

these measures, which are of limited duration, cannot be precisely estimated due to a lack of data but are expected to be less than \$3.5 million. Copies of the EA, FEIS, and RIRs are available (see ADDRESSES).

The AA finds, for good cause, under 5 U.S.C. 553(b)(B), that providing prior notice and opportunity for public comment is impracticable and not in the public interest, given that the action implements mandatory protective measures to address the recent takes of loggerhead turtles above 30° N. lat. Until these measures are implemented, this fishery will continue to take sea turtles. Allowing the fishery to continue while accepting public comments is contrary to the public interest in protecting and minimizing the take of endangered and threatened sea turtles, because it would likely result in additional loggerhead turtle takes and could jeopardize their continued existence. Further, failure to act quickly to stop these takes could require the complete closure of the fishery under the terms of the BiOp, creating additional economic hardship on individuals participating in the fishery. Similarly, the AA finds good cause, under 5 U.S.C. 553(d)(3), not to delay the effectiveness of this rule for 30 days, given the recent takes of loggerhead turtles above 30° N. lat. In response to the recent reports of incidental takes of loggerhead turtles by Hawaii longline vessels during fishing operations north of 30° N. lat., this rule is intended to immediately close waters above 26° N. lat. and to impose a swordfish trip limit to protect loggerhead turtles. Delay in implementation of these measures is likely to result in additional loggerhead turtle takes. Accordingly, the AA is making this emergency interim rule effective the date of publication in the **Federal Register**.

Because this emergency interim rule is not required to be published with notice and opportunity for public comment by 5 U.S.C. 553 or by any other law, the analytical requirements of the Regulatory Flexibility Act do not apply.

List of Subjects in 50 CFR Part 660

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaiian Natives, Indians, Northern Mariana Islands, Reporting and recordkeeping requirements.

Dated: April 1, 2002.

John Oliver,
Deputy Assistant Administrator for
Operations, National Marine Fisheries
Service.

For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC

1. The authority citation for part 660 continues to read as follows:

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

2. In § 660.22, paragraph (nn) is suspended and new paragraphs (vv) and (ww) are added to read as follows:

§ 660.22 Prohibitions.

* * * * *

(vv) Fish for Pacific pelagic management unit species with a vessel registered for use under a Hawaii longline limited access permit in violation of § 660.34(b), (c), (g), (h), and (i).

(ww) Catch and retain, or land, more than 10 swordfish (*Xiphias gladius*) per trip from any vessel registered for use under a Hawaii longline limited access permit when any fishing during the trip occurred north of the equator.

3. In § 660.34, a new paragraph (i) is added to read as follows:

§ 660.34 Hawaii emergency longline fishing restrictions.

* * * * *

(i) A vessel registered for use under a Hawaii longline access permit may not use longline gear to fish for Pacific pelagic management unit species north of 26° N. lat.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 011218304-1304-01; I.D. 040102E]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District 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 the West

Yakutat District of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the pollock total allowable catch (TAC) specified for the West Yakutat District in the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), April 2, 2002, until 2400 hrs, A.l.t., December 31, 2002.

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 pollock TAC in the West Yakutat District, Statistical Area 640, 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) as 1,165 metric tons (mt).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the TAC of pollock in the West Yakutat District will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 1,115 mt, and is setting aside the remaining 50 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 will soon be reached. Consequently, NMFS is prohibiting directed fishing for pollock in the West Yakutat District of the GOA.

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 pollock TAC in the West Yakutat District 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 pollock TAC in the West Yakutat District 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: April 2, 2002.

Bruce C. Morehead,

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

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