

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.*

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## 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 minimus 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.

\* \* \* \* \*

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

\* \* \* \* \*

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