

responsibilities among the various levels of government as specified in Executive Order 13132. Thus, the requirements of section 6 of the Executive Order do not apply to this rulemaking action.

**D. National Environmental Policy Act**

NHTSA has analyzed this action for purposes of the National Environmental Policy Act. The action will not have a significant effect upon the environment because it is anticipated that the annual volume of motor vehicles imported through registered importers will not vary significantly from that existing before promulgation of the rule.

**E. Civil Justice Reform**

This rule does not have a retroactive or preemptive effect. Judicial review of the rule may be obtained pursuant to 5 U.S.C. 702. That section does not require that a petition for reconsideration be filed prior to seeking judicial review.

**F. Unfunded Mandates Reform Act of 1995**

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4) requires agencies to prepare a written assessment of the cost, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by state, local, or tribal governments, in the aggregate, or by the private sector, of more than \$100 million annually. Because this rule will not have an effect of this magnitude, no Unfunded Mandates assessment has been prepared.

**List of Subjects in 49 CFR Part 594**

Imports, Motor vehicle safety, Motor vehicles.

**PART 594—SCHEDULE OF FEES AUTHORIZED BY 49 U.S.C. 30141**

In consideration of the foregoing, 49 CFR part 594 is amended as follows:

1. The authority citation for part 594 continues to read as follows:

**Authority:** 49 U.S.C. 30141, 30166; delegation of authority at 49 CFR 1.50.

- 2. Section 594.6 is amended by
  - A. Revising the introductory text of in paragraph (a),
  - B. Revising paragraph (b),
  - C. Changing the year "2000" in paragraph (d) to read "2002,"
  - D. Revising paragraph (h); and
  - E. Revising paragraph (i).
 The revised text reads as follows:

**§ 594.6 Annual fee for administration of the registration program.**

(a) Each person filing an application to be granted the status of a Registered

Importer pursuant to part 592 of this chapter on or after October 1, 2002, must pay an annual fee of \$655, as calculated below, based upon the direct and indirect costs attributable to: \* \* \*

(b) That portion of the initial annual fee attributable to the processing of the application for applications filed on and after October 1, 2002, is \$395. The sum of \$395, representing this portion, shall not be refundable if the application is denied or withdrawn.

(h) \* \* \* This cost is \$14.85 per man-hour for the period beginning October 1, 2002.

(i) Based upon the elements, and indirect costs of paragraphs (f), (g), and (h) of this section, the component of the initial annual fee attributable to administration of the registration program, covering the period beginning October 1, 2002, is \$260. When added to the costs of registration of \$395, as set forth in paragraph (b) of this section, the costs per applicant to be recovered through the annual fee are \$655. The annual renewal registration fee for the period beginning October 1, 2002, is \$455.

3. Section 594.7 is amended by revising paragraph (e) to read as follows:

**§ 594.7 Fee for filing petitions for a determination whether a vehicle is eligible for importation.**

(e) For petitions filed on and after October 1, 2002, the fee payable for seeking a determination under paragraph (a)(1) of this section is \$175. The fee payable for a petition seeking a determination under paragraph (a)(2) of this section is \$800. If the petitioner requests an inspection of a vehicle, the sum of \$550 shall be added to such fee. No portion of this fee is refundable if the petition is withdrawn or denied.

4. Section 594.8 is amended by revising the first sentence of paragraph (c) to read as follows:

**§ 594.8 Fee for importing a vehicle pursuant to a determination by the Administrator.**

(c) If a determination has been made on or after October 1, 2002, pursuant to the Administrator's initiative, the fee for each vehicle is \$125. \* \* \*

5. Section 594.9 is amended by revising paragraph (c) to read as follows:

**§ 594.9 Fee for reimbursement of bond processing costs.**

(c) The bond processing fee for each vehicle imported on and after October 1, 2002, for which a certificate of conformity is furnished, is \$6.20.

6. Section 594.10 is amended by revising paragraph (d) to read as follows:

**§ 594.10 Fee for review and processing of conformity certificate.**

(d) The review and processing fee for each certificate of conformity submitted on and after October 1, 2002 is \$18. However, if the vehicle covered by the certificate has been entered electronically with the U.S. Customs Service through the Automated Broker Interface and the registered importer submitting the certificate has an e-mail address, the fee for the certificate is \$6, provided that the fee is paid by a credit card issued to the registered importer. If NHTSA finds that the information in the entry or the certificate is incorrect, requiring further processing, the processing fee shall be \$18. However, if the importer electronically corrects the incorrect information, the processing fee shall be \$12 rather than \$18.

Issued on: September 19, 2002.

**Annette M. Sandberg,**  
*Deputy Administrator.*

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BILLING CODE 4910-59-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 660**

[Docket No. 020430101-2101-01; I.D.082802C]

**Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 10 - Adjustment of the Commercial Fishery from the U.S.-Canada Border to Cape Falcon, OR**

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

**ACTION:** Adjustments; request for comments.

**SUMMARY:** NMFS announces that the commercial fishery in the area from the U.S.-Canada Border to Cape Falcon, OR was modified to reopen on August 9, 2002, and close at midnight, August 18, 2002, with a vessel limit of 400 chinook salmon for the entire 10-day open period. In addition, the gear restriction

limiting fishers to no more than four spreads per line between Cape Falcon, OR and Leadbetter Point, WA was suspended for the open period. All other restrictions and regulations remain in effect as announced for 2002 ocean salmon fisheries. The Northwest Regional Administrator, NMFS (Regional Administrator), determined that available catch and effort data indicated that these management measures should be implemented to provide fishers greater access to the chinook and coho quotas. This action was necessary to conform to the 2002 management goals.

**DATES:** Adjustments in the area from the U.S.-Canada Border to Cape Falcon, OR, effective 0001 hours local time (l.t.), August 9, 2002, through 2359 hours l.t. August 18, 2002, after which the fishery will remain closed until opened through an additional inseason action, which will be published in the **Federal Register** for the west coast salmon fisheries, or until the effective date of the year 2003 management measures. Comments will be accepted through October 11, 2002.

**ADDRESSES:** Comments on these actions must be mailed or faxed to D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, NOAA, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115-0070, facsimile 206-526-6376; or

Rod McInnis, Acting Regional Administrator, Southwest Region, NMFS, NOAA, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4132, facsimile 562-980-4018.

Comments will not be accepted if submitted via e-mail or the Internet. Information relevant to this document is available for public review during business hours at the Office of the Regional Administrator, Northwest Region, NMFS.

**FOR FURTHER INFORMATION CONTACT:** Christopher Wright, 206-526-6140.

**SUPPLEMENTARY INFORMATION:** The Regional Administrator modified the season for the commercial salmon fishery in the area from the U.S.-Canada Border to Cape Falcon, OR to reopen on August 9, 2002, and close at midnight, August 18, 2002, with a vessel limit of 400 chinook salmon for the entire 10-day open period. In addition, the gear restriction limiting fishers to no more than four spreads per line between Cape Falcon, OR and Leadbetter Point, WA was suspended for the open period. Information provided on August 8 regarding the available catch and effort data indicated that these management measures should be implemented to allow fishers to fully access the chinook

and coho quotas. Modification of fishing seasons and gear restriction are authorized by regulations at 50 CFR 660.409(b)(1)(i) and 50 CFR 660.409(b)(1)(iv), respectively.

In the 2002 annual management measures for ocean salmon fisheries (67 FR 30616, May 7, 2002), NMFS announced that the commercial fishery for all salmon except coho in the area from the U.S.-Canada Border to Cape Falcon, OR would open July 1, 2002, and run through the earlier of September 8, 2002, or a 32,500-chinook quota, except for a selective fishery for marked coho in the sub-area from Leadbetter Point, WA to Cape Falcon, OR scheduled at the end of the season with a 5000-marked coho quota.

The fishery in the area from the U.S.-Canada Border to Cape Falcon, OR has been modified three times so far this year by inseason action. The first inseason action opened the fishery as scheduled on July 1, 2002, but modified it to close at midnight, July 8, 2002, with the provision that no vessel may possess, land, or deliver more than 250 chinook for the entire 8-day open period (67 FR 47334, July 18, 2002). The second inseason action reopened the area on July 12, 2002, and closed it at midnight, July 22, 2002, with the provision that no vessel may possess, land, or deliver more than 400 chinook for the entire 11-day open period (67 FR 49875, August 1, 2002). The third inseason action reopened the area on July 26, 2002, and closed it at midnight, August 5, 2002, with the provision that no vessel may possess, land, or deliver more than 500 chinook salmon for the entire 11-day open period (67 FR 52889, August 14, 2002). These modifications to the fishing season were adopted to avoid closing the fishery early due to reaching the chinook quota, thus precluding the opportunity to catch available marked hatchery coho salmon later in the season.

On August 8, 2002, the Regional Administrator consulted with representatives of the Pacific Fishery Management Council, Washington Department of Fish and Wildlife, and Oregon Department of Fish and Wildlife (ODFW) by conference call. Information related to catch to date, the chinook catch rate, and effort data indicated that it was likely that the chinook quota would be reached prematurely unless adequately controlled, potentially foreclosing opportunity of fishers to conduct the selective fishery for marked coho later in the season. As a result, the states of Washington and Oregon recommended, and the Regional Administrator concurred, that the commercial fishery in the area from the

U.S.-Canada Border to Cape Falcon, OR would reopen on August 9, 2002, and close at midnight, August 18, 2002, with the provision that no vessel may possess, land, or deliver more than 400 chinook for the entire 10-day open period. In addition, the gear restriction limiting fishers to no more than four spreads per line between Cape Falcon, OR and Leadbetter Point, WA was suspended for the open period, because this was no longer needed to restrict the catch of coho. All other restrictions that apply to this fishery remain in effect as announced in the 2002 annual management measures. The State of Oregon continued the landing restriction for this fishery in their regulations requiring that fishers fishing north of Cape Falcon, OR and intending to land salmon south of Cape Falcon, OR notify the ODFW before they leave the area at the telephone number: (541) 867-0300, Ext. 252. In addition, the parties agreed to reevaluate the fishery on August 21, 2002, and assess the possibility of further openings.

The Regional Administrator determined that the best available information indicated that the catch and effort data, and projections, supported the above inseason action recommended by the states. The states manage the fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone in accordance with this Federal action. As provided by the inseason notice procedures of 50 CFR 660.411, actual notice to fishers of the above described action was given prior to the effective date by telephone hotline number 206-526-6667 and 800-662-9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz.

This action does not apply to other fisheries that may be operating in other areas.

#### Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds that good cause exists for this notification to be issued without affording prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B), or delaying the effectiveness of this rule for 30 days under 5 U.S.C. 553(d)(3), because prior notice and opportunity for public comment and delay in effectiveness of this rule is impracticable and contrary to the public interest. As previously noted, actual notice of this action was provided to fishers through telephone hotline and radio notification. This action complies with the requirements of the annual management measures for ocean salmon fisheries (67 FR 30616, May 7, 2002) and the West Coast

Salmon Plan. Prior notice and opportunity for public comment is impracticable because NMFS and the state agencies have insufficient time to provide for prior notice and the opportunity for public comment between the time the fishery catch and effort data are collected to determine the status of the fisheries and the time the limits to which the fishery must be adjusted to control harvest rates in the fishery must be in place. Moreover, such prior notice and the opportunity for public comment is contrary to the public interest because it does not allow commercial fishermen appropriately controlled access to the available fish at the time they are available.

The AA finds good cause to waive the 30-day delay in effectiveness required under 5 U.S.C. 553(d)(3). A delay in effectiveness of this action would not allow commercial fishermen appropriately controlled access to the available fish at the time they are available.

This action is authorized by 50 CFR 660.409 and 660.411 and is exempt from review under Executive Order 12866.

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

Dated: September 19, 2002

**Virginia M. Fay,**

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

[FR Doc. 02-24371 Filed 9-25-02; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 020920218-2218-01; 091902C]

RIN 0648-AQ47

#### 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:** Emergency rule, Reallocation of Pacific sardine.

**SUMMARY:** NMFS announces the reallocation of the remaining Pacific sardine harvest guideline in the U.S. exclusive economic zone off the Pacific coast. The Coastal Pelagic Species Fishery Management Plan (FMP) requires that NMFS conduct a review of the fishery 9 months after the beginning of the fishing season on January 1, and

reallocate any unharvested portion of the harvest guideline, with 50 percent allocated north and south of Pt. Piedras Blancas, California. The allocation north of Pt. Piedras Blancas was reached on September 14, 2002, and the fishery was closed until the scheduled time for reallocation on October 1, 2002. This action reallocates the remainder of the harvest guideline earlier than the date specified in the FMP in order to minimize the negative economic effects on fishing and processing, primarily in the Pacific northwest, that would result from delaying the reallocation.

**DATES:** Effective September 20, 2002 to December 31, 2002.

**FOR FURTHER INFORMATION CONTACT:**

James J. Morgan, Southwest Region, NMFS, 562-980-4036.

**SUPPLEMENTARY INFORMATION:** On December 27, 2001, NMFS published a notification of a harvest guideline of 118,442 mt for Pacific sardine in the **Federal Register** (66 FR 66811) for the fishing season January 1, 2002, through December 31, 2002. The harvest guideline was allocated as specified in the FMP, that is, one-third (39,481 mt) for Subarea A, which is north of 35° 40' N. lat. (Pt. Piedras Blancas, California) to the Canadian border; and two-thirds (78,961 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 the NMFS, Southwest Regional Administrator, (1) conduct a review of the fishery 9 months after the beginning of the fishing season, and (2) reallocate the total unharvested portion of the harvest guideline, if any, equally between Subarea A and Subarea B. However, this year, the allocation to Subarea A was harvested by September 14, 2002, and the fishery was closed (67 FR 58733).

At its September 2002 meeting, the Pacific Fishery Management Council (Council) received a report on the status of the sardine fishery and heard public comments regarding the effects of closing the fishery in Subarea A and waiting for reallocation to occur on October 1, 2002. The fishing industry in the Pacific northwest has the capacity and the markets to continue fishing operations. Weather conditions tend to deteriorate in the Pacific northwest this time of year and fishery virtually ends around October 1, 2002; therefore, delaying reallocation will have a negative economic impact on the industry at a time when there is adequate resource available for all users. Based on this information, the Council determined, by majority vote, that an emergency existed and recommended to

NMFS that emergency action be taken to reallocate the available resource before the date specified in the FMP.

The harvest guideline is not likely to be reached by the end of the fishing season on December 31, 2002; however, allocating the unharvested portion earlier than the scheduled date so that existing markets can be satisfied will increase the likelihood of achieving optimum yield. As long as the harvest guideline is not exceeded, there will be no impact on the status of the resource.

A total of 39,481 mt has been landed in Subarea A. A total of 31,671 mt has been landed in Subarea B. Based on this data, 47,290 mt remains of the 118,442-mt harvest guideline. Therefore, 23,645 mt is allocated north of Pt. Piedras Blancas (Subarea A) and 23,645 is allocated south of Pt. Piedras Blancas (Subarea B).

#### Classification

The Assistant Administrator for Fisheries, NMFS, finds that early reallocation of Pacific sardine available for harvest avoids an unnecessary economic hardship and therefore constitutes good cause to waive the requirement to provide prior notice and the opportunity for public comment, pursuant to authority set forth at 5 U.S.C. 553(b)(B). Keeping the fishery operating would likely increase landings of between 5,000 and 10,000 mt the rest of the year in Oregon and Washington. At an ex-vessel price of \$100/mt this would generate between \$500,000 and \$1 million in revenues for fishermen. There is about a 50 percent recovery rate for processed product (most of which is packed as bait), and, at a sales price of \$400/mt, the revenues to processors would be between \$1 million and \$2 million. While firm employment figures are not available, it is estimated that as many as 500 or more employees work on sardine processing lines. They would continue working for two weeks or more if the weather holds up to support fishing. At \$7/hour (the estimated prevailing wage rate in these communities), or \$60 per week, this would provide income of between \$30,000 and \$60,000 in direct payments to labor for the one or two-week period. Such communities generally have income multipliers in the area of 2.5 to 3.0; therefore, the direct income to fishermen and to processing line employees would translate to several million in overall income impacts for the local communities.

Because this is a substantive rule that relieves a restriction, the 30 day delayed effectiveness provision of the Administrative Procedure Act does not apply.