

domestic fishing categories. The General category landings quota, including time-period subquotas and the New York Bight set-aside, are specified annually as required under § 635.27(a)(1). The 2001 fishing year General category quota and effort control specifications were issued on July 13, 2001 (66 FR 37421, July 18, 2001).

Coastwide General Category Closure

NMFS is required, under § 635.28 (a)(1), to file with the Office of the Federal Register for publication notification of closure when a BFT quota is reached, or is projected to be reached. On and after the effective date and time of such closure notification, for the remainder of the fishing year or for a specified period as indicated in the notification, fishing for, retaining, possessing, or landing BFT under that quota category is prohibited until the opening of the subsequent quota period or until such date as specified in the notification.

The adjusted 2001 fishing year BFT quota specifications issued pursuant to § 635.27 set a coastwide General category quota of 816.7 metric tons (mt) of large medium and giant BFT to be harvested from the regulatory area during the 2001 fishing year. Based on reported landings and effort, NMFS projects that this quota will be reached by October 23, 2001. Therefore, fishing for, retaining, possessing, or landing large medium or giant BFT intended for sale by persons aboard vessels in the General or Charter/Headboat categories must cease at 11:30 p.m. local time October 23, 2001. The intent of this closure is to prevent overharvest of the coastwide quota established for the General category.

General category permit holders may tag and release BFT while the General category is closed, subject to the requirements of the tag-and-release program at § 635.26. Vessels permitted in the Charter/Headboat category that are still eligible for the Angling category trophy fish allowance under § 635.23(c)(1) and (2) may land one large medium or giant BFT prior to May 31, 2002.

Classification

This action is taken under § 635.28(a) and is exempt from review under E.O. 12866.

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

Dated: October 22, 2001.

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 660

[Docket No. 001215358-0358-01; I.D. 101601A]

Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Reallocation of Pacific Sardine

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

ACTION: Reallocation of Pacific Sardine.

SUMMARY: NMFS announces the reallocation of the remaining Pacific sardine harvest guideline in the exclusive economic zone off the Pacific coast. As of October 3, 2001, 72,306 metric tons (mt) of the 134,737 mt harvest guideline remains unharvested. The Coastal Pelagics Species Fishery Management Plan (FMP) requires that a review of the fishery be conducted 9 months after the beginning of the fishing season and any uncaught portion of the harvest guideline totaled and reallocated, with 50 percent allocated north and 50 percent allocated south of Pt. Piedras Blancas, CA; therefore, 36,153 mt is allocated to each area. The intended effect of this action is to ensure that a sufficient amount of the resource is available to all harvesters on the Pacific coast and to achieve optimum yield.

DATES: Effective October 26, 2001, through December 31, 2001, unless NMFS publishes a superseding document in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: James J. Morgan, Southwest Region, NMFS, 562-980-4036.

SUPPLEMENTARY INFORMATION: On December 27, 2000, NMFS published

notice of a harvest guideline of 134,737 mt for Pacific sardine in the Federal Register (65 FR 81766) for the fishing season January 1, 2001, through December 31, 2001. The harvest guideline was allocated as specified in the FMP, that is, one-third (44,912 mt) for Subarea A, which is north of 35° 40' N. lat. (Pt. Piedras Blancas, California) to the Canadian border; and two-thirds (89,825 mt) for Subarea B, which is south of 35° 40' N. lat. to the Mexican border.

Section 5.2.2 of the FMP requires that a review of the fishery be conducted 9 months after the beginning of the fishing season and any uncaught portion of the harvest guideline totaled and divided equally between Subarea A and Subarea B. At its September 2001 meeting, the Pacific Fishery Management Council (Council) received a report on the sardine fishery from its Coastal Pelagic Species Management Team and heard statements about the harvest of Pacific sardine on the Pacific coast from representatives of California, Oregon, and Washington. Based on this testimony, the Council recommended that NMFS reallocate the remaining portion of the harvest guideline as specified in the FMP. Therefore, the 72,306 mt of the uncaught portion of the harvest guideline is reallocated in the following manner: 36,153 mt north of Pt. Piedras Blancas (Subarea A), and 36,153 mt south of Pt. Piedras Blancas (Subarea B).

Classification

This action is authorized by the FMP in accordance with 50 CFR 660.517 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA (AA) finds for good cause under 5 U.S.C. 553(b)(3)(B) that providing prior notice and an opportunity for public comment on this action is unnecessary and impracticable. It is unnecessary because redistribution of the harvest guideline in this proportion is a ministerial act required by the FMP. It is impracticable because affording prior notice and opportunity for public comment would preclude NMFS from quickly taking action to redistribute the sardine quotas in the north and south areas in order to prevent the quotas in these areas from being exceeded.

Because this rule provides a redistribution of a harvest guideline to meet the requirements of the FMP and does not require any participants in the fishery to take action or to come into compliance, the AA finds for good cause under 5 U.S.C. 553(d)(3) that delaying

the effective date of this rule for 30 days is unnecessary.

Because prior notice and opportunity for public comment are not required for this action 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 not applicable.

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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