

NMFS has determined that 10 mt of the remaining adjusted Longline North subcategory quota of approximately 13.3 mt should be transferred to the coastwide General category quota. NMFS has also determined that 15 mt of the remaining Angling school subcategory quota of approximately 195.6 mt (10 mt of the remaining Angling school north subcategory quota of approximately 94.1 mt, and 5 mt of the remaining Angling school south subcategory quota of approximately 57.4 mt), 15 mt of the remaining Harpoon category quota of approximately 36.2 mt, and 65 mt of the remaining Reserve category quota should be transferred to the coastwide General category. Finally, NMFS has determined to transfer the remaining General category New York Bight set-aside subquota of approximately 10 mt into the coastwide General category quota. The adjusted subquota for the coastwide General category fishery for the October-December period is 386.7 mt. Landings of large medium or giant BFT in the General category New York Bight set-aside area have been minimal this year and the transfer of the 10 mt set-aside should not adversely impact General category participants in this set-aside area. Vessels participating in General category New York Bight fishery may continue to land and sell large medium or giant BFT against the adjusted coastwide General category quota.

Once the adjusted General category subquota for the October-December period has been attained, the coastwide fishery will be closed. Announcement of the closure will be filed with the Office of the **Federal Register**, stating the effective date of closure, and further communicated through the HMS Fax Network, the Atlantic Tunas Information Lines, HMS websites, NOAA weather radio, and Coast Guard Notice to Mariners. Although notification of closure will be provided as far in advance as possible, fishermen are encouraged to call the Atlantic Tunas Information Line at (888) USA-TUNA or (978) 281-9305 or access [www.nmfspermits.com](http://www.nmfspermits.com), to check the status of the fishery before leaving for a fishing trip.

#### Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds for good cause that providing prior notice and public comment, as required under 5 U.S.C. 553 (b)(B), is impracticable and contrary to the public interest. Without immediate effectiveness of these inseason adjustments, NMFS would not be providing U.S. fishermen with a reasonable opportunity to catch the

quota that ICCAT allocated to the United States. For this reason, and because the action relieves a restriction in reopening the fishery, the AA also finds good cause to waive the 30-day delay in effective date pursuant to 5 U.S.C. 553 (d)(1) and (3). This action is undertaken pursuant to 50 CFR 635.27 and is exempt for review under Executive Order 12866.

**Authority:** 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: November 25, 2002.

**John H. Dunnigan,**

*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. 011109274-1301-02; I.D. 101602D]**

#### Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for Winter II Period

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

**ACTION:** Scup commercial quota harvested for Winter II period.

**SUMMARY:** NMFS announces that the scup commercial quota available in the 2002 Winter II period (November - December) to the coastal states from Maine to North Carolina has been harvested. Federally permitted commercial vessels may not land scup in these states for the remainder of the 2002 Winter II quota period (through December 31, 2002). Regulations governing the scup fishery require publication of this notification to advise the coastal states from Maine through North Carolina that the scup quota has been harvested and to advise Federal vessel permit holders and Federal dealer permit holders.

**DATES:** Effective 0001 hrs local time, December 2, 2002, through 2400 hrs local time, December 31, 2002.

**FOR FURTHER INFORMATION CONTACT:** Richard A. Pearson, Fishery Policy Analyst, (978) 281-9279.

**SUPPLEMENTARY INFORMATION:** Regulations governing the scup fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is allocated

into three quota periods. The Winter II commercial quota (November through December) is distributed to the coastal states from Maine through North Carolina. The process to set the annual commercial quota and the seasonal allocation is described at § 648.120.

The total commercial quota for scup for the 2002 calendar year was initially set at 8,000,000 lb (3,628,739 kg) and then adjusted downward to 7,834,522 lb (3,553,679 kg), to account for research quota set-asides (66 FR 66351; December 26, 2001). The Winter II period quota, which is equal to 15.94 percent of the annual commercial quota, was 1,248,823 lb (566,456 kg). The 2002 Winter II quota allocation was then adjusted downward to compensate for 2001 Winter II landings in excess of the 2001 Winter II quota (67 FR 49621, July 31, 2002), consistent with the procedures specified at § 648.120(d)(3)(ii). Accordingly, the final adjusted 2002 Winter II period commercial quota is 1,179,502 lb (535,013 kg).

Section 648.121 requires the Administrator, Northeast Region, NMFS (Regional Administrator) to monitor the commercial scup quota for each quota period and, based upon dealer reports, state data, and other available information, to determine when the commercial quota has been harvested. NMFS is required to publish notification in the **Federal Register** advising and notifying federally permitted commercial vessels and federally permitted dealers that, effective upon a specific date, the scup commercial quota has been harvested. The Regional Administrator has determined, based upon dealer reports and other available information, that the scup commercial quota for the 2002 Winter II period has been harvested.

The regulations at § 648.4(b) provide that Federal scup moratorium permit holders agree, as a condition of the permit, not to land scup in any state after NMFS has published a notification in the **Federal Register** stating that the commercial quota for the period has been harvested and that no commercial quota for scup is available. Therefore, effective 0001 hours, December 2, 2002, further landings of scup by vessels holding Federal scup moratorium permits are prohibited through December 31, 2002. The 2003 Winter I period for commercial scup harvest will open on January 1, 2003. Effective 0001 hours, December 2, 2002, federally permitted dealers are also advised that they may not purchase scup from federally permitted vessels that land in coastal states from Maine through North

Carolina for the remainder of the Winter II period (through December 31, 2002).

#### 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: November 25, 2002.

**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. 011218304-1304-01; I.D. 112202B]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pacific cod by Catcher Processor Vessels Using Hook-and-line Gear in the Bering Sea and Aleutian Islands

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

**ACTION:** Closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Pacific cod by catcher processor vessels using hook-and-line gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2002 total allowable catch (TAC) of Pacific cod allocated for catcher

processor vessels using hook-and-line gear in this area.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), November 25, 2002, until 2400 hrs, A.l.t., December 31, 2002.

**FOR FURTHER INFORMATION CONTACT:** Andrew Smoker, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (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 A season apportionment of the 2002 Pacific cod TAC allocated to catcher processor vessels using hook-and-line gear in the BSAI 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 by two reallocations of Pacific cod (67 FR 61826, October 2, 2002 and 67 FR 70557 November 25, 2002) as a directed fishing allowance of 89,920 metric tons. See § 679.20(c)(3)(iii), § 679.20(c)(5), and § 679.20(a)(7)(i)(A)&(C).

In accordance with § 679.20(d)(1)(iii), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2002 Pacific cod TAC allocated to catcher processor vessels using hook-and-line gear as a directed fishing allowance in the BSAI will soon be reached. Consequently,

NMFS is prohibiting directed fishing for Pacific cod by catcher processor vessels using hook-and-line gear in the BSAI.

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 to prevent exceeding the 2002 Pacific cod TAC allocated to catcher processor vessels using hook-and-line gear 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 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 prevent exceeding the 2002 Pacific cod TAC allocated to catcher processor vessels using hook-and-line gear 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:** 16 U.S.C. 1801 *et seq.*

Dated: November 25, 2002.

**Bruce Morehead,**

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

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