

to three successive increments of 20,000 mt each if the Director of the IATTC concludes from examination of available data that such increases will pose no substantial danger to the stocks. After the quota is reached and the yellowfin tuna fishery is closed, catches of any vessel may include a maximum of 15 percent yellowfin tuna (relative to its total catch of all species of fish) caught while fishing for other species of tuna.

In a separate resolution adopted in June 2001, the IATTC recommended that action be taken to limit the catch of juvenile bigeye tuna in the purse seine fisheries to the level reached in 1999, which was 5,813 mt. The Director of IATTC will monitor the fisheries and determine the date on which the quota is projected to be reached (if at all). The Director will then inform the member nations that they should prohibit further use of purse seine sets on floating objects within 2 weeks of that date, except that the floating objects fishery will not close sooner than November 1, 2001.

The yellowfin tuna quota and juvenile bigeye tuna quota are both based on 2001 stock assessments of yellowfin and bigeye tuna stocks in the ETP. The stock assessments indicate that both the yellowfin and bigeye tuna stocks are healthy, although there is substantial uncertainty with respect to the bigeye tuna stock assessment. This stock extends throughout the Pacific and has not been assessed throughout its range by any international organization. However, the quotas set for yellowfin tuna and juvenile bigeye tuna are believed to be conservative because of the conservative assumptions used in the stock assessments concerning life history parameters of yellowfin and bigeye tuna.

#### NMFS Action

After receiving oral approval of this recommendation from the DOS on September 6, 2001, the Regional Administrator provided actual notice of these fishery management recommendations to owners or agents of U.S. tuna vessels on September 12, 2001. The DOS subsequently provided written approval of the IATTC recommendation on September 25, 2001. This notice is the formal announcement to the public of the implementation of the recommendations of the IATTC. As provided in 50 CFR 300.29(b), if any quota is reached, NMFS will announce a closure directly to the owners or agents of U.S. tuna vessels and publish the announcement in the **Federal Register** as soon as practicable after the attainment of the quota.

#### Classification

This action is authorized by 50 CFR part 300, subpart C.

The Assistant Administrator for Fisheries, NOAA (AA) finds that this action constitutes a foreign affairs function under 5 U.S.C. 553(a)(1), which exempts such functions from that section of the Administrative Procedure Act. This action implements quotas and management measures that have been recommended by the IATTC and approved by DOS, as authorized by the Tuna Conventions Act of 1949 and this part. Therefore, the provisions of 5 U.S.C. 553(b)(3)(B) for providing prior notice and an opportunity for public comment and the provisions of 5 U.S.C. 553(d)(3) for a 30-day delay in effectiveness do not apply to this action.

An EA was prepared for the interim final rule to implement the IDCPA (65 FR 47, January 3, 2000). This document is available from the Acting Regional Administrator (see **ADDRESSES**). The AA concluded that that rule would pose no significant impact on the human environment. The impacts of the fisheries as they will operate under quotas set in this action are within the range of impacts considered in the alternatives of that EA, and do not pose significant threats to the human environment; therefore, this action does not require further environmental analysis.

NMFS prepared a BO assessing the impacts of the fisheries as they would operate under the regulations implementing the IDCPA (65 FR 47, January 3, 2000). This document is available from the Acting Regional Administrator (see **ADDRESSES**). NMFS concluded that the fishing activities conducted under those regulations are not likely to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of NMFS or result in the destruction or adverse modification of critical habitat. This rule will not result in any changes to the fisheries that would cause impacts beyond those considered in the BO.

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

This action is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 951–961 and 971 *et seq.*

Dated: October 18, 2001.

**John Oliver,**

*Deputy Assistant Administrator for Operations, National Marine Fisheries Service.*

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 010112013–1013–01; I.D. 101901D]

#### Fisheries of the Economic Exclusive Zone Off Alaska; 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 closing directed fishing for groundfish by vessels using trawl gear in the Gulf of Alaska (GOA), except for directed fishing for pollock by vessels using pelagic trawl gear in those portions of the GOA open to directed fishing for pollock. This action is necessary because the 2001 Pacific halibut prohibited species catch (PSC) limit specified for trawl gear in the GOA has been caught.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), October 21, 2001, until 1200 hrs, A.l.t., December 31, 2001.

**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 at 50 CFR part 679.

The Pacific halibut PSC limit for vessels using trawl was established as 2,000 metric tons (mt) by the Final 2001 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska (66 FR 7276, January 22, 2001), and adjusted (66 FR 17087, March 29, 2001, and 66 FR 37167, July 17, 2001). The Administrator, Alaska Region, has determined, in accordance with § 679.21(d)(7)(i), that vessels engaged in

directed fishing for groundfish with trawl gear in the GOA have caught the 2001 Pacific halibut PSC limit. Therefore, NMFS is closing the directed fishery for groundfish by vessels using trawl gear in the GOA, except for directed fishing for pollock by vessels using pelagic trawl gear in those portions of the GOA that remain open to directed fishing for pollock.

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 2001 Pacific halibut bycatch allowance specified for trawl gear in 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 prevent exceeding the 2001 Pacific halibut bycatch allowance specified for trawl

gear in 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 50 CFR 679.21 and is exempt from review under Executive Order 12866.

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

Dated: October 19, 2001.

**Bruce C. Morehead,**

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

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