

Issued on October 16, 2002.

Annette M. Sandberg,

Deputy Administrator.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 011004242-2005-02; I.D. 101102E]

#### Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fishery; Quota Harvested for Maine Mahogany Quahog Fishery

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

**ACTION:** Commercial quota harvested for Maine mahogany quahog.

**SUMMARY:** NMFS announces that the annual quota for the Maine mahogany quahog fishery has been harvested. Commercial vessels operating under a Maine mahogany quahog permit may not harvest Maine mahogany quahogs from the Maine mahogany quahog zone for the remainder of the fishing year (through December 31, 2002). Regulations governing the Maine mahogany quahog fishery require publication of this notification to advise the public of this closure.

**DATES:** Effective 0001 hrs local time, October 24, 2002, through 2400 hrs local time, December 31, 2002.

**FOR FURTHER INFORMATION CONTACT:** Douglas W. Christel, 978-281-9141; fax 978-281-9135; e-mail [Douglas.Christel@noaa.gov](mailto:Douglas.Christel@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The regulations governing the Maine mahogany quahog fishery appear at 50 CFR part 648. The regulations establish the annual quota for the harvest of mahogany quahogs within the Maine mahogany quahog zone at 100,000 Maine bushels (35,150 hL). The quota may be revised annually by the Mid-Atlantic Fishery Management Council (Council) within the range of 17,000 and 100,000 Maine bu (5,975 and 35,150 hL, respectively). The Maine mahogany quahog zone is defined as the area bounded on the east by the U.S.-Canada maritime boundary, on the south by a straight line at 43° 50' N. lat., and on the north and west by the shoreline of Maine.

The Administrator, Northeast Region, NMFS (Regional Administrator) monitors the commercial Maine mahogany quahog quota for each fishing year using dealer and other available information to determine when the quota is projected to have been harvested. NMFS is required to publish a notification in the **Federal Register** notifying commercial vessel permit holders that, effective upon a specific date, the Maine mahogany quahog quota has been harvested and no commercial quota is available for harvesting mahogany quahogs by vessels possessing a Maine mahogany quahog permit for the remainder of the year, from within the Maine mahogany quahog area.

The Regional Administrator has determined, based upon dealer reports and other available information, that the 2002 Maine mahogany quahog quota has been harvested. Therefore, effective 0001 hrs local time, October 24, 2002, further landings of Maine mahogany quahogs harvested from within the Maine mahogany quahog area by vessels possessing a Maine mahogany quahog Federal fisheries permit are prohibited through December 31, 2002. The 2003 fishing year for Maine mahogany quahog harvest will open on January 1, 2003.

#### 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: October 15, 2002.

**Bruce C. Morehead,**

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

[FR Doc. 02-26694 Filed 10-16-02; 3:59 pm]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[I.D. 101002A]

#### Fisheries of the Northeastern United States; Tilefish Fishery; Continuation of Specifications for the 2003 Fishing Year

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

**ACTION:** Notification of continuation of specifications.

**SUMMARY:** NOAA Fisheries announces that it will continue the 2002 quota specifications for the golden tilefish fishery for the 2003 fishing year. Accordingly, the total allowable landings (TAL) for the 2003 fishing year will remain at 1.995 million lb (905,172 kg). The intent of this action is to notify the public that there will be no change in the fishery specifications for tilefish for the fishing year beginning November 1, 2002.

**DATES:** Effective from November 1, 2002, through October 31, 2003.

**ADDRESSES:** Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NOAA Fisheries, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on Continuation of Specifications for the Golden Tilefish Fishery." Comments may also be sent via facsimile (fax) to (978) 281-9135.

**FOR FURTHER INFORMATION CONTACT:** Doug Christel, 978-281-9141; fax 978-281-9135; e-mail

[Douglas.Christel@noaa.gov](mailto:Douglas.Christel@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The final rule implementing the Tilefish Fishery Management Plan (FMP) became effective on November 1, 2001 (66 FR 49136, September 26, 2001). Pursuant to the tilefish regulations at 50 CFR 648.290, the Tilefish FMP Monitoring Committee (Monitoring Committee) will meet after the completion of each stock assessment, or at the request of the Mid-Atlantic Fishery Management Council (Council) Chairman, to review tilefish landings information and any other relevant available data to determine if the annual quota requires modification to respond to changes to the stock's biological reference points or to ensure that the rebuilding schedule is maintained. Additional management measures or revisions to existing measures could also be considered at this time to ensure that the TAL would not be exceeded. Furthermore, up to 3 percent of the TAL could be set aside for a given fishing year for the purpose of funding research. In the event that a new stock assessment was not completed or the Council Chairman does not request that the Monitoring Committee meet, the regulations further specify that the previous year's specifications will remain effective and that NOAA Fisheries will issue notification in the **Federal Register** informing the public of such.

A new tilefish stock assessment is not scheduled to occur until 2004, and the

Council Chairman did not request that the Monitoring Committee meet to determine if the annual quota requires modification to respond to stock conditions. Furthermore, the Council voted on October 3, 2002, not to establish a research set-aside allocation for the upcoming fishing year. Therefore, NOAA Fisheries informs the public that the 2002 quota specifications of 1.995 million lb (905,172 kg) for the golden tilefish fishery will remain in effect for the 2003 fishing year (November 1, 2002, through October 31, 2003). Thus, 2002 TAL allocations for each Federal tilefish permit category will remain in effect for the 2003 fishing year.

#### 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: October 16, 2002.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 02-26871 Filed 10-21-02; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 020402077-01; I.D. 101502B]

#### Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Catcher/Processor Sector

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

**ACTION:** Fishing restrictions; request for comments.

**SUMMARY:** NMFS announces closure of the 2002 catcher/processor fishery for Pacific whiting (whiting) at 0000 local time (l.t.) October 16, 2002, because the allocation for the catcher/processor sector will be reached by that time. This action is intended to keep the harvest of whiting within the 2002 allocation levels.

**DATES:** Effective from 0000 l.t. October 16, 2002, until the start of the 2003 primary season for the catcher/processor

sector, unless modified, superseded or rescinded in which case it will be announced in the **Federal Register**. Comments will be accepted through November 6, 2002.

**ADDRESSES:** Submit comments to D. Robert Lohn, Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115-0070; or Rod McInnis, Acting Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

**FOR FURTHER INFORMATION CONTACT:** Becky Renko at 206-526-6110

**SUPPLEMENTARY INFORMATION:** This action is authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California. On April 15, 2002 (67 FR 18117), the levels of allowable biological catch (ABC), the optimum yield (OY) and the commercial OY (the OY minus the tribal allocation) for U.S. harvests of whiting were announced in the **Federal Register**. For 2002, the whiting ABC is 166,000 metric tons (mt), the OY is 129,600 mt, and the commercial OY is 106,920 mt.

Regulations at 50 CFR 660.323(a)(4) divide the commercial OY into separate allocations for the non-tribal catcher/processor, mothership, and shore-based sectors of the whiting fishery. The catcher/processor sector is composed of vessels that harvest and process whiting. The mothership sector is composed of motherships, and catcher vessels that harvest whiting for delivery to motherships. Motherships are vessels that process, but do not harvest. The shoreside sector is composed of vessels that harvest whiting for delivery to shoreside processors. Each of these sectors receives a portion of the commercial OY. In 2001, the catcher/processors received 34 percent, motherships received 24 percent, and the shore-based sector received 42 percent. When applied to the commercial OY for 2002, this resulted in the following allocations: 36,353 mt for the catcher/processors, 25,661 mt for the motherships, and 44,906 mt for the shore-based sector.

Regulations at 50 CFR 660.323(a)(3)(i) describe the primary season for catcher/processors as the period(s) when at-sea processing is allowed and the fishery is open for the catcher/processor sector. When each sector's allocation is reached, the primary season for that sector is ended.

#### NMFS Action

This action announces achievement of the allocation for the catcher/processor sector only. The best available information on October 15, 2002, indicated that the 36,353 mt catcher/processor allocation would be reached by 0000 l.t. October 16, 2002, at which time the primary season for the catcher/processor sector ends.

For the reasons stated here and in accordance with the regulations at 50 CFR 660.323(a)(4)(iii)(A), NMFS herein announces: Effective 0000 l.t. October 16, 2002, further taking and retaining, receiving or at-sea processing of whiting by a catcher/processor is prohibited. No additional unprocessed whiting may be brought on board after at-sea processing is prohibited, but a catcher/processor may continue to process whiting that was on board before at-sea processing was prohibited.

#### Classification

This action is authorized by the regulations implementing the FMP. The determination to take this action is based on the most recent data available. NMFS finds good cause to waive the requirement to provide prior notice and comment on this action pursuant to 5 U.S.C. 553(b)(B), because providing prior notice and opportunity for comment would be impracticable. It would be impracticable because if this closure were delayed in order to provide notice and comment, the fishery could be expected to exceed the sector allocation. The aggregate data upon which the determination is based are available for public inspection at the Office of the Regional Administrator (see **ADDRESSES**) during business hours. NMFS also find good cause under 5 U.S.C. 553 (d)(3) to waive the 30 day delay in the effective date of this rule. Such a delay would allow the catcher/processor sector of the whiting fishery to continue harvesting whiting and thus exceed its 2002 allocation of whiting. This action is taken under the authority of 50 CFR 660.323(a)(4)(iii)(A) and is exempt from review under Executive Order 12866.

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

Dated: October 16, 2002.

**John H. Dunnigan,**

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

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