

Air Transport Association (docket item no. 35). The criteria are that the carriers must make timely and proper fee payments, must submit any necessary revisions to their Appendix A submission(s), and must remit all adjusted fee payments retroactive to February 18, 2002.

By this document, TSA extends the period of time for which it will not seek to enforce the July 1, 2002, deadline for all carriers whose independent audits and adjusted fee payments are received by October 31, 2002. The previously stated conditions still apply. TSA is not waiving enforcement of any other requirements set forth in 49 U.S.C. 44940 or 49 CFR part 1511.

Issued in Washington, DC, on August 29, 2002.

J. M. Loy,

Acting Under Secretary of Transportation for Security.

[FR Doc. 02-22629 Filed 8-30-02; 3:51 pm]

BILLING CODE 4910-62-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 011231309-2090-03; I.D. 082702E]

Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Closure of Minor Nearshore Rockfish South of 40°10' N. lat.

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

ACTION: Fishing restrictions; request for comments.

SUMMARY: NMFS announces the closure of the nearshore rockfish south of 40°10' N. lat. at 0001 local time (l.t.) September 1, 2002, for both the open access and limited entry fixed gear groundfish fisheries. This closure is necessary because the commercial harvest guideline is projected to be reached. This action is intended to prevent overfishing of minor nearshore rockfish in 2002.

DATES: Effective from 0001 l.t. September 1, 2002, until the effective date of the 2003 specification and management measures for the Pacific Coast groundfish fishery which will be published in the Federal Register,

unless modified, superseded or rescinded. Comments will be accepted through September 19, 2002.

ADDRESSES: Submit comments to D. Robert Lohn, Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way NE., Seattle, WA 98115-0070; or Rod Mcinnis, Acting Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

FOR FURTHER INFORMATION CONTACT: Becky Renko at 206-526-6110.

SUPPLEMENTARY INFORMATION: This action is authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California. This action is a routine management measure under the FMP, and would normally be implemented after recommendation by the Pacific Fishery Management Council (Council) at a Council meeting. However, in this case, the next Council meeting will be too late to implement this action in time to prevent harvest of the September-October trip limits, and too late to obtain the conservation benefits of this action. Therefore, NMFS is taking this action before the Council meeting, relying upon information provided by the Council's Groundfish Management Team. NMFS will consult with the Council at its meeting in Portland, OR, September 9-13, 2002, and could further adjust the limits inseason, if necessary.

On March 7, 2002, the levels of allowable biological catch (ABC), and the optimum yield (OY) for the minor rockfish species south of 40°10' N. lat. were announced in the **Federal Register** (67 FR 10490). Minor rockfish south includes the "remaining rockfish" and "other rockfish" categories in the Monterey and Conception areas combined. "Remaining rockfish" generally includes species that have been assessed by less rigorous methods than stock assessments, and "other rockfish" which includes species that do not have quantifiable assessments. The minor rockfish south ABC (3,506 mt) is the sum of the individual "remaining rockfish" ABCs (854 mt) plus the "other rockfish" ABCs (2,652 mt). Due to limited stock assessment information, the ABC was reduced to obtain a more precautionary total catch OY of 2,015 mt. The remaining rockfish ABC was reduced by 25 percent, with the exception of black rockfish and

other rockfish, which were reduced by 50 percent.

Changes to the rockfish management structure in 2000 resulted in the minor rockfish being divided into 3 species groups (nearshore, shelf, slope) (January 4, 2000; 65 FR 221). For the area south of 40°10' N. lat., the 2002 minor rockfish OY was divided with 662 mt going to nearshore rockfish, 714 mt going to shelf rockfish and 639 mt going to slope rockfish. The resulting commercial harvest guideline for nearshore rockfish, the total catch OY minus the estimated recreational catch of 532 mt, is 130 mt. The commercial landed catch OY, minus 5 percent for discard mortality, is 124 mt.

July inseason changes to the limited fixed gear and open access trip limits south of 40°10' N. lat., closed many fisheries outside of the 20 fathom depth-contour (67 FR 44778, July 5, 2002). Effective July 1, 2002, minor nearshore rockfish was one of the species groups adjusted to remain closed outside of 20 fathoms through October. For the November-December cumulative limit period, minor nearshore rockfish was scheduled to close in all waters. The best available information on August 23, 2002, indicates that open access and limited entry commercial fisheries together have landed 139 mt through August 17, 2002, and that the 24 mt commercial landed catch harvest guideline is likely to be exceeded by August 31, 2002. Therefore, to reduce the likelihood of the fishery (commercial plus recreational) exceeding the minor nearshore rockfish OY and possibly the ABC for the area south of 40°10' N. lat., it is necessary to close the fishery for the remainder of 2002, beginning in September. This **Federal Register** notice announces that minor nearshore rockfish fishery south of 40°10' N. lat. will be closed for the limited entry fixed gear and open access fisheries as of September 1, 2002. The limited entry trawl fishery for minor nearshore rockfish fishery south of 40°10' N. lat. has been closed since July 1, 2002.

NMFS Action

For the reasons stated above, NMFS herein announces: 1. in section IV., under B. Trip Limits in the Limited Entry Fixed Gear Fishery, Table 4 is revised to read as follows:

BILLING CODE 3510-22-S

**Table 4. Trip Limits^{1/} for Limited Entry Fixed Gear
Other Limits and Requirements Apply -- Read Sections IV. A. and B. NMFS Actions before using this table**

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
**NOTE FOR FISHING SOUTH OF 40°10': ALL GROUND FISH FISHING IS CLOSED SEAWARD OF THE 20 FATHOM DEPTH CONTOUR, EXCEPT FOR SABLEFISH, THORNYHEADS, AND SLOPE ROCKFISH.							
1	Minor slope rockfish						
2	North	1,000 lb/ month		5,000 lb/ 2 months			2,000 lb/ 2 month
3	South						
4	40°10' - 36° N. lat.	25,000 lb/ 2 months		5,000 lb/ 2 months		1,800 lb/ 2 months	
5	South of 36° N. lat.			25,000 lb/ 2 months		15,000 lb/ 2 months	
6	Splitnose - South						
7	40°10' - 36° N. lat.	25,000 lb/ 2 months		5,000 lb/ 2 months		1,800 lb/ 2 months	
8	South of 36° N. lat.			25,000 lb/ 2 months		15,000 lb/ 2 months	
9	Pacific ocean perch - North ^{5/}	2,000 lb/ month		4,000 lb/ month		4,000 lb/ 2 months	
10	Sablefish						
11	North of 36° N. lat. ^{8/}	300 lb/ day, or 1 landing per week of up to 800 lb, not to exceed 2,400 lb/ 2 months					
12	South of 36° N. lat.	350 lb/ day, or 1 landing per week of up to 1,050 lb		300 lb/ day, or 1 landing per week of up to 900 lb			
13	Longspine thornyhead	9,000 lb/ 2 months					
14	Shortspine thornyhead	2,000 lb/ 2 months					
15	Dover sole						
16	Arrowtooth flounder						
17	Petrale sole						
18	Rex sole						
19	All other flatfish ^{2/}	5,000 lb/ month (all flatfish)			North of 40°10': 5,000 lb/ month (all flatfish). South of 40°10': Shoreward of 20 fth depth, 5,000 lb/month, otherwise CLOSED ^{4/}		
20	Whiting ^{3/}	20,000 lb/ trip					
21	Shelf rockfish, including minor shelf rockfish, widow and yellowtail rockfish ^{5/}						
22	North	200 lb/ month					
23	South						
24	40°10' - 34°27' N. lat.	200 lb/ month	CLOSED ^{4/}	Shoreward of 20 fth depth, 200 lb/ month, otherwise CLOSED ^{4/}	CLOSED ^{4/}		
25	South of 34°27' N. lat.	CLOSED ^{4/}	1,000 lb/ month				
26	Canary rockfish	CLOSED ^{4/}					
27	Yelloweye rockfish	CLOSED ^{4/}					
28	Cowcod	CLOSED ^{4/}					
29	Bocaccio - South ^{5/}						
30	40°10' - 34°27' N. lat.	200 lb/ month	CLOSED ^{4/}		CLOSED ^{4/}		
31	South of 34°27' N. lat.	CLOSED ^{4/}	200 lb/ month				
32	Chillipepper - South ^{5/}						
33	40°10' - 34°27' N. lat.	500 lb/ month	CLOSED ^{4/}		CLOSED ^{4/}		
34	South of 34°27' N. lat.	CLOSED ^{4/}	2,500 lb/ month				
35	Minor nearshore rockfish						
36	North	5,000 lb/ month, no more than 2,000 lb of which may be species other than black or blue rockfish ^{6/}		6,000 lb/ 2 months, no more than 3,000 lb of which may be species other than black or blue rockfish ^{6/}			
37	South						
38	40°10' - 34°27' N. lat.	1,600 lb/ 2 months	CLOSED ^{4/}	Shoreward of 20 fth depth, 1,600 lb/ 2 months, otherwise CLOSED ^{4/}		CLOSED ^{4/}	
39	South of 34°27' N. lat.	CLOSED ^{4/}	2,000 lb/ 2 months		Shoreward of 20 fth depth, 2,000 lb/ 2 months, otherwise CLOSED ^{4/}		CLOSED ^{4/}
40	Lingcod ^{7/}						
41	North	CLOSED ^{4/}			400 lb/ month		CLOSED ^{4/}
42	South						
43	40°10' - 34°27' N. lat.	CLOSED ^{4/}		Shoreward of 20 fth depth, 400 lb/ month, otherwise CLOSED ^{4/}	Shoreward of 20 fth depth, 400 lb/ month, otherwise CLOSED ^{4/}		CLOSED ^{4/}
44	South of 34°27' N. lat.			400 lb/ month			

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. to the U.S.-Canada border. "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 inside 100 fm is 10,000 lb/ trip throughout the year. Outside Eureka area, the 20,000 lb/ trip limit applies.

4/ 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).

5/ Yellowtail rockfish and widow rockfish coastwide and bocaccio and chillipepper rockfishes in the north are included in the trip limits for shelf rockfish in the appropriate area. POP in the south and splitnose rockfish in the north are included in the trip limits for minor slope rockfish in the appropriate area.

6/ For black rockfish north of Cape Alava (48°09'30" N.lat.), and between Destruction Island (47°40'00" N.lat.) and Leadbetter Point (46°38'10" N.lat.), there is an additional limit of 100 lbs or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.

7/ The minimum size limit for lingcod is 24 inches (61 cm) total length.

8/ The minimum size requirement for sablefish is 22 inches (56 cm) total length between 40°10' N. lat. and 36° N. lat.

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

2. in section IV., under C. Trip Limits in the Open Access Fishery, Table 5 is revised to read as follows:

Table 5. Trip Limits^{1/} for Open Access Gears
Other Limits and Requirements Apply – Read Sections IV. A. and C. NMFS Actions before using this table
Exceptions for exempted gears at Section IV.C.

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
**NOTE FOR FISHING SOUTH OF 40°10': ALL GROUND FISH FISHING IS CLOSED SEAWARD OF THE 20 FATHOM DEPTH CONTOUR, EXCEPT SABLEFISH AND SLOPE ROCKFISH.							
** NOTE: EFFECTIVE JULY 1, 2002, THERE IS NO RETENTION OF GROUND FISH WITH EXEMPTED TRAWL GEAR.							
1	Minor slope rockfish	Per trip, no more than 25% of weight of the sablefish landed					
2	North						
3	South						
4	40°10' - 36° N. lat.	10,000 lb/ 2 months		5,000 lb/ 2 months		1,800 lb/ 2 months	
5	South of 36° N. lat.			10,000 lb/ 2 months			
6	Splitnose - South	200 lb/ month					
7	Pacific ocean perch - North ^{4/}	100 lb/ month					
8	Sablefish						
9	North of 36° N. lat. ^{7/}	300 lb/ day, or 1 landing per week of up to 800 lb, not to exceed 2,400 lb/ 2 months					
10	South of 36° N. lat.	350 lb/ day, or 1 landing per week of up to 1,050 lb				300 lb/ day, or 1 landing per week of up to 900 lb	
11	Thornyheads						
12	North of 34° 27' N. lat.	CLOSED ^{3/}					
13	South of 34° 27' N. lat.	50 lb/ day, no more than 2,000 lb/ 2 months					
14	Dover sole	3,000 lb/ month, no more than 300 lb of which may be species other than Pacific sanddabs					
15	Arrowtooth flounder						
16	Petrale sole						
17	Rex sole						
18	All other flatfish ^{2/}						
19	Whiting	300 lb/ month					
20	Shelf rockfish, including minor shelf rockfish, widow and yellowtail rockfish ^{4/}	200 lb/ month					
21	North						
22	South						
23	40°10' - 34°27' N. lat.	200 lb/ month	CLOSED ^{3/}	Shoreward of 20 fth depth, 200 lb/ month, otherwise CLOSED ^{3/}			CLOSED ^{3/}
24	South of 34°27' N. lat.	CLOSED ^{3/}		500 lb/ month			
25	Canary rockfish	CLOSED ^{3/}					
26	Yelloweye rockfish	CLOSED ^{3/}					
27	Cowcod	CLOSED ^{3/}					
28	Bocaccio - South ^{4/}						
29	40°10' - 34°27' N. lat.	200 lb/ month		CLOSED ^{3/}			CLOSED ^{3/}
30	South of 34°27' N. lat.	CLOSED ^{3/}		200 lb/ month			
31	Chilipepper - South ^{4/}						
32	40°10' - 34°27' N. lat.	500 lb/ month		CLOSED ^{3/}			CLOSED ^{3/}
33	South of 34°27' N. lat.	CLOSED ^{3/}		2,500 lb/ month			
34	Minor nearshore rockfish						
35	North	3,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black or blue rockfish ^{5/}				6,000 lb/ 2 months, no more than 3,000 lb of which may be species other than black or blue rockfish ^{5/}	
36	South						
37	40°10' - 34°27' N. lat.	1,200 lb/ 2 months	CLOSED ^{3/}	Shoreward of 20 fth depth, 1,200 lb/ 2 months, otherwise CLOSED ^{3/}	Shoreward of 20 fth depth, 1,200 lb/ 2 months, otherwise CLOSED ^{3/}		CLOSED ^{3/}
38	South of 34°27' N. lat.	CLOSED ^{3/}		1,200 lb/ 2 months			
39	Lingcod ^{6/}						
40	North	CLOSED ^{3/}					
41	South	300 lb/ month					
42	40°10' - 34°27' N. lat.	CLOSED ^{3/}		Shoreward of 20 fth depth, 300 lb/ month, otherwise CLOSED ^{3/}	Shoreward of 20 fth depth, 300 lb/ month, otherwise CLOSED ^{3/}		CLOSED ^{3/}
43	South of 34°27' N. lat.			300 lb/ month			

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. to the U.S.-Canada border. "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 5 with species specific management measures, including trip limits.

3/ 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).

4/ Yellowtail rockfish in the south and bocaccio and chilipepper rockfishes in the north are included in the trip limits for minor shelf rockfish

in the appropriate area. Pop in the south and splitnose rockfish in the north are included in the trip limits for minor slope rockfish in the appropriate area.

5/ For black rockfish north of Cape Alava (48°09'30" N.lat.), and between Destruction Island (47°40'00" N.lat.) and Leadbetter Point (46°38'10" N.lat.), there is an additional limit of 100 lbs or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.

6/ The size limit for lingcod is 24 inches (61 cm) total length.

7/ The minimum size requirement for sablefish is 22 inches (56 cm) total length between 40°10' N. lat. and 36° N. lat.

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

BILLING CODE 3510-22-C

Classification

This action is authorized by the Pacific Coast Groundfish FMP and its implementing regulations, and is based

on the most recent data available. The aggregate data upon which this action is based is available for public inspection at the Office of the Administrator,

Northwest Region, NMFS, (see ADDRESSES) during business hours.

The Assistant Administrator for Fisheries, NMFS, finds good cause to waive the requirement to provide prior

notice and opportunity for public comment on this action pursuant to 5 U.S.C. 553(b)(B), because providing prior notice and opportunity for comment would be impracticable. It would be impracticable because the next 2-month cumulative trip limit period for the Pacific Coast groundfish fishery begins September 1, 2002, and affording prior notice and opportunity for public comment would impede the agency's function of managing fisheries to remain within the OY. The closure for minor nearshore rockfish in this document is a reduction from the status quo and must be implemented immediately to prevent the harvest of minor nearshore rockfish from exceeding its OY for 2002. Delaying implementation of this closure past September 1, 2002, would allow fishers to harvest the higher trip limits that were previously scheduled for the September-October 2-month cumulative period and may cause the catch of minor nearshore rockfish to exceed its OY. For these reasons, good cause also exists to waive the 30-day delay in effectiveness requirement of 5 U.S.C. 553 (d)(3). This action is taken under the authority of 50 CFR 660.323(b)(1) and is exempt from review under Executive Order 12866.

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

Dated: August 29, 2002.

Virginia M. Fay,

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

[FR Doc. 02-22523 Filed 8-29-02; 4:09 pm]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 020412086-2194-02; I.D. 010202C]

RIN 0648-AJ08

Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagics Fisheries; Pacific Remote Island Areas; Permit and Reporting Requirements for the Pelagic Troll and Handline Fishery

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule that establishes Federal permit and reporting requirements for any U.S. fishing vessel

that uses troll or handline fishing gear to harvest pelagic management unit species in waters of the U.S. exclusive economic zone (U.S. EEZ) around Howland Island, Baker Island, Jarvis Island, Johnston Atoll, Kingman Reef, Palmyra Atoll, Wake Island and Midway Atoll. These islands are referred to as the Pacific remote island areas (PRIA). The intent of this rule is to monitor participation in the fishery, collect fish catch and fishing effort data (including bycatch data), and obtain information on interactions between fishing gear and protected species. This would enable management decisions for this fishery to be based on the best scientific information available.

DATES: This final rule is effective October 4, 2002.

ADDRESSES: Copies of a Final Environmental Impact Statement for the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (FEIS) and the Record of Decision (ROD) for this FEIS are available from Dr. Charles Karnella, Administrator, NMFS, Pacific Islands Area Office (PIAO), 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814-4700. See also <http://swr.nmfs.noaa.gov> to view the FEIS and ROD.

Copies of the regulatory impact review prepared for this action may be obtained from Ms. Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, Suite 1400, Honolulu, HI 96813.

Send comments on the reporting burden estimate or other aspect of the collection-of-information requirements in this final rule to NMFS, PIAO and to the Office of Management and Budget (OMB) at the Office of Information and Regulatory Affairs, OMB, Washington, DC 20503 (Attn: NOAA Desk Officer). Comments will not be accepted if submitted via e-mail or the internet.

FOR FURTHER INFORMATION CONTACT: Alvin Katekaru, PIAO, 808-973-2937.

SUPPLEMENTARY INFORMATION: The collection and analysis of reliable data are needed to assess the status and health of fishery stocks, evaluate the effectiveness of management measures, determine the need for changes in the management regime, prevent overfishing, determine and minimize bycatch, document protected species interactions with fishing gear, and assess the potential impact of fishery interactions. Other than for vessels registered for use with Federal Hawaii longline limited access permits or with Federal Western Pacific longline general permits, there are no specific regulations under the Fishery Management Plan for Pelagic Fisheries

of the Western Pacific Region (FMP) applicable to vessels targeting pelagic species in the U.S. EEZ waters around the PRIA. The PRIA or "U.S. island possessions in the Pacific" are the distant and mostly uninhabited U.S. islands in the central and western Pacific Ocean consisting of Howland Island, Baker Island, Jarvis Island, Wake Island, Kingman Reef, Johnston Atoll, Palmyra Atoll, and Midway Atoll. Midway Atoll, although located in the Northwestern Hawaiian Islands, is not part of the State of Hawaii and is treated as one of the PRIA.

In recent years, several troll and handline fishing vessels from Hawaii have targeted pelagic fish stocks off Palmyra Atoll and Kingman Reef. This expansion of troll and handline fishing activity beyond the Hawaiian Archipelago to the U.S. EEZ around certain PRIA created the need to put reporting procedures in place in order to collect catch and bycatch data for these fisheries. The establishment of a permit requirement for the PRIA pelagic troll/handline fishery serves to identify actual or potential participants in the fishery. This is an "open access" fishery, meaning any U.S. vessel is eligible to receive a permit.

The Council recommended the establishment of a reporting requirement for all vessel operators who participate in the PRIA pelagic troll/handline fishery, except at Midway Atoll. They are required to use a new NMFS fish catch and effort reporting form created especially for the PRIA. At Midway Atoll, troll/handline vessel operators (i.e., charter boat captains), who operate under the Midway Atoll National Wildlife Refuge program, administered by the U.S. Fish and Wildlife Service (USFWS), must continue to report their catch and effort data on existing fish catch reporting forms provided by the USFWS. NMFS and USFWS will coordinate their efforts to obtain the necessary data from fishermen at Midway Atoll and avoid duplication of reporting regimes.

This rule requires vessel operators, except operators of vessels operating in the U.S. EEZ around Midway Atoll, to submit their catch reports to NMFS within 10 days after the completion of each fishing trip to the U.S. EEZ around the PRIA. The 10-day requirement is to allow vessels to make fish landings at Palmyra Atoll and to potentially conduct another fishing trip enroute to the vessel's homeport. By landing at Palmyra Atoll, these vessels need not return to their home ports between trips, and, in that case, the prompt transmittal of catch reports to NMFS would be infeasible. For this reason NMFS allows