

An additional 935 fishers would be eligible to register as a result of this proposed rule. However, these fishers may already participate in Category I or II fisheries for which they currently register under the MMPA or participate in Federal or state fisheries with integrated registration programs, such as fisheries in Alaska, and therefore, would not be required to register separately under the MMPA or pay an additional \$25 registration fee. Fisheries that this rule proposes to elevate to Category II and whose participants would be required to register include the Alaska Bering Sea and Aleutian Islands Groundfish Trawl fishery (157 participants) and the Gulf of Mexico gillnet fishery (724 participants). Addition of the California yellowtail, barracuda, white seabass, tuna drift gillnet fishery (mesh size > 3.5 in. and < 14 in.) to the LOF as a Category II fishery would require 24 additional participants to register. Addition of the Atlantic mixed species trap/pot fishery to the LOF as a Category II fishery, which involves combining the Northeast trap/pot fishery (already Category II), the Mid-Atlantic mixed species trap/pot fishery, and the U.S. Mid-Atlantic and Southeast U.S. Atlantic black seabass trap/pot fishery would require at least an additional 30 participants to register since it would require elevating the Mid-Atlantic mixed species trap/pot fishery (number of participants unknown) and the U.S. Mid-Atlantic and Southeast U.S. Atlantic black seabass trap/pot fishery (30 participants) to Category II.

Though this rule affects a substantial number of small entities, the \$25 registration fee, with respect to anticipated revenues, is not considered a significant economic impact. As a result of this certification, an initial regulatory flexibility analysis was not prepared.

This proposed rule contains collection-of-information requirements subject to the Paperwork Reduction Act. The collection of information for the registration of fishers under the MMPA has been approved by the OMB under OMB control number 0648-0293 (0.25 hours per report for new registrants and 0.15 hours per report for renewals). The requirement for reporting marine mammal injuries or mortalities has been approved by OMB under OMB control number 0648-0292 (0.15 hours per report). These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these reporting burden estimates or any other aspect of the collections of information, including suggestions for reducing burden, to NMFS and OMB (see **ADDRESSES**).

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a

collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number.

This proposed rule has been determined to be not significant for the purposes of E.O. 12866.

An environmental assessment (EA) was prepared under the National Environmental Policy Act (NEPA) for regulations to implement section 118 of the MMPA (1995 EA). The 1995 EA concluded that implementation of those regulations would not have a significant impact on the human environment. This proposed rule would not make any significant change in the management of reclassified fisheries, and therefore, this proposed rule is not expected to change the analysis or conclusion of the 1995 EA. If NMFS takes a management action, for example, through the development of a Take Reduction Plan (TRP), NMFS will first prepare an environmental document as required under NEPA specific to that action.

This proposed rule will not affect species listed as threatened or endangered under the Endangered Species Act (ESA) or their associated critical habitat. The impacts of numerous fisheries have been analyzed in various biological opinions, and this proposed rule will not affect the conclusions of those opinions. The classification of fisheries on the LOF is not considered to be a management action that would adversely affect threatened or endangered species. If NMFS takes a management action, for example, through the development of a TRP, NMFS would conduct consultation under section 7 of the ESA for that action.

This proposed rule will have no adverse impacts on marine mammals and may have a positive impact on marine mammals by improving knowledge of marine mammals and the fisheries interacting with marine mammals through information collected from observer programs or take reduction teams.

This proposed rule will not affect the land or water uses or natural resources of the coastal zone, as specified under section 307 of the Coastal Zone Management Act.

Dated: January 03, 2003.

**William T. Hogarth,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[Docket No. 021113274-2274-01; I.D. 031501A]

RIN 0648-AO79

#### Atlantic Highly Migratory Species; Exempted Fishing Activities; Reopening of Comment Period

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

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** NMFS is reopening the deadline for filing comments on the proposed rule published December 6, 2002, which would modify existing exempted fishing regulations for Atlantic highly migratory species (HMS). Comments are currently due to be filed by 5 p.m. eastern standard time, on January 6, 2003. The comment period is being reopened to comply with requests submitted by a number of constituents who potentially could be affected by the proposed rule.

**DATES:** The effective date for reopening the comment period is January 10, 2003 through March 17, 2003. Comments must be received by 5 p.m. eastern standard time, on March 17, 2003.

**ADDRESSES:** Written comments on the proposed rule should be submitted to Christopher Rogers, Chief, Highly Migratory Species Management Division (F/SF1), Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments also may be sent via facsimile (fax) to 301-713-1917. Comments regarding the collection-of-information requirement contained in this proposed rule should be sent to the Highly Migratory Species Management Division (F/SF1), 1315 East-West Highway, Silver Spring, MD 20910, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer). Comments will not be accepted if submitted via e-mail or the internet.

**FOR FURTHER INFORMATION CONTACT:** Sari Kiraly or Heather Stirratt at 301-713-2347, fax 301-713-1917, e-mail [Sari.Kiraly@noaa.gov](mailto:Sari.Kiraly@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The proposed rule was published on December 6, 2002 (67 FR 72629).

Subsequently, a public hearing was held on December 17, 2002, in Orlando, Florida. At the public hearing and in written correspondence a number of constituents who potentially could be affected by the proposed rule requested

that the comment period be extended. This is to allow more time for preparing comments in response to the proposed rule. To that effect, the comment period is reopened until March 17, 2003.

Dated: January 6, 2003.

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