

SUMMARY: The regulations contained in the interim rule published on August 1, 2002, in order to reduce overfishing, are continued for an additional 180 days, after which subsequent Secretarial action may be taken to ensure that sufficient measures to reduce overfishing stay in effect until implementation of Amendment 13 to the Northeast Multispecies Fishery Management Plan (FMP). Amendment 13 will implement rebuilding plans for several groundfish stocks and address capacity issues in the fishery. This action is necessary to comply with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) regarding the continuation of interim final regulations.

DATES: The interim final rule published August 1, 2002, at 67 FR 50292, which became effective August 1, 2002, continues in effect until superseded by a future rule action to be published in the **Federal Register**.

ADDRESSES: Copies of the small entity compliance guide prepared for the August 1, 2002, interim final rule are available from Patricia A. Kurkul, Regional Administrator, Northeast Regional Office, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930-2298. The letter is also accessible via the Internet at <http://www.nero.noaa.gov>. Copies of the August 1, 2002, interim final rule, including the Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA), and public comments and responses are available upon request from the Regional Administrator. The EA/RIR/FRFA is also accessible via the Internet at <http://www.nero.nmfs.gov>.

FOR FURTHER INFORMATION CONTACT: Thomas Warren, Fishery Policy Analyst, (978) 281-9347, fax (978) 281-9135, e-mail Thomas.Warren@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

On August 1, 2002, NMFS published an interim final rule (67 FR 50292), which implemented the Settlement Agreement Among Certain Parties in Conservation Law Foundation, et al. v. Evans, et al., intended to reduce overfishing of species managed under the Northeast Multispecies FMP while the New England Fishery Management Council developed Amendment 13, which is intended to bring the FMP into compliance with the Sustainable Fisheries Act. The August 1, 2002, interim final rule was consistent with a Remedial Order issued on May 23, 2002,

by the U.S. District Court for the District of Columbia (Court). The interim rule implemented restrictions consistent with the Settlement Agreement, approved by the Court. The management measures implemented by the August 1, 2002, interim rule are intended to remain in effect until implementation of Amendment 13 to the FMP, which, based on the May 23, 2002, Court Order, was required to be in effect no later than August 22, 2003.

Due to the need for additional time to address concerns related to the Northeast Fisheries Science Center's trawl survey and the new biological reference points that have been developed for multispecies stocks, NMFS and two of the plaintiffs filed a motion with the Court requesting an extension of the August 22, 2003, implementation schedule until May 1, 2004. On December 4, 2002, the Court granted an extension of the Court-ordered timeline for Amendment 13 implementation until May 1, 2004.

Pursuant to section 305(c) of the Magnuson-Stevens Act, the August 1, 2002, interim rule may remain in effect for 180 days and may be extended through publication in the **Federal Register**, for one additional period of 180 days, provided the public has had an opportunity to comment on the interim rule. The public was given such opportunity to comment in the form of a proposed rule before the final interim rule was published. NMFS has determined that it is necessary to continue this interim rule to reduce overfishing. Because the management measures implemented by the August 1, 2002, interim final rule were written in such a way as to be effective indefinitely, no formal regulatory action is necessary. Instead, to comply with section 305(c) of the Magnuson-Stevens Act, it is necessary only to publish in the **Federal Register** a Notice of Continuation of Regulations to inform the public that NMFS has decided to continue these regulations. The impacts of implementing the Settlement Agreement measures for a period of 1 year were analyzed in the Environmental Assessment completed for the August 1, 2002, interim final rule.

Because the schedule for implementation of Amendment 13 was extended until May 1, 2004, additional Secretarial action may be necessary to continue sufficient management measures to reduce overfishing beyond July 27, 2003, until the implementation of Amendment 13 (May 1, 2004). Any such action would be accomplished through additional rulemaking. Should NMFS determine that such action is

unnecessary, a rule may need to be published to restore certain regulations that existed prior to publication of the August 1, 2002, interim rule.

The August 1, 2002 interim final rule was determined to be significant for purposes of Executive Order 12866.

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

Dated: January 16, 2003.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 021212307-2307-01; I.D. 011303D]

Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands

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

ACTION: Closures and openings.

SUMMARY: NMFS is prohibiting directed fishing for Atka mackerel with gears other than jig in the Eastern Aleutian District and the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the interim 2003 total allowable catch (TAC) of Atka mackerel in these areas. NMFS is also announcing the opening and closing dates of the first and second directed fisheries within the harvest limit area (HLA) in Statistical Areas (areas) 542 and 543. These actions are necessary to prevent exceeding the HLA limits established for the Central (area 542) and Western (area 543) Aleutian Districts pursuant to the interim 2003 Atka mackerel TAC.

DATES: Prohibition of directed fishing for Atka mackerel with gears other than jig in the Eastern Aleutian District and the Bering Sea subarea: Effective 1200 hrs, Alaska local time (A.l.t.), January 22, 2003, until superseded by the notice of Final 2003 Harvest Specifications for Groundfish, which will be published in the **Federal Register**. The first directed fisheries in the HLA in area 542 and area 543 are open effective 1200 hrs, A.l.t., January 24, 2003. The first HLA

fishery in area 542 will remain open until 1200 hrs, A.l.t., January 29, 2003. The first HLA fishery in area 543 will remain open until 1200 hrs, A.l.t., January 28, 2003. The second directed fisheries in the HLA in area 542 and area 543 open effective 1200 hrs, A.l.t., January 31, 2003. The second HLA fishery in area 542 will remain open until 1200 hrs, A.l.t., February 5, 2003. The second HLA fishery in area 543 will remain open until 1200 hrs, A.l.t., February 4, 2003.

FOR FURTHER INFORMATION CONTACT:

Andrew Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone 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 interim TAC for other gear in the Eastern Aleutian District and the Bering Sea subarea is 2,815 metric tons (mt) as established by the Interim 2003 Harvest Specifications for Groundfish (67 FR 78739, December 26, 2002). See § 679.20(c)(2)(ii) and 679.20(a)(8)(ii).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the interim other gear TAC for Atka mackerel in the Eastern Aleutian District and the Bering Sea subarea will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 2,215 mt, and is setting aside the remaining 600 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance soon will be reached. Consequently, NMFS is prohibiting directed fishing for Atka mackerel in the Eastern Aleutian District and the Bering Sea subarea of the BSAI.

In accordance with § 679.20(a)(8)(iii)(C), the Regional Administrator is opening the first directed fisheries for Atka mackerel within the HLA in areas 542 and 543 at 48 hours after the closure of the area 541 Atka mackerel directed fishery. The Regional Administrator has established the opening date for the second HLA directed fisheries as 48 hours after the last closure of the first HLA fisheries in either 542 or 543. Consequently, NMFS

is opening and closing directed fishing for Atka mackerel in the HLA of areas 542 and 543 in accordance with the periods listed under the DATES section of this notice.

In accordance with § 679.20(a)(8)(iii), vessels using trawl gear for directed fishing for Atka mackerel have previously registered with NMFS to fish in the HLA fisheries in areas 542 and/or 543. NMFS has randomly assigned each vessel to the directed fishery or fisheries for which they have registered. NMFS has notified each vessel owner as to which fishery each vessel has been assigned by NMFS.

In accordance with § 679.20(a)(8)(ii)(C)(1), the HLA portion of the interim TAC in areas 542 and 543 are 7,382 mt and 6,110 mt respectively. Based on those apportionments and the proportion of the number of vessels in each fishery compared to the total number of vessels participating in the HLA directed fishery for area 542 or 543, the harvest limit for each HLA directed fishery in areas 542 and 543 are as follows: For the first directed fishery in area 542, 3,691 mt, for the first directed fishery in area 543, 3,055 mt, for the second directed fishery in area 542, 3,691 mt, for the second directed fishery in area 543, 3,055 mt. In accordance with § 679.20(a)(8)(iii)(E), the Regional Administrator has established the closure dates of the Atka mackerel directed fisheries in the HLA for areas 542 and 543 based on the amount of the harvest limit and the estimated fishing capacity of the vessels assigned to the respective fisheries. Consequently, NMFS is prohibiting directed fishing for Atka mackerel in the HLA of areas 542 and 543 in accordance with the dates and times listed under the **DATES** section of this notice.

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 fisheries, lead to exceeding the interim TACs, and therefore reduce the public's ability to use and enjoy the fishery resource.

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: January 15, 2003.

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. 021212306-2306-01; I.D. 011402B]

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: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 630 of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the first seasonal allowance of the pollock interim total allowable catch (TAC) for Statistical Area 630 of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), January 21, 2003, until superseded by the notice of Final 2003 Harvest Specifications of Groundfish of the GOA, which will be published in the **Federal Register**.

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.

The first seasonal allowance of the pollock interim TAC in Statistical Area 630 of the GOA is 1,222 metric tons (mt) as established by the interim 2003 harvest specifications for groundfish of the GOA (67 FR 78733, December 26, 2002).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the first seasonal allowance of the pollock interim TAC in