

Tennessee had entered into a contract with ENA for that funding year.

5. We conclude that, in light of the specific circumstances and the enumerated safeguards, it is appropriate to apply a modification of the Good Samaritan policy in this instance. We instruct USAC to grant Tennessee's request to substitute a common carrier as its Good Samaritan service provider for Funding Year 2002, consistent with its existing procedures for Good Samaritan providers and to process Tennessee's funding request. USAC shall determine whether the selected common carrier meets its existing criteria for identifying a substitute service provider. If USAC determines that Tennessee's application for Funding Year 2002 otherwise complies with the rules of the schools and libraries program, USAC shall issue a funding commitment to Tennessee. Upon determining that all of the invoices submitted by ENA's subcontractors comply with program rules and procedures, USAC then may disburse funds to the designated common carrier for payment to ENA's subcontractors. USAC should determine the identities of the subcontractors, their portion of the contract, and the portion associated with services provided by ENA. USAC should ascertain what services have been rendered, the total cost of those services, and the amount that Tennessee has actually paid for the services rendered. USAC may disburse funds for services delivered until the end of Funding Year 2002.

6. We also instruct USAC to set aside on ENA's account any funds that would have been paid to ENA to compensate it directly for its services under the Tennessee contract, but we do not authorize any payment to ENA at this time. We do not know how long the pending investigation may continue, and cannot predict its ultimate resolution. Absent an indictment or other public action, it may be difficult to determine whether the relevant authorities have concluded their investigation. We therefore cannot specify at this time the circumstances under which it would be appropriate for Tennessee or ENA to petition for reimbursement of funds owed to ENA for services rendered pursuant to ENA's Funding Year 2002 contract with Tennessee. At the same time, we expressly contemplate that ENA should have the opportunity to make its case at some future date that the remaining funds should be released to it for services rendered. If, however, ENA ultimately is found either civilly or criminally liable for any actions arising out of its participation in the schools

and libraries program, the Commission shall initiate debarment proceedings pursuant to the rules adopted in the Commission's most recent order relating to the schools and libraries universal service mechanism.

7. We deny Tennessee's request that payments be made to its selected Good Samaritan provider to cover the salaries of certain key ENA employees who are necessary to keep the network operational for the remainder of the school year. We remain concerned about any funds going to persons currently employed by ENA at this point, especially given the percentage of funding that Tennessee asserts is required to pay these individuals. We encourage Tennessee to explore alternative arrangements to ensure that its network continues to support the educational mission of the state.

8. In reaching this decision, we seek to balance USAC's proper caution in acting on a funding request that may be associated with a law enforcement investigation with the equally important objective of avoiding potentially harmful effects on third parties. We recognize that the circumstances surrounding other investigations may vary significantly. In granting this petition, we emphasize the narrowness of this fact-specific determination. We do not intend our action today to affect the efficient administration of this universal service support mechanism.

9. In conclusion, we emphasize that we seek to guard against waste, fraud and abuse, while ensuring that universal service is preserved and advanced. We recognize that the ongoing investigation may call into question compliance with Commission rules and requirements. If it is ultimately determined that Tennessee, ENA, or other party has violated any program requirements, the Commission shall take all appropriate actions to address that wrongdoing, including, if merited, seeking reimbursement of disbursed funds. It remains incumbent upon the applicant to ensure its compliance with all program rules. But we decline to relegate the Tennessee Funding Year 2002 application to limbo indefinitely, during the pendency of this ongoing investigation.

III. Ordering Clause

10. Pursuant to sections 1-4, and 254 of the Communications Act of 1934, 47 U.S.C. 151-154 and 254, and § 54.503 of the Commission's rules, that the Petition for Immediate Relief filed by the State of Tennessee on April 17, 2003, is granted to the extent provided herein. We instruct SLD to process Tennessee's Funding Year 2002 application and, if

appropriate, disburse funds to the designated Good Samaritan provider, as provided herein.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 03-18640 Filed 7-22-03; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 021209300-3048-02; I.D. 112502C]

Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Fishery Management Measures; Corrections

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

ACTION: Corrections to the 2003 specifications and management measures.

SUMMARY: NMFS announces corrections to the Pacific Coast groundfish management measures published on March 7, 2003. South of 40°10' N. lat., references to an area between Point Fermin and Newport South Jetty open during July and August to limited entry fixed gear and open access groundfish fisheries is corrected to allow California scorpionfish retention. Regulatory language referring to exempted prawn trawl in the open access fishery is clarified to only allow fishing inside the Rockfish Conservation Area (RCA) north of 40°10' N. lat. as stated in the trip limit tables (Table 5 (North) and Table 5 (South)). This action also includes a correction to latitude and longitude coordinates for the RCA 75 fm (137 m) boundary. Typographical errors were corrected for these coordinates in a previous correction published on April 15, 2003, to the final rule but erroneously omitted in the most recent inseason action published on July 7, 2003).

DATES: Effective 0001 hours local July 22, 2003, until the 2004 annual specifications and management measures are effective, unless modified, superseded, or rescinded through a publication in the **Federal Register**.

ADDRESSES: Submit comments to D. Robert Lohn, Administrator, Northwest Region, NMFS, 7600 Sand Point Way

NE, Seattle, WA 98115-0070; or Rod McInnis, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd, Suite 4200, Long Beach, CA 90802-4213.

FOR FURTHER INFORMATION CONTACT: Jamie Goen (Northwest Region, NMFS), phone: 206-526-6140; fax: 206-526-6736; and e-mail: jamie.goen@noaa.gov.

SUPPLEMENTARY INFORMATION:

Electronic Access

This **Federal Register** document is available on the Government Printing Office's website at: http://www.access.gpo.gov/su_docs/ca/docs/aces/aces140.html. Background information and documents are available at the NMFS Northwest Region website at: <http://www.nwr.noaa.gov/1sustfsh/gdfsh01.htm> and at the Pacific Fishery Management Council's website at: <http://www.pcouncil.org>.

Background

The Pacific Coast groundfish specifications and management measures for the 2003 fishing year (January 1-December 31, 2003) were initially published in the **Federal Register** as an emergency rule for January 1-February 28, 2003 (68 FR 908, January 7, 2003) and as a proposed rule for March 1-December 31, 2003 (68 FR 936, January 7, 2003). The emergency rule was amended at 68 FR 4719, January 30, 2003, and the final rule for March 1-December 31, 2003 was published in the **Federal Register** on March 7, 2003 (68 FR 11182). The final rule has been subsequently amended at 68 FR 18166 (April 15, 2003), at 68 FR 23901 (May 6, 2003), at 68 FR 23924 (May 6, 2003), at 68 FR 32680 (June 2, 2003), 68 FR 35575 (June 16, 2003) and at 68 FR 40187 (July 7, 2003).

Management measures for the Pacific Coast groundfish fishery, effective March 1-December 31, 2003 (68 FR 11182, March 7, 2003), contain errors in which species are subject to the limited entry fixed gear and open access Pt. Fermin/Newport South Jetty area (also known as Huntington Flats) opening during July through August. The inseason action published on May 6, 2003 (68 FR 23901), initially corrected the Pt. Fermin/Newport South Jetty area opening from applying to all Federal groundfish species to applying to all Federal groundfish species, except all rockfish and lingcod. The correction in the inseason action published on May 6, 2003, stated, "The intent of California's California Rockfish Conservation Area proposal presented to the Pacific Council at its September 2002 meeting, as well as language in California's Code

of Regulations at Title 14, Section 27.82 (d)(2), was that this area should be open to limited entry fixed gear and open access fixed gear for all Federal groundfish species, except all rockfish, lingcod and ocean whitefish (Note: Ocean whitefish is managed by the State of California). This area is intended to be open during July-August to allow vessels to intercept California scorpionfish that are spawning on the sandy flats." However, language allowing California scorpionfish to be retained in the Pt. Fermin/Newport South Jetty area during the July through August opening was inadvertently left out of the May 6, 2003 correction. Since California scorpionfish is a species of rockfish, the language in the May 6, 2003 inseason action prohibits fishing for all rockfish in the Pt. Fermin/Newport South Jetty area, including mistakenly prohibiting fishing for California scorpionfish. This document corrects the error by specifying that fishing for California scorpionfish is permitted during the Pt. Fermin/Newport South Jetty opening.

In addition, regulatory language in the open access fishery section of the management measures (paragraph IV.C.(1)) referring to exempted prawn trawl in the open access fishery is clarified in this document to only allow fishing inside and retention of groundfish caught in the Rockfish Conservation Area (RCA) north of 40°10' N. lat. as stated in the trip limit tables (Table 5 (North) and Table 5 (South)).

NMFS Actions

■ For the reasons stated herein, NMFS announces the following corrections to the 2003 specifications and management measures (68 FR 11182 (March 7, 2003), as amended at 68 FR 18166 (April 15, 2003), at 68 FR 23901 (May 6, 2003), at 68 FR 23924 (May 6, 2003), at 68 FR 32680 (June 2, 2003) at 68 FR 35575 (June 16, 2003) and at 68 FR 40187 (July 7, 2003)) to read as follows:

* * * * *

PART 660—[CORRECTED]

■ 1. On page 11206, in section IV., under A. General Definitions and Provisions, paragraph (19)(e)(ii) is corrected to read as follows:

(ii) The 75-fm (137-m) depth contour used north of 40°10' N. lat. as an eastern boundary for the trawl RCA is defined by straight lines connecting all of the following points in the order stated:

* * * * *

(19) 48°05.91' N. lat., 125°08.30' W. long.;

(20) 48°07.00' N. lat., 125°09.80' W. long.;

(21) 48°06.93' N. lat., 125°11.48' W. long.;

(22) 48°04.98' N. lat., 125°10.02' W. long.;

* * * * *

■ 2. On page 11217, in section IV., under B. Limited Entry Fishery, paragraph (1) is revised to read as follows:

IV. NMFS Actions

B. Limited Entry Fishery

(1) *General.* Most species taken in limited entry fisheries will be managed with cumulative trip limits (see paragraph IV.A.(1)(d).), size limits (see paragraph IV.A.(6)), seasons (see paragraph IV.A.(7)), and areas that are closed to specific gear types. The trawl fishery has gear requirements and trip limits that differ by the type of trawl gear on board (see paragraph IV.A.(14)). Cowcod retention is prohibited in all fisheries and groundfish vessels operating south of Point Conception must adhere to CCA restrictions (see paragraph IV.A.(19)). Yelloweye rockfish retention is prohibited in the limited entry fixed gear fisheries. Most of the management measures for the limited entry fishery are listed above and in the following tables: Table 3 (North), Table 3 (South), Table 4 (North), and Table 4 (South).

A header in Table 3 (North), Table 3 (South), Table 4 (North) and Table 4 (South) generally describes the Rockfish Conservation Area (i.e., closed area) for vessels participating in the limited entry fishery. The RCA boundaries are defined by latitude and longitude coordinates (See paragraph IV.A.(19), earlier) [Note: Between a line drawn due south from Point Fermin (33°42' 30" N. lat.; 118°17' 30" W. long.) and a line drawn due west from the Newport South Jetty (33°35'37" N. lat.; 117°52'50" W. long.) vessels fishing for all Federal groundfish species, except lingcod and all rockfish other than California scorpionfish, with hook-and-line and/or trap (or pot) gear may operate from shore to a seaward boundary line which approximates 50 fm (91 m) in the months of July and August.]

Management measures may be changed during the year by announcement in the **Federal Register**. However, the management regimes for several fisheries (nontrawl sablefish, Pacific whiting, and black rockfish) do not neatly fit into these tables and are addressed immediately following Table 3 (North), Table 3 (South), Table 4 (North), and Table 4 (South).

* * * * *

■ 3. On page 11221, in section IV., under B. Limited Entry Fishery, at the end of paragraph (1), Table 4 (South) is revised to read as follows:

IV. NMFS Actions

B. Limited Entry Fishery

(1) * * *

BILLING CODE 3510-22-S

Table 4 (South). Trip Limits for Limited Entry Fixed Gear South of 40°10' N. Latitude^{1/}

Other Limits and Requirements Apply -- Read Sections IV. A. and B. NMFS Actions before using this table

	JUL-AUG	SEP-OCT	NOV-DEC
Rockfish Conservation Area^{7/} (RCA): South of 40°10' N. lat.	20 fm - 150 fm (See footnote 9 for description of Pt. Fermin/Newport South Jetty open area)	20 fm - 150 fm	
1 Minor slope rockfish^{4/}			
2 40°10' - 38° N. lat.	No more than 25% of weight of sablefish landed/ trip		1,800 lb/ 2 months
3 South of 38° N. lat.	30,000 lb/ 2 months		
4 Splitnose			
5 40°10' - 38° N. lat.	1,800 lb/ 2 months		
6 South of 38° N. lat.	20,000 lb/ 2 months		
7 Sablefish			
8 40°10' - 36° N. lat.	300 lb/ day, or 1 landing per week of up to 800 lb, not to exceed 3,200 lb/ 2 months		
9 South of 36° N. lat.	350 lb/ day, or 1 landing per week of up to 1,050 lb		
10 Longspine thornyhead	9,000 lb/ 2 months		
11 Shortspine thornyhead	2,000 lb/ 2 months		
12 Dover sole	5,000 lb/ month		
13 Arrowtooth flounder	When fishing for Pacific sanddabs, vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 11 mm (0.44 inches) point to shank, and up to 1 lb (0.45 kg) of weight per line are not subject to the RCAs.		
14 Petrale sole			
15 Rex sole			
16 All other flatfish^{2/}			
17 Whiting^{3/}	10,000 lb/ trip		
18 Minor shelf rockfish, widow, and yellowtail rockfish^{4/}	250 lb/ 2 months	200 lb/ 2 months	100 lb/ 2 months
19 Canary rockfish	CLOSED ^{5/}		
20 Yelloweye rockfish	CLOSED ^{5/}		
21 Cowcod	CLOSED ^{5/}		
22 Bocaccio	CLOSED ^{5/}		
23 Minor nearshore rockfish			
24 Shallow nearshore	400 lb/ 2 months	300 lb/ 2 months	200 lb/ 2 months
25 Deeper nearshore	500 lb/ 2 months	300 lb/ 2 months	200 lb/ 2 months
26 California scorpionfish	800 lb/ 2 months	CLOSED ^{5/}	
27 Lingcod^{6/}	400 lb/ month, when nearshore open		CLOSED ^{5/}
28 Other fish^{8/}	Not limited		

Table 4 (South) continued

- 1/ "South" means 40°10' N. lat. to the U.S.-Mexico border. 40°10' N. lat. is about 20 nm south of Cape Mendocino, CA.
- 2/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 4 with species specific management measures, including trip limits.
- 3/ The whiting "per trip" limit in the Eureka area shoreward of 100 fm is 10,000 lb/ trip throughout the year. Outside Eureka area, the 20,000 lb/ trip limit applies. See IV. B.(3).
- 4/ Chilipepper rockfish is included in the trip limits for minor shelf rockfish and POP is included in the trip limits for minor slope rockfish.
- 5/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV. A.(7).
- 6/ The minimum size limit for lingcod is 24 inches (61 cm) total length.
- 7/ The "Rockfish Conservation Area" is a gear and/or sector specific closed area generally described by depth contours but specifically defined by lat/long coordinates set out at IV. A.(19)(e) that may vary seasonally.
- 8/ Other fish are defined at 50 CFR 660.302, as those groundfish species or species groups for which there is no trip limit, size limit, quota, or harvest guideline.
- 9/ During July-August, between a line drawn due south from Point Fermin (33° 42' 30" N. lat.; 118° 17' 30" W. long.) and a line drawn due west from the Newport South Jetty (33° 35' 37" N. lat.; 117° 52' 50" W. long.), vessels fishing for all federal groundfish species, except lingcod and all rockfish other than California scorpionfish, with hook&line and/or trap (or pot) gear may operate from shore to a seaward boundary line which approximates 50 fm.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

* * * * *

■ 4. On page 11222, in section IV., under C. Trip Limits in the Open Access Fishery, paragraph (1) is revised to read as follows:

IV. NMFS Actions

C. Trip Limits in the Open Access Fishery

(1) *General.* Open access gear is gear used to take and retain groundfish from a vessel that does not have a valid permit for the Pacific Coast groundfish fishery with an endorsement for the gear used to harvest the groundfish. This includes longline, trap, pot, hook-and-line (fixed or mobile), setnet and trammel net (south of 38° N. lat. only), and exempted trawl gear (trawls used to target non-groundfish species: pink shrimp or prawns, and, south of Pt. Arena, CA (38°57'30" N. lat.), CA halibut or sea cucumbers). Unless otherwise specified, a vessel operating in the open access fishery is subject to, and must not exceed any trip limit, frequency limit, and/or size limit for the open access fishery. Groundfish species taken in open access fisheries will be managed with cumulative trip limits (see paragraph IV.A.(1)(d)), size limits (see paragraph IV.A.(6)), seasons (see paragraph IV.A.(7)), and closed areas. Cowcod retention is prohibited in all

fisheries and groundfish vessels operating south of Point Conception must adhere to CCA restrictions (see paragraph IV.A.(19)). Retention of yelloweye rockfish and canary rockfish and, south of 40°10' N. lat., bocaccio is prohibited in all open access fisheries. The trip limits, size limits, seasons, and other management measures for open access groundfish gear, including exempted trawl gear, are listed in Table 5 (North) and Table 5 (South). A header in Table 5 (North) and Table 5 (South) approximates the RCA (i.e., closed area) for vessels participating in the open access fishery. [Note: Between a line drawn due south from Point Fermin (33°42' 30" N. lat.; 118°17' 30" W. long.) and a line drawn due west from the Newport South Jetty (33°35'37" N. lat.; 117°52'50" W. long.) vessels fishing for all Federal groundfish species, except lingcod and all rockfish other than California scorpionfish, with hook-and-line and/or trap (or pot) gear may operate from shore to a seaward boundary line which approximates 50 fm (91 m) in the months of July and August.] For vessels participating in exempted trawl fisheries, the RCAs are the same as those for limited entry trawl gear, except that pink shrimp and, north of 40°10' N. lat., prawn trawl are not subject to the RCA. Exempted trawl gear

RCAs are detailed in the exempted trawl gear sections at the bottom of Table 5 (North) and Table 5 (South). Retention of groundfish caught by exempted trawl gear is prohibited in the designated RCAs, except that pink shrimp trawl and, north of 40°10' N. lat., prawn trawl may retain groundfish caught both inside and outside the trawl RCA subject to the limits in Table 5 (North) and Table 5 (South). Retention of groundfish caught by salmon troll gear is prohibited in the designated RCAs, except that salmon trollers may retain yellowtail rockfish caught both inside and outside the non-trawl RCA subject to the limits in Table 5 (North). The trip limit at 50 CFR 660.323(a)(1) for black rockfish caught with hook-and-line gear also applies. (The black rockfish limit is repeated at paragraph IV.B.(4).)

* * * * *

■ 5. On page 11225, in section IV., under C. Trip Limits in the Open Access Fishery, at the end of paragraph (1), Table 5 (South) is revised to read as follows:

IV. NMFS Actions

C. Trip Limits in the Open Access Fishery

(1) * * *
* * * * *

Table 5 (South). 2003 Trip Limits for Open Access Gears South of 40°10' N. Latitude^{1/}

Other Limits and Requirements Apply -- Read Sections IV. A. and C. NMFS Actions before using this table

	JUL-AUG	SEP-OCT	NOV-DEC
Rockfish Conservation Area^{7/} (RCA):			
South of 40°10' N. lat.	20 fm - 150 fm (See footnote 8 for description of Pt. Fermin/Newport South Jetty open area)	20 fm - 150 fm	
1 Minor slope rockfish^{2/}			
2 40°10' - 38° N. lat.	Per trip, no more than 25% of weight of the sablefish landed		
3 South of 38° N. lat.	10,000 lb/ 2 months		
4 Splitnose	200 lb/ month		
5 Sablefish			
6 40°10' - 36° N. lat.	300 lb/ day, or 1 landing per week of up to 800 lb, not to exceed 3,200 lb/ 2 months		
7 South of 36° N. lat.	350 lb/ day, or 1 landing per week of up to 1,050 lb		
8 Thornyheads			
9 40°10' - 34°27' N. lat.	CLOSED ^{5/}		
10 South of 34°27' N. lat.	50 lb/ day, no more than 2,000 lb/ 2 months		
11 Dover sole	3,000 lb/month, no more than 300 lb of which may be species other than Pacific sanddabs. When fishing for Pacific sanddabs, vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 11 mm (0.44 inches) point to shank, and up to 1 lb of weight per line are not subject to the RCAs.		
12 Arrowtooth flounder			
13 Petrale sole			
14 Rex sole			
15 All other flatfish^{3/}			
16 Whiting	300 lb/ month		
17 Minor shelf rockfish, widow and chilipepper rockfish^{2/}	250 lb/ 2 months	200 lb/ 2 months	100 lb/ 2 months
18 Canary rockfish	CLOSED ^{5/}		
19 Yelloweye rockfish	CLOSED ^{5/}		
20 Cowcod	CLOSED ^{5/}		
21 Bocaccio	CLOSED ^{5/}		

Table 5 (South) continued

22	Minor nearshore rockfish			
23	Shallow nearshore	400 lb/ 2 months	300 lb/ 2 months	200 lb/ 2 months
24	Deeper nearshore	500 lb/ 2 months	300 lb/ 2 months	200 lb/ 2 months
25	California scorpionfish	800 lb/ 2 months	CLOSED ^{5/}	
26	Lingcod ^{4/}	300 lb/ month, when nearshore open		CLOSED ^{5/}
27	Other Fish ^{6/}	Not limited		
28	PINK SHRIMP EXEMPTED TRAWL GEAR (not subject to RCAs)			
29	South	<p>Effective April 1 - October 31, 2003: Groundfish 500 lb/day, multiplied by the number of days of the trip, not to exceed 1,500 lb/trip. The following sublimits also apply and are counted toward the overall 500 lb/day and 1,500 lb/trip groundfish limits: lingcod 300 lb/ month (minimum 24 inch size limit); sablefish 2,000 lb/ month; canary, thornyheads and yelloweye rockfish are PROHIBITED. All other groundfish species taken are managed under the overall 500 lb/day and 1,500 lb/trip groundfish limits. Landings of these species count toward the per day and per trip groundfish limits and do not have species-specific limits. The amount of groundfish landed may not exceed the amount of pink shrimp landed.</p>		
30	PRAWN AND, SOUTH OF 38°57'30" N. LAT., CALIFORNIA HALIBUT AND SEA CUCUMBER EXEMPTED TRAWL			
31	EXEMPTED TRAWL Rockfish Conservation Area^{7/} (RCA):			
32	40°10' - 38° N. lat.	60 fm - 200 fm		
33	38° - 34°27' N. lat.	60 fm - 200 fm		
34	South of 34°27' N. lat.	100 fm - 200 fm along the mainland coast; shoreline - 200 fm around islands		
35		<p>Groundfish 300 lb/trip. Trip limits in this table also apply and are counted toward the 300 lb groundfish per trip limit. The amount of groundfish landed may not exceed the amount of the target species landed, except that the amount of spiny dogfish landed may exceed the amount of target species landed. Spiny dogfish are limited by the 300 lb/trip overall groundfish limit. The daily trip limits for sablefish coastwide and thornyheads south of Pt. Conception and the overall groundfish "per trip" limit may not be multiplied by the number of days of the trip. Vessels participating in the California halibut fishery south of 38°57'30" N. lat. are allowed to (1) land up to 100 lb/day of groundfish without the ratio requirement, provided that at least one California halibut is landed and (2) land up to 3,000 lb/month of flatfish, no more than 300 lb of which may be species other than Pacific sanddabs, sand sole, starry flounder, rock sole, curlfin sole, or California scorpionfish (California scorpionfish is also subject to the trip limits and closures in line 25.)</p>		

Table 5 (South) continued

- 1/ "South" means 40°10' N. lat. to the U.S.-Mexico border. 40°10' N. lat. is about 20 nm south of Cape Mendocino, CA.
- 2/ Yellowtail rockfish is included in the trip limits for minor shelf rockfish and POP is included in the trip limits for minor slope rockfish.
- 3/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 5 with species specific management measures, including trip limits.
- 4/ The size limit for lingcod is 24 inches (61 cm) total length.
- 5/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV. A.(7).
- 6/ Other fish are defined at 50 CFR 660.302, as those groundfish species or species groups for which there is no trip limit, size limit, quota, or harvest guideline.
- 7/ The "Rockfish Conservation Area" is a gear and/or sector specific closed area generally described by depth contours, but specifically defined by lat./long. coordinates set out at IV. A.(19)(e), that may vary seasonally.
- 8/ During July-August, between a line drawn due south from Point Fermin (33° 42' 30" N. lat.; 118° 17' 30" W. long.) and a line drawn due west from the Newport South Jetty (33° 35' 37" N. lat.; 117° 52' 50" W. long.), vessels fishing for all federal groundfish species, except lingcod and all rockfish other than California scorpionfish, with hook&line and/or trap (or pot) gear may operate from shore to a seaward boundary line which approximates 50 fm.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

* * * * *

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

Dated: July 17, 2003.

Rebecca Lent,

Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.

[FR Doc. 03-18731 Filed 7-22-03; 8:45 am]

BILLING CODE 3510-22-C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 021122286-3036-02; I.D.
071803A]

Fisheries of the Exclusive Economic Zone off Alaska; Pelagic Shelf Rockfish in the West Yakutat District of the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed
fishing for pelagic shelf rockfish in the
West Yakutat District of the Gulf of
Alaska (GOA). This action is necessary
to prevent exceeding the 2003 total
allowable catch (TAC) of pelagic shelf
rockfish in this area.

DATES: Effective 1200 hrs, Alaska local
time (A.l.t.), July 20, 2003, through 2400
hrs, A.l.t., December 31, 2003.

FOR FURTHER INFORMATION CONTACT:
Mary Furuness, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS
manages the groundfish fishery in the
GOA exclusive economic zone
according to the Fishery Management
Plan for Groundfish of the Gulf of
Alaska (FMP) prepared by the North
Pacific Fishery Management Council
under authority of the Magnuson-
Stevens Fishery Conservation and
Management Act. Regulations governing
fishing by U.S. vessels in accordance
with the FMP appear at subpart H of 50
CFR part 600 and 50 CFR part 679.

The 2003 TAC of pelagic shelf
rockfish for the West Yakutat District
was established as 640 metric tons (mt)
by the final 2003 harvest specifications
for groundfish in the GOA (68 FR 9924,
March 3, 2003).

In accordance with § 679.20(d)(1)(i),
the Administrator, Alaska Region,
NMFS (Regional Administrator), has
determined that the 2003 TAC for
pelagic shelf rockfish in the West
Yakutat District will be reached.
Therefore, the Regional Administrator is
establishing a directed fishing
allowance of 630 mt, and is setting aside
the remaining 10 mt as bycatch to
support other anticipated groundfish
fisheries. In accordance with
§ 679.20(d)(1)(iii), the Regional
Administrator finds that this directed
fishing allowance will soon be reached.
Consequently, NMFS is prohibiting
directed fishing for pelagic shelf
rockfish in the West Yakutat District of
the GOA.

Classification

This action responds to the best
available information recently obtained
from the fishery. The Assistant
Administrator for Fisheries, NOAA
(AA), finds good cause to waive the
requirement to provide prior notice and
opportunity for public comment
pursuant to the authority set forth at 5
U.S.C. 553(b)(B) as such requirement is
contrary to the public interest. This
requirement is contrary to the public
interest as it would delay the closure of
the fishery, lead to exceeding the 2003
TAC for pelagic shelf rockfish in the
Western Yakutat District of the GOA,
and therefore reduce the public's ability
to use and enjoy the fishery resource.

The AA also finds good cause to
waive the 30-day delay in the effective
date of this action under 5 U.S.C.
553(d)(3). This finding is based upon
the reasons provided above for waiver of
prior notice and opportunity for public
comment.

This action is required by § 679.20
and is exempt from review under
Executive Order 12866.

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

Dated: July 18, 2003.

John H. Dunnigan

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

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