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[FR Doc. 03-15767 Filed 6-24-03; 8:45 am]  
BILLING CODE 6560-50-S

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 25

[IB Docket 98-21; FCC 02-110]

#### Policies and Rules for the Direct Broadcast Satellite Service; Correction

**AGENCY:** Federal Communications Commission.

**ACTION:** Correcting amendments.

**SUMMARY:** This document contains a correction to final regulations which were published Wednesday, August 7, 2002 (67 FR 51110). The regulations relates to Policy and Rules for the Direct Broadcast Satellite Service.

**DATES:** Effective June 25, 2003.

**FOR FURTHER INFORMATION CONTACT:** Selina Y. Khan, Attorney Advisor, Satellite Division, International Bureau, telephone (202) 418-7282 or via the Internet at [skhan@fcc.gov](mailto:skhan@fcc.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The final rule document published on Wednesday, August 7, 2002 publishes 47 CFR 25.114 by adding paragraph (c)(22) instead of paragraph (c)(23).

##### Need for Correction

As published, the final regulations contain an error which may prove to be misleading and are in need of clarification.

#### List of Subjects in 47 CFR Part 25

Satellites.

Federal Communications Commission.

**Marlene H. Dortch,**

Secretary.

■ Accordingly, 47 CFR part 25 is corrected by making the following correcting amendments:

## PART 25—SATELLITE COMMUNICATIONS

■ 1. The authority citation for part 25 continues to read as follows:

**Authority:** U.S.C. 701744. Interprets or applies 47 U.S.C. 51, 154, 302, 303, and 307, unless otherwise noted.

#### § 25.114 [Amended]

■ 2. Amend § 25.114 by redesignating the second paragraph (c)(22) as paragraph (c)(23).

[FR Doc. 03-15963 Filed 6-24-03; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[Docket No. 030617153-3153-01; I.D. 061203E]

RIN 0648-AR29

#### Atlantic Highly Migratory Species (HMS) Fisheries; Vessel Monitoring Systems (VMS)

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

**ACTION:** Final rule; amendment of effective date.

**SUMMARY:** This document amends the effective date for the requirement to have a NOAA-approved, VMS unit installed and operating on any vessel leaving port to fish for HMS with pelagic longline gear on board to September 1, 2003.

**DATES:** Effective September 1, 2003.

**ADDRESSES:** To obtain copies of the list of NOAA-approved VMS mobile transmitting units and NOAA-approved VMS communications service providers, write to NMFS Office for Law Enforcement (OLE), 8484 Georgia Avenue, Suite 415, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** For information regarding the requirement contact Chris Rilling, Highly Migratory Species Management Division (F/SF1), Office of Sustainable Fisheries, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, phone 301-713-2347. For current listing of approved VMS units contact Mark Oswell, Outreach Specialist, phone 301-427-2300, fax 301-427-2055. For questions regarding VMS installation and activation checklists, contact Jonathan Pinkerton, National VMS Program Manager, phone 301-427-2300, fax 301-427-2055.

The public may acquire this notice, installation checklist, and relevant updates via the "fax-back" service, or at the OLE website <http://www.nmfs.noaa.gov/ole/vms.html>.

**SUPPLEMENTARY INFORMATION:** On May 28, 1999, NMFS issued a regulation (64 FR 29090) codified at 50 CFR 635.69(a), requiring all commercial pelagic longline vessels fishing for Atlantic HMS to install a NMFS-approved VMS unit. Due to litigation, the requirement was stayed indefinitely on October 1, 2000 (66 FR 1907, January 10, 2001). On

October 15, 2002, the U.S. District Court for the District of Columbia issued a final order upholding the VMS regulation. Following the favorable court ruling, NMFS began working to reinstate the VMS requirement.

On March 11, 2003, NMFS published a notice in the **Federal Register** (68 FR 11534) and corrected it on March 27, 2003 (68 FR 14949), to provide a list of the NMFS-approved VMS units for use by pelagic longline vessels in the Atlantic Highly Migratory Species (HMS) Fisheries and set forth relevant features of each VMS. The notification was issued to update and replace the approval notice published on September 9, 1999. An additional type approval notice was published on May 1, 2003 (68 FR 23285).

NMFS also submitted a request to the Office of Management and Budget (OMB) to reinstate approval for VMS information collection under the provisions of the Paperwork Reduction Act. A notice regarding this collection was published in the **Federal Register** on November 18, 2002 (67 FR 69506). The second notice of OMB review was published in the **Federal Register** on March 19, 2003 (68 FR 13280). OMB approved the VMS information collection request on May 10, 2003.

The placement of VMS units on fishing vessels in this fishery will enable NMFS to determine vessel locations and will complement the Agency's efforts to monitor and enforce compliance with applicable regulations. Because fishermen need time to purchase and install VMS, the VMS rule will be effective September 1, 2003, which provides approximately 60 days for affected fishermen to come into compliance.

#### Classification

This action is published under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. The Assistant Administrator (AA) has determined that implementation of a VMS program in the pelagic longline fishery is necessary to monitor and enforce closed areas implemented to reduce bycatch. The AA finds that good cause exists to waive the requirement to provide prior notice and the opportunity for comment, pursuant to authority set forth at 5 U.S.C. 553(b)(B), as such procedures would be unnecessary and contrary to the public interest. This amendment establishes a new effective date for the HMS VMS rule, which had been suspended due to litigation. NMFS provided for prior notice and comment before promulgating the HMS VMS rule in 1999, then provided for additional

public comment pursuant to a court order. The court upheld the rule on all counts and issued a final order in October, 2002. Subsequently, NMFS renewed its Paperwork Reduction Act (PRA) approval, which included additional public comment on the information collection under the rule, and completed type approvals for VMS units for the fishery. This amendment does not change any substantive provisions of the HMS VMS rule, but provides a new effective date, as the original date was suspended because of the court case. Further delay of this rule to provide additional opportunity for public comment is contrary to the public interest because fishing is currently underway, and VMS would facilitate efficient allocation of limited enforcement resources to meet management objectives, including time and area closures established to protect juvenile fish and protected species. U.S. Atlantic pelagic longline vessels operate in fishing areas in the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico, and given increased commitments to homeland security, VMS will play an important role in determining deployment of at-sea resources.

This rule refers to collection-of-information requirements subject to the PRA and which have been approved by OMB under control number 0648-0372. Public reporting burden for these requirements is estimated to average 4 hours for installation of equipment, 2 hours for annual maintenance of the equipment (beginning in the second year), 0.3 seconds per automated position report from the automated equipment, and 5 minutes to complete and return a one-time installation checklist. 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 this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see **FOR FURTHER INFORMATION CONTACT**) and OMB at the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC, 20503 (Attention: NOAA Desk Officer).

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

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

Dated: June 20, 2003.

**John Oliver,**

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

[FR Doc. 03-16085 Filed 6-24-03; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[Docket No. 000629197-3147-04; I.D. 032900A]

RIN 0648-AN06

#### Atlantic Highly Migratory Species (HMS); Monitoring of Recreational Landings; Retention Limit for Recreationally Landed North Atlantic Swordfish; Technical Amendment

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

**ACTION:** Final rule; technical amendment.

**SUMMARY:** This document clarifies and corrects a cross-reference in final regulations that were published in the **Federal Register** of Tuesday, January 7, 2003. The final rule amended the regulations governing Atlantic billfish and North Atlantic swordfish recreational fisheries.

**DATES:** Effective on June 25, 2003.

**FOR FURTHER INFORMATION CONTACT:** Russell Dunn or Richard A. Pearson at 727-570-5447.

**SUPPLEMENTARY INFORMATION:** In a final rule published on January 7, 2003, (68 FR 711), an amendment to § 635.5(c) inadvertently contained an incorrect reference in the last sentence. The sentence indicated that HMS tournament landings must be reported to NMFS as specified under § 635.5(c) of the section. HMS tournament landing reports are actually specified and described under § 635.5(d) of the section. This amendment to the final rule removes the incorrect reference to tournament reporting at § 635.5(c) and replaces it with the correct reference to tournament reporting as specified at § 635.5(d).

#### Classification

This rule is published under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the

Atlantic Tunas Convention Act. The Assistant Administrator for Fisheries, NOAA (AA), has determined that this rule is consistent with the Magnuson-Stevens Act and other applicable laws.

The AA finds that good cause exists to waive the requirement to provide prior notice and the opportunity for comment, pursuant to authority set forth at 5 U.S.C. 553(b)(B), as such procedures would be unnecessary. This rule makes a minor, non-substantive change to correct an incorrect reference to another regulation. Because this rule makes non-substantive or *de minimis* changes to the existing regulations, the AA also finds good cause, under 5 U.S.C. 553(d), not to delay for 30 days the effective date of this action. NMFS has the ability to rapidly communicate the amendments in this rule to fishery participants through its FAX network and HMS Information Line.

Because prior notice and opportunity for public comment are not required for this 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.*, are inapplicable.

This action is not significant under the meaning of Executive Order 12866.

#### List of Subjects in 50 CFR Part 635

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

Dated: June 19, 2003.

**John Oliver,**

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

■ Accordingly, 50 CFR part 635 is corrected by making the following correcting amendment:

#### PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

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

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

■ 2. In § 635.5, the last sentence in paragraph (c) introductory text is revised to read as follows:

#### § 635.5 Recordkeeping and reporting.

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(c) Anglers. \* \* \* Tournament landings must be reported as specified under paragraph (d) of this section.

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[FR Doc. 03-16087 Filed 6-24-03; 8:45 am]

**BILLING CODE 3510-22-S**