

action is necessary to implement the AFA consistent with statutory requirements, and is intended to do so in a manner consistent with the objectives of the Magnuson-Stevens Conservation and Management Act (Magnuson-Stevens Act) and other applicable laws.

DATES: The December 31, 2007, expiration date is removed from the rule published December 30, 2002, at 67 FR 79692, except for § 679.50, which still expires on December 31, 2007.

ADDRESSES: The Final Environmental Impact Statement/Regulatory Impact Review/Final Regulatory Flexibility Analysis (FEIS/RIR/FRFA) prepared for Amendments 61/61/13/8 is available in the NEPA section of the NMFS Alaska Region home page at <http://www.fakr.noaa.gov>. Paper copies may be obtained from the NMFS, Alaska Region, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Durall, 907-586-7247.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, NMFS, 907-586-7228 or patsy.bearden@noaa.gov.

SUPPLEMENTARY INFORMATION: The background regarding this action is detailed in the preamble to the proposed rule (68 FR 51147, August 25, 2003). This action is necessary to make the regulations implementing the AFA consistent with statutory requirements. The AFA implementing regulations were published on December 30, 2002 (67 FR 79692), became effective January 29, 2003, and were corrected on August 18, 2003 (68 FR 49374).

NMFS manages the groundfish fishery in the Gulf of Alaska (GOA) Exclusive Economic Zone in accordance with the Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMPs). The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson-Stevens Act. While the FMPs are implemented by regulations at 50 CFR part 679, general regulations pertaining to these fisheries are codified in subpart H of 50 CFR part 600.

The fisheries in the BSAI are subject to observer requirements under regulations at § 679.50. These observer requirements have an independent sunset date of December 31, 2007. The AFA implementing regulations (67 FR 79692, December 30, 2002) made changes to the observer regulations. While the DATES section to that action contained a reference to the sunset date for these observer requirements, the sunset date was mistakenly applied to

the entire final rule. This action corrects that error by stating that the phrase "effective through December 31, 2007" applies only to those paragraphs dealing with the observer program (*i.e.*, § 679.50), and that the other provisions in the final rule are effective indefinitely.

Comments and Responses

NMFS received one written comment on the proposed rule.

Comment. Any regulations promulgated by NMFS are not to be trusted because the fishery management councils that recommend regulatory changes to NMFS are composed of representatives who seek to enlarge their profits instead of being concerned about the overall health of marine life. NMFS should act in the best interests of the American people as a whole, and not only the commercial fishing public.

Response. The commenter's concerns are noted. However, the comment does not specifically address the purpose of this rule, which is to make an administrative change to an effective date as required by statute. Rather, the comment indicates a general mistrust for the fishery management process. This rule is not intended to make any substantive changes to the conservation and management of fishery stocks.

Classification

This final rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: February 4, 2004.

Rebecca Lent,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[I.D. 020204C]

Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program

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

ACTION: Notice of fishing season dates.

SUMMARY: NMFS is opening directed fishing for sablefish with fixed gear managed under the Individual Fishing Quota (IFQ) program. The season will open 1200 hrs, Alaska local time (A.l.t.), February 29, 2004, and will close 1200 hrs, A.l.t., November 15, 2004. This period is the same as the 2004 IFQ and Community Development Quota season for Pacific halibut adopted by the International Pacific Halibut Commission (IPHC). The IFQ halibut season is specified by a separate publication in the **Federal Register** of annual management measures pursuant to 50 CFR 300.62.

DATES: Effective 1200 hrs, A.l.t., February 29, 2004, until 1200 hrs, A.l.t., November 15, 2004.

FOR FURTHER INFORMATION CONTACT: Glenn Merrill, 907-586-7228.

SUPPLEMENTARY INFORMATION: Beginning in 1995, fishing for Pacific halibut (*Hippoglossus stenolepis*) and sablefish (*Anoplopoma fimbria*) with fixed gear in the IFQ regulatory areas defined in § 679.2 has been managed under the IFQ Program. The IFQ Program is a regulatory regime designed to promote the conservation and management of these fisheries and to further the objectives of the Magnuson-Stevens Fishery Conservation and Management Act and the Northern Pacific Halibut Act. Persons holding quota share receive an annual allocation of IFQ. Persons receiving an annual allocation of IFQ are authorized to harvest IFQ species within specified limitations. Further information on the implementation of the IFQ Program, and the rationale supporting it, are contained in the preamble to the final rule implementing the IFQ Program published in the **Federal Register**, November 9, 1993 (58 FR 59375) and subsequent amendments.

This announcement is consistent with § 679.23(g)(1), which requires that the directed fishing season for sablefish

managed under the IFQ program be specified by the Administrator, Alaska Region, and announced by publication in the **Federal Register**. This method of season announcement was selected to facilitate coordination between the sablefish season, chosen by the Administrator, Alaska Region, and the halibut season, chosen by the IPHC. The directed fishing season for sablefish with fixed gear managed under the IFQ program will open 1200 hrs, A.l.t., February 29, 2004, and will close 1200 hrs, A.l.t., November 15, 2004. This period runs concurrently with the IFQ season for Pacific halibut announced by the IPHC. The IFQ halibut season will be specified by a separate publication in the **Federal Register** of annual management measures pursuant to 50 CFR 300.62.

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 impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent the Agency from responding to the most recent fisheries data in a timely fashion and would delay the opening of the sablefish fishery thereby increasing bycatch and regulatory discards between the sablefish fishery and the halibut fishery, and preventing the accomplishment of

the management objective for simultaneous opening of these two fisheries.

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 § 679.23(g)(1) and is exempt from review under Executive Order 12866.

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

Dated: February 4, 2004.

Bruce C. Morehead,

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

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