

aside for that proposal would be reallocated (i.e., added back) into the TAL.

On December 26, 2001, NMFS published a final rule in the **Federal Register** (66 FR 66348) announcing specifications for the 2002 summer flounder, scup, and black sea bass fisheries. An initial TAL of 6,800,000 lb (3,084,428 kg) was established for the black sea bass fishery. Four research projects utilizing the black sea bass research quota set-aside were recommended for approval by a review committee. As a result, 76,005 lb (34,475 kg) of black sea bass quota was set aside for those four research projects. Therefore, a TAL of 6,723,995 lb (3,049,953 kg) was implemented in the final rule. Under procedures in the FMP, the overall TAL is then allocated 49 percent to the commercial sector and 51 percent to the recreational sector, which resulted in a 2002 commercial quota of 3,294,758 lb (1,494,477 kg) and a 2002 recreational harvest limit of 3,429,237 lb (1,555,476 kg).

NMFS formally disapproved one of the black sea bass research projects on June 21, 2002. The disapproved project had been allocated 10,000 lb (4,536 kg) of the black sea bass research quota set-aside. This action is necessary to restore 10,000 lb (4,536 kg) to the overall 2002 black sea bass TAL. The resulting 2002 black sea bass TAL is 6,733,994 lb (3,054,488 kg). Of the 10,000 lb (4,536 kg) being restored, 4,900 lb (2,223 kg) is added to the commercial quota and 5,100 lb (2,313 kg) is added to the recreational harvest limit. The resulting commercial quota is 3,299,657 lb (1,496,699 kg) and the recreational harvest limit is 3,434,337 lb (1,557,789 kg).

Because the first three quarters of the 2002 black sea bass commercial fishing year have already closed, the entire portion of the additional commercial quota (4,900 lb (2,223 kg)) is being added to Quarter 4. The resulting adjusted 2002 black sea bass commercial quota for Quarter 4 is 656,274 lb (297,681 kg).

Although 5,100 lb (2,313 kg) of black sea bass is being restored to the recreational harvest limit, it does not alter the existing recreational management measures that have been established to ensure that the recreational harvest limit is not exceeded. A minimum fish size of 11.5 inches (29.2 cm), a 25-fish recreational possession limit, and a year-round open season will remain in effect.

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: August 27, 2002.

Virginia M. Fay,

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. 011218304-1304-01; I.D. 082702A]

Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl 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 species that comprise the deep-water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA), except for vessels fishing for pollock using pelagic trawl gear in those portions of the GOA open to directed fishing for pollock. This action is necessary because the fourth seasonal apportionment of the 2002 Pacific halibut bycatch allowance specified for the deep-water species fishery in the GOA was reached during the third seasonal apportionment.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 1, 2002, until 1200 hrs, A.l.t., October 1, 2002.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907-586-7228, or Andy.Smoker@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery 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.

The Pacific halibut bycatch allowance for the GOA trawl deep-water species fishery, which is defined at § 679.21(d)(3)(iii)(A), was established by an emergency rule implementing 2002 harvest specifications and associated management measures for the groundfish fisheries off Alaska (67 FR 956, January 8, 2002, and 67 FR 34860, May 16, 2002) for the fourth season, the period September 1, 2002, through October 1, 2002, as 150 metric tons. Section 679.21(d)(5)(iv) specifies that if a seasonal apportionment of a halibut PSC limit specified for trawl, hook-and-line, or pot gear is exceeded, the amount by which the seasonal apportionment is exceeded will be deducted from the respective apportionment for the next season during a current fishing year. Current data indicate that the Pacific halibut bycatch allowance for the fourth season was taken during the third seasonal allocation. Therefore, there is no fourth seasonal apportionment available for the GOA deep-water species fishery by vessels using trawl gear.

Therefore, in accordance with § 679.21(d)(7)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the fourth seasonal apportionment of the 2002 Pacific halibut bycatch allowance specified for the trawl deep-water species fishery in the GOA was reached during the third seasonal apportionment. Consequently, NMFS is prohibiting directed fishing for the deep-water species fishery by vessels using trawl gear in the GOA, except for vessels fishing for pollock using pelagic trawl gear in those portions of the GOA open to directed fishing for pollock. The species and species groups that comprise the deep-water species fishery are: pollock, Pacific cod, deep-water flatfish, flathead sole, Atka mackerel, and "other species."

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 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)(B) as such requirement is contrary to the public interest. This requirement is contrary to the public interest as it would delay the closure of the fishery, lead to exceeding the fourth seasonal halibut bycatch allowance specified for the deep water species

fishery in the GOA, and therefore reduce the public's ability to use and enjoy the fishery resource.

The Assistant Administrator for Fisheries, NOAA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: August 27, 2002.

Virginia M. Fay,

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. 011218304-1304-01; I.D. 082202B]

Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Platoons in Areas 542 and 543

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

ACTION: Notification of platoon assignments.

SUMMARY: NMFS is notifying registered vessels of their platoon assignments for the B season Atka mackerel fishery in harvest limit areas (HLA) 542 and/or 543 of the Aleutian Islands subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to allow the harvest of the B season HLA limits established for area 542 and area 543 pursuant to the 2002 Atka mackerel total allowable catch and

associated Steller sea lion protection measures.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), August 28, 2002, until 1200 hrs, A.l.t., November 1, 2002.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907-586-7228, or Andy.Smoker@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery 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.

In the emergency rule implementing 2002 harvest specifications and Steller sea lion protection measures for the groundfish fisheries off Alaska (67 FR 956, January 8, 2002, and 67 FR 47472 July 19, 2002) NMFS established HLAs for Atka mackerel directed fishing in areas 542 and 543. Vessels had until August 1, 2002, to register to fish in the HLA in areas 542 and/or 543. NMFS then is required to randomly assign vessels between these areas to reduce the amount of daily catch in the HLA by about half and to disperse the fishery over time.

In accordance with § 679.20(a)(8)(iii)(A), ten vessels using trawl gear for directed fishing for Atka mackerel have registered with NMFS to fish in the HLA fisheries in areas 542 and/or 543. In accordance with § 679.20(a)(8)(iii)(B) the Administrator, Alaska Region, has randomly assigned each vessel to the HLA directed fishery for Atka mackerel for which they have registered and is now notifying each vessel of its assignment.

Vessels assigned to Platoon A which will participate in the first HLA directed fishery in area 542 and/or the second HLA directed fishery in area 543 in

accordance with the vessel's registration under § 679.20(a)(8)(iii)(A) are as follows: Federal Fishery Permit number (FFP) 4093 Alaska Victory, FFP 3819 Alaska Spirit, FFP 3400 Alaska Ranger, FFP 2134 Ocean Peace, and FFP 1879 American No. 1.

Vessels assigned to Platoon B which will participate in the first HLA directed fishery in area 543 and/or the second HLA directed fishery in area 542 in accordance with the vessel's registration under § 679.20(a)(8)(iii)(A) are as follows: FFP 2443 Alaska Juris, FFP 3835 Seafisher, FFP 2733 Seafreeze Alaska, FFP 3423 Alaska Warrior, and FFP 2800 U.S. Intrepid.

Classification

This action responds to the best available information. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action that notifies each vessel of their platoon assignment to allow the harvest of the B season HLA limits established for area 542 and area 543 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)(B) and 50 CFR 679.20(a)(8)(iii), as such procedures would be unnecessary and contrary to the public interest. Similarly the need to implement these measures in a timely fashion that notifies each vessel of their platoon assignment to allow the harvest of the B season HLA limits established for area 542 and area 543 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.

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

Dated: August 27, 2002.

Virginia M. Fay,

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