm), unless all gillnets are covered with canvas or other similar material and lashed or otherwise securely fastened to the deck or the rail, and all buoys larger than 6 inches (15.24 cm) in diameter, high flyers, and anchors are disconnected. This restriction is effective starting on March 15, 2002, in the Atlantic Exclusive Economic Zone (as defined in 50 CFR 600.10) during the following time periods and in the following areas:

(i) Waters north of 33°51.0' N (North Carolina/South Carolina border at the coast) and south of 35°46.0' N (Oregon Inlet) at any time;

(ii) Waters north of 35°46.0' N (Oregon Inlet) and south of 36°22.5' N (Currituck Beach Light, NC) from March 16 through January 14;

(iii) Waters north of 36°22.5' N (Currituck Beach Light, NC) and south of 37°34.6' N (Wachapreague Inlet, VA) from April 1 through January 14; and

(iv) Waters north of 37°34.6' N (Wachapreague Inlet, VA) and south of 37°56.0' N (Chincoteague, VA) from April 16 through January 14.

* * * * *

(e) *Exception for incidental taking.*

The prohibitions against taking in § 223.205(a) do not apply to the incidental take of any member of a threatened species of sea turtle (i.e., a take not directed toward such member)

during fishing or scientific research activities, to the extent that those involved are in compliance with all applicable requirements of paragraphs (d)(1) through (d)(8) of this section, or in compliance with the terms and conditions of an incidental take permit issued pursuant to paragraph (a)(2) of this section.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 011218304-1304-01; I.D. 031802A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska

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

ACTION: Modification of a closure.

SUMMARY: NMFS is opening directed fishing for pollock in Statistical Area 630 of the Gulf of Alaska (GOA) for 24 hours. This action is necessary to fully use the second seasonal apportionment of the total allowable catch of pollock specified for this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 19, 2002, until 1200 hrs, A.l.t., March 20, 2002.

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.

NMFS closed the directed fishery for pollock in Statistical Area 630 of the GOA pursuant to § 679.20(d)(1)(iii) on March 11, 2002 (67 FR 10847, March 11, 2002). As of March 15, 2002, 532 metric tons (mt) of pollock remain in the second seasonal directed fishing allowance of the pollock TAC in Statistical Area 630 of the GOA. Therefore, NMFS is terminating the previous closure and is opening

directed fishing for pollock in Statistical Area 630 of the GOA. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that the directed fishing allowance will be reached after 24 hours. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630 of the GOA effective 1200 hrs, A.l.t., March 20, 2002.

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 to allow full use of the amount of the 2002 B season pollock TAC specified for Statistical Area 630 of the GOA 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 to allow full use of the amount of the 2002 B season pollock TAC specified for Statistical Area 630 of the

GOA 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 § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: March 18, 2002.

Bruce Morehead,

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