

number of states now close state waters to shark fishing with Federal waters. The season-specific quota adjustment would not have any economic impact on the fishery as a whole but could have slight economic benefits for fishermen who fish in only one season. The other alternatives considered could have greater economic impacts in part or in combination with other alternatives.

This emergency rule to establish the 2003 landings quotas and other shark management actions has been determined to be not significant for the purposes of Executive Order 12866.

Additionally, the ancillary action announcing the fishing season is taken under 50 CFR 635.27(b) and is exempt from review under Executive Order 12866.

The AA finds that it would be impracticable and contrary to the public interest to provide prior notice of and an opportunity for public comment on this action. The measures in this rule must be in place by January 1, 2003, the opening date for the Atlantic shark fisheries. Otherwise, certain measures that were based on the 1998 LCS stock assessment will go into effect. After reviewing the independent peer reviews of the 1998 LCS assessment, NMFS determined that portions of the 1998 LCS stock assessment did not constitute the best available science. Also, allowing regulations based on the 1998 LCS stock assessment to go into effect would be inconsistent with the terms of a court-approved settlement agreement, which requires NMFS to maintain 1997 LCS quota levels pending completion of a new rulemaking based on the new LCS stock assessment.

NMFS now has updated 2002 stock assessments for both LCS and SCS that constitute the best available science for these species and indicate that the status of both LCS and SCS have changed since the previous stock assessments. However, the 2002 LCS stock assessment did not become available in time to allow for prior notice and an opportunity for public comment on these interrelated LCS and SCS measures. Therefore, because any further delay in implementing new measures, based on the 2002 LCS and SCS stock assessments, will result in regulations based on outdated science going into effect, and a violation of the settlement agreement, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment.

For the above reasons and because this action relieves restrictions (i.e., increases LCS quotas and suspends a minimum size requirement), the AA also finds good cause under 5 U.S.C.

553(d)(3) not to delay for 30 days the effectiveness of this emergency rule. Additionally, NMFS can rapidly communicate these regulations to fishing interests through the HMS Fax network, NOAA weather radio, press releases, mailing lists, and the HMS infoline.

Because no general notice of proposed rulemaking is required to be published in the **Federal Register** for this emergency rule by 5 U.S.C. 553 or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, do not apply; thus, no Regulatory Flexibility Analysis was prepared. Nevertheless, as described above, NMFS prepared an economic analysis as part of the regulatory impact review for this emergency rule. Based on this economic analysis, NMFS does not believe that the requirements of this rule would have any adverse economic impacts on fishermen or small entities.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing Vessels, Foreign relations, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Statistics, Treaties.

Dated: December 20, 2002.

William T. Hogarth,

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

For the reasons set out in the preamble, 50 CFR part 635 is amended as follows:

PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

1. The authority citation for 50 CFR part 635 continues to read as follows:

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

§ 635.20 [Amended]

2. In § 635.20, paragraph (e)(1) is suspended.

3. In § 635.27, paragraphs (b)(1)(i) and (b)(1)(ii) are suspended, and paragraphs (b)(1)(v) and (b)(1)(vi) are added to read as follows:

§ 635.27 Quotas.

* * * * *

(b) * * *

(1) * * *

(v) *Large coastal sharks.* The annual commercial quota for large coastal sharks is 1,714 mt dw, apportioned between ridgeback and non-ridgeback sharks and divided between two equal semiannual fishing seasons, January 1 through June 30, and July 1 through December 31. The length of each season

will be determined based on the projected catch rates, available quota, and other relevant factors. NMFS will file with the Office of the **Federal Register** for publication notification of each season's length at least 30 days prior to the beginning of the season. The quotas for each semiannual fishing season (unless otherwise specified in the **Federal Register** as provided in paragraph (b)(1)(iv) of this section) are as follows:

(A) Ridgeback shark 391.5 mt dw.

(B) Non-ridgeback shark 465.5 mt dw.

(vi) *Small coastal sharks.* The annual commercial quota for small coastal shark is 326 mt dw, (unless otherwise specified in the **Federal Register** as provided in paragraph (b)(1)(iv) of this section) divided between two equal semiannual seasons, January 1 through June 30, and July 1 through December 31. The quota for each semiannual season is 163 mt dw.

* * * * *

4. In § 635.28, paragraphs (b)(1) and (b)(2) are suspended, and paragraphs (b)(4) and (b)(5) are added to read as follows:

§ 635.28 Closures.

* * * * *

(b) * * *

(4) The commercial fishery for large coastal sharks will remain open for fixed semiannual fishing seasons, as specified at § 635.27(b)(1)(v). From the effective date and time of a season closure until additional quota becomes available, the fishery for large coastal sharks is closed, and sharks of that species group may not be retained on board a fishing vessel issued a commercial permit pursuant to § 635.4.

(5) When a semiannual quota for small coastal sharks or pelagic sharks specified in § 635.27(b)(1)(vi) and (b)(1)(iii) is reached, or is projected to be reached, NMFS will file with the Office of the **Federal Register** for publication a notice of closure at least 14 days before the effective date. From the effective date and time of the closure until additional quota becomes available, the fishery for the appropriate shark species group is closed, and sharks of that species group may not be retained on board a fishing vessel issued a commercial permit pursuant to § 635.4.

* * * * *

[FR Doc. 02-32617 Filed 12-26-02; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Directed Fishery for *Loligo* Squid

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

ACTION: Directed fishery closure.

SUMMARY: NMFS announces that the directed fishery for *Loligo* squid in the exclusive economic zone (EEZ) will be closed effective December 24, 2002, through December 31, 2002. Vessels issued a Federal permit to harvest *Loligo* squid may not retain or land more than 2,500 lb (1.13 mt) of *Loligo* squid per trip for the remainder of the year. This action is necessary to prevent the fishery from exceeding its 2002 quota and allow for effective management of this stock.

DATES: Effective 0001 hours, December 24, 2002, through December 31, 2002.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fishery Policy Analyst, 978-281-9273, fax 978-281-9135, e-mail paul.h.jones@noaa.gov.

SUPPLEMENTARY INFORMATION:

Regulations governing the *Loligo* squid fishery are found at 50 CFR part 648. The regulations require specifications for maximum sustainable yield, initial optimum yield, allowable biological catch, domestic annual harvest (DAH), domestic annual processing, joint venture processing and total allowable levels of foreign fishing for the species managed under the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan. The procedures for setting the annual initial specifications are described in § 648.21.

The 2002 specification of DAH for *Loligo* squid was set at 16,898 mt (67 FR 3623, January 25, 2002). This amount is allocated by quarter, as shown below.

TABLE. 1 LOLIGO QUARTERLY ALLOCATIONS.

I (Jan-Mar)	33.23	5,615
II (Apr-Jun)	17.61	2,976
III (Jul-Sep)	17.30	2,923
IV (Oct-Dec)	31.86	5,384
Total	100.00	16,898

Section 648.22 requires NMFS to close the directed *Loligo* squid fishery in the EEZ when 80 percent of the

quarterly allocation is harvested in Quarters I, II and III, and when 95 percent of the total annual DAH has been harvested. NMFS is further required to notify, in advance of the closure, the Executive Directors of the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils; mail notification of the closure to all holders of *Loligo* squid permits at least 72 hours before the effective date of the closure; provide adequate notice of the closure to recreational participants in the fishery; and publish notification of the closure in the **Federal Register**. The Administrator, Northeast Region, NMFS, based on dealer reports and other available information, has determined that 95 percent of the total DAH for *Loligo* squid has been harvested. Therefore, effective 0001 hours, December 24, 2002, the directed fishery for *Loligo* squid is closed and vessels issued Federal permits for *Loligo* squid may not retain or land more than 2,500 lb (1.13 mt) of *Loligo*. Such vessels may not land more than 2,500 lb (1.13 mt) of *Loligo* during a calendar day. The directed fishery will reopen effective 0001 hours, January 1, 2003, when the 2003 quota becomes available.

Classification

This action is required by 50 CFR part 648 and is exempt from review under E.O. 12866.

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

Dated: December 20, 2002.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 02-32615 Filed 12-20-02; 4:09 pm]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 020215032-2127 02; I.D. 121702A]

Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Transfers

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

ACTION: Commercial quota transfers.

SUMMARY: NMFS announces that the State of North Carolina has transferred 43,000 lb (19,504.5 kg) of its 2002 commercial quota to the State of

Maryland; and the Commonwealth of Massachusetts has transferred 150,000 lb (68,038.9 kg) of its 2002 commercial quota to the State of New York. The revised quotas for the calendar year 2002 following the transfer are: North Carolina, 3,323,384 lb (1,507,461.6 kg); Maryland, 315,400 lb (143,063.0 kg); Massachusetts, 555,254 lb (251,859.0 kg); and New York, 1,449,372 lb (657,424.1 kg). NMFS has adjusted the quotas and announces the revised commercial quotas. This action is permitted under the regulations implementing the Fishery Management Plan for the Bluefish Fishery (FMP) and is intended to prevent negative economic impacts to the Maryland and New York commercial bluefish fisheries.

DATES: Effective December 26, 2002 through December 31, 2002.

FOR FURTHER INFORMATION CONTACT: Hannah Goodale, Fishery Policy Analyst, (978) 281-9101, fax (978) 281-9135, e-mail Hannah.F.Goodale@noaa.gov.

SUPPLEMENTARY INFORMATION:

Regulations governing the Atlantic bluefish fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through Florida. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.160.

The FMP allows two or more states, under mutual agreement and with the concurrence of the Administrator, Northeast Region, NMFS, to transfer or combine part or all of their annual commercial bluefish quotas. The Regional Administrator must consider the criteria set forth in § 648.160(f)(1) in the evaluation of requests for quota transfers or combinations.

The total commercial quota for bluefish for the 2002 calendar year was set equal to 10,500,000 lb (4,762,720 kg) (66 FR 23625, May 9, 2002). The resulting quotas for North Carolina and Maryland were 3,366,384 (1,526,966 kg), and 315,189 lb (142,967 kg), respectively. Effective, October 8, 2002, (67 FR 62650) Maryland's quota was reduced by 42,789 lb (19,408.8 kg) to 272,400 lb (123,558.6 kg). North Carolina has agreed to transfer 43,000 lb (19,504.5 kg) to Maryland. The revised quotas for the calendar year 2002 following the transfer are: North Carolina, 3,323,384 (1,507,461.6 kg) and Maryland, 315,400 lb (143,063.0 kg).

The initial 2002 commercial quotas for Massachusetts and New York were 705,254 lb (319,897.8 kg) and 1,090,436 lb (494,613.4 kg), respectively. Effective