

notice and comment procedures when they are unnecessary or contrary to the public interest. MARAD finds that under 5 U.S.C. 553(b)(3)(B) good cause exists for not providing notice and comment since this interim final rule only changes the service obligation reporting date of graduates to March 31 following graduation and thereafter for six (6) consecutive years for a total of seven (7) reports. The USNR/MMR also requires a March 31 reporting date for its service obligation reports. Additionally, we find good cause under 5 U.S.C. 553(d) to make this interim final rule effective upon publication because this rule is noncontroversial and allows timely and efficient reporting criteria. An immediate effective date of this final rule will provide USMMA and State maritime academy SIP graduates with equal reporting dates irrespective of graduation date. However, MARAD will accept comments as indicated in the Comments section above.

#### *Regulatory Flexibility Act*

MARAD certifies that this interim final rule will not have a significant economic impact on a substantial number of small entities. This interim final rule only changes the service obligation reporting date for graduates to March 31 following graduation and for six (6) consecutive years thereafter. Only individuals and not businesses are affected by this interim final rule.

#### *Federalism*

We have analyzed this interim final rule in accordance with the principles and criteria contained in Executive Order 13132 (Federalism) and have determined that it does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. These regulations have no substantial effects on the States, or on the current Federal-State relationship, or on the current distribution of power and responsibilities among the various local officials. Therefore, consultation with State and local officials is not necessary.

#### *Executive Order 13175*

MARAD does not believe that this interim final rule will significantly or uniquely affect the communities of Indian tribal governments when analyzed under the principles and criteria contained in Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments). Therefore, the funding and consultation requirements of this Executive Order do not apply.

#### *Environmental Impact Statement*

We have analyzed this interim final rule for purposes of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and have concluded that under the categorical exclusions in section 4.05 of Maritime Administrative Order (MAO) 600-1, "Procedures for Considering Environmental Impacts," 50 FR 11606 (March 22, 1985), the preparation of an Environmental Assessment, and an Environmental Impact Statement, or a Finding of No Significant Impact for this interim final rule is not required. This interim final rule involves administrative and procedural regulations that have no environmental impact.

#### *Unfunded Mandates Reform Act of 1995*

This interim final rule does not impose an unfunded mandate under the Unfunded Mandates Reform Act of 1995. It does not result in costs of \$100 million or more, in the aggregate, to any of the following: State, local, or Native American tribal governments, or the private sector. This interim final rule is the least burdensome alternative that achieves the objective of the rule.

#### *Paperwork Reduction Act*

This interim final rule contains information collection requirements covered by the Office of Management and Budget approval number 2133-0509.

#### **List of Subjects in 46 CFR Part 310**

Grant programs-education, Reporting and recordkeeping requirements, Schools, Seamen.

■ Accordingly, for the reasons discussed in the preamble, 46 CFR part 310, is amended as follows:

#### **PART 310—[AMENDED]**

■ 1. The authority citation for part 310 continues to read as follows:

**Authority:** 46 App. U.S.C. 1295; 49 CFR 1.66.

■ 2. In § 310.58, paragraph (d) is revised to read as follows:

#### **§ 310.58 Service obligation for students enrolled after April 2, 1982.**

\* \* \* \* \*

(d) Reporting requirements. (1) Each graduate must submit a service obligation report form on March 31 following graduation and six (6) consecutive years thereafter. Each graduate will file a total of seven (7) reports in order to give information on all six (6) years of service obligation. Graduates are encouraged to submit the

service obligation report to MARAD using the web-based Internet system at <https://mscs.marad.dot.gov>. You may also continue to mail the service obligation report to: Compliance Specialist, Maritime Administration, Office of Policy and Plans, Room 7123, 400 7th St., SW., Washington, DC 20590.

(i) *Example 1:* Midshipman/cadet graduates on June 30, 2004. His first reporting date is March 31, 2005 and thereafter on March 31 for six (6) consecutive years for a total of seven (7) reports.

(ii) *Example 2:* Midshipman/cadet has a deferred graduation to November 30, 2004. His first reporting date is March 31, 2005 and thereafter for six (6) consecutive years for a total of seven (7) reports.

(iii) *Example 3:* Midshipman/cadet graduated in June 2002 and has already begun his service obligation reporting. His reports are now due on March 31 of each reporting year.

(2) The Maritime Administration will provide reporting forms upon request. However, non-receipt of such form will not exempt a graduate from submitting service obligation information as required by this paragraph. Graduates are encouraged to submit their service obligation reports electronically at <https://mscs.marad.dot.gov>. The reporting form has been approved by the Office of Management and Budget (2133-0509).

\* \* \* \* \*

Dated: February 26, 2004.

By Order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

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#### **DEPARTMENT OF COMMERCE**

#### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 216**

[Docket No. 040223066-4066-01; I.D. 012204D]

**RIN 0648-AR94**

#### **Taking of Marine Mammals Incidental to Commercial Fishing Operations; Authorization for Commercial Fisheries; Correction**

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

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

**SUMMARY:** The purpose of this document is to correct unintended errors in definitions contained in the Code of Federal Regulations.

**DATES:** Effective March 2, 2004.

**FOR FURTHER INFORMATION CONTACT:** Patricia Lawson, NMFS, Office of Protected Resources, 301-713-2322.

**SUPPLEMENTARY INFORMATION:**

### Background

The definitions that are the subject of this correction are part of the regulations that implement the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), which, among other things, restricts the taking, possession, transportation, selling, offering for sale, and importing of marine mammals. The definition of "Marine mammal" in 50 CFR 216.3 provides that the term means specimens and any part thereof of animals of certain orders, including "Cetacea (whales and porpoises)." To avoid confusion, Dolphins should be included in the parenthesis as a general type of animals in the order Cetacea. The definition of "Regional Director" in 50 CFR 216.3 refers only to the Director of the Southwest Region of NMFS, although it should refer to Regional Administrator for any regional office of NMFS.

### Corrections

This document corrects unintended errors in 50 CFR 216.3. The definition of "Marine mammal" is amended to expressly clarify that dolphins are a type of marine mammal in the Order Cetacea and the definition of "Regional Director" is amended to provide that the term includes the Regional Administrator for any regional office of NMFS rather than just the Director of the Southwest Region.

### Classification

The Assistant Administrator for Fisheries, National Marine Fisheries Service (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. Prior notice and opportunity for comment are unnecessary because this amendment merely corrects and clarifies the subject definitions and will have a de minimis effect, if any, on the regulated community. These corrections do not increase the scope of the regulated community nor add new requirements.

In addition, because this rule corrects and clarifies provisions and makes non-substantive or de minimis changes to the regulations, the AA finds good cause under 5 U.S.C. 553(d) not to delay the effective date for 30 days.

Because a general notice of proposed rulemaking is not required under 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

### List of Subjects in 50 CFR Part 216

Exports, Fish, Imports, Indians, Labeling, Marine mammals, Penalties, Reporting and recordkeeping requirements, Seafood, Transportation.

Dated: February 26, 2004.

**William T. Hogarth,**

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

■ For the reason set out in the preamble, 50 CFR part 216 is amended as follows:

### PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

■ 1. The authority citation for part 216 continues to read as follows:

**Authority:** 16 U.S.C. 1361 *et seq.*, unless otherwise noted.

■ 2. In § 216.3, the definitions of "Marine mammal" and "Regional Director" are revised to read as follows:

#### § 216.3 Definitions.

\* \* \* \* \*

*Marine mammal* means those specimens of the following orders, which are morphologically adapted to the marine environment, and whether alive or dead, and any part thereof, including but not limited to, any raw, dressed or dyed fur or skin: Cetacea (whales, dolphins, and porpoises) and Pinnipedia, other than walrus (seals and sea lions).

\* \* \* \* \*

*Regional Director* means the Regional Administrator, Northeast Regional Office, NMFS, One Blackburn Drive, Gloucester, MA 01930; or Regional Administrator, Northwest Regional Office, NMFS, 7600 Sandpoint Way, N.E., Building 1, Seattle, WA 98115; or Regional Administrator, Southeast Regional Office, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702; or Regional Administrator, Southwest Regional Office, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802; or Regional Administrator, Pacific Islands Regional Office, NMFS, 1601 Kapiolani Boulevard, Suite 1110, Honolulu, HI 96814; or Regional Administrator,

Alaska Regional Office, NMFS, PO Box 21668, Juneau, AK 99802.

\* \* \* \* \*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 229

**[Docket No. 030221039-4072-06; I.D. 022004A]**

### Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan (ALWTRP)

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

**ACTION:** Temporary rule.

**SUMMARY:** The Assistant Administrator for Fisheries (AA), NOAA, announces temporary restrictions consistent with the requirements of the ALWTRP's implementing regulations. These regulations make changes to the area for restrictions that were provided in a temporary rule published in the **Federal Register** on February 25, 2004, and apply to lobster trap/pot and anchored gillnet fishermen in an area totaling approximately 1,896 square nautical miles (nm<sup>2</sup>) in February, and 1,580 nm<sup>2</sup> (5,419 km<sup>2</sup>) in March, east of Portsmouth, NH, for 15 days. The purpose of this action is to provide protection to an aggregation of North Atlantic right whales (right whales).

**DATES:** Effective beginning at 0001 hours March 1, 2004, through 2400 hours March 12, 2004.

**ADDRESSES:** Copies of the proposed and final Dynamic Area Management rules, Environmental Assessments (EAs), Atlantic Large Whale Take Reduction Team (ALWTRT) meeting summaries, and progress reports on implementation of the ALWTRP may also be obtained by writing Diane Borggaard, NMFS/Northeast Region, One Blackburn Drive, Gloucester, MA 01930.

**FOR FURTHER INFORMATION CONTACT:** Diane Borggaard, NMFS/Northeast Region, 978-281-9328 x6503; or Kristy Long, NMFS, Office of Protected Resources, 301-713-1401.

**SUPPLEMENTARY INFORMATION:**

#### Electronic Access

Several of the background documents for the ALWTRP and the take reduction