

(12) *Sanctions and denials of a commercial vessel permit.* A commercial vessel permit issued pursuant to this section may be revoked, suspended, or modified, and a permit application may be denied, in accordance with the procedures governing enforcement-related permit sanctions and denials found at subpart D of 15 CFR part 904.

(13) *Alteration of a commercial vessel permit.* A commercial vessel permit that is altered, erased, or mutilated is invalid.

(14) *Replacement of a commercial vessel permit.* A replacement permit may be issued. An application for a replacement permit is not considered a new application.

(15) *Fees.* A fee is charged for each application for initial issuance or renewal of a permit, for each request for replacement of such permit, and for each trap tag as required under this section. The amount of each fee is calculated in accordance with the procedures of the NOAA Finance Handbook, available from the RA, for determining the administrative costs of each special product or service. The fee may not exceed such costs and is specified with each application form. The appropriate fee must accompany each application, request for replacement, or request for trap tags.

(b) *Issuance of a trap certificate and annual trap tags.* The RA will issue a trap certificate and annual trap tags to each person who has been issued a Federal commercial vessel permit for stone crab. The number of trap tags issued will be determined, based upon the documentation of landings submitted consistent with § 654.4(a)(1), (2) and (3), by dividing that person's highest landings of stone crab claws during any one of the fishing seasons for 1995/1996, 1996/1997, or 1997/1998 by 5 lb (2.27 kg).

5. In § 654.6, introductory text is added and paragraphs (a) and (b) are revised to read as follows:

#### **§ 654.6 Vessel and gear identification.**

An owner or operator of a vessel for which a valid Federal commercial vessel permit for stone crab has been issued must comply with the vessel and gear identification requirements of this section. An owner or operator of a vessel in the management area who is in compliance with the stone crab trap limitation program and vessel and gear marking requirements implemented by the FFWCC is exempt from the requirements of this section.

(a) *Vessel identification.* An owner or operator of a vessel for which a valid

Federal commercial vessel permit for stone crab has been issued must—

(1) *Display the vessel's official number—*(i) On the port and starboard sides of the deckhouse or hull and, for vessels over 25 ft (7.6 m) long, on an appropriate weather deck, so as to be clearly visible from an enforcement vessel or aircraft.

(ii) In block arabic numerals permanently affixed to or painted on the vessel in contrasting color to the background.

(iii) At least 18 inches (45.7 cm) in height for vessels over 65 ft (19.8 m) long; at least 10 inches (25.4 cm) in height for vessels over 25 ft (7.6 m) long; and at least 3 inches (7.6 cm) in height for vessels 25 ft (7.6 m) long or less.

(2) *Display the color code assigned by the RA—*(i) On the port and starboard sides of the deckhouse or hull and, for vessels over 25 ft (7.6 m) long, on an appropriate weather deck, so as to be clearly visible from an enforcement vessel or aircraft.

(ii) In the form of a circle permanently affixed to or painted on the vessel.

(iii) At least 18 inches (45.7 cm) in diameter for vessels over 65 ft (19.8 m) long; at least 10 inches (25.4 cm) in diameter for vessels over 25 ft (7.6 m) long; and at least 3 inches (7.6 cm) in diameter for vessels 25 ft (7.6 m) long or less.

(3) Keep the official number and the color code clearly legible and in good repair and ensure that no part of the fishing vessel, its rigging, fishing gear, or any other material on board obstructs the view of the official number or the color code from an enforcement vessel or aircraft.

(b) *Gear identification—*(1) *Traps.* A stone crab trap used by or possessed on board a vessel with a Federal commercial vessel permit for stone crab must have a valid annual trap tag issued by the RA attached.

(2) *Trap buoys.* A buoy must be attached to each stone crab trap or at each end of a string of traps. Each buoy must display the official number and the color code assigned by the RA so as to be easily distinguished, located, and identified.

(3) *Presumption of trap ownership.* A stone crab trap will be presumed to be the property of the most recently documented owner. This presumption will not apply to traps that are lost if the owner reports the loss within 15 days to the RA.

(4) *Unmarked traps or buoys.* An unmarked stone crab trap or a buoy deployed in the EEZ where such trap or buoy is required to be marked is illegal and may be disposed of in any

appropriate manner by the Assistant Administrator or an authorized officer.

6. In § 654.7, paragraphs (a) and (g) are revised and paragraphs (p) and (q) are added to read as follows:

#### **§ 654.7 Prohibitions.**

\* \* \* \* \*

(a) Falsify or fail to display and maintain vessel and gear identification, as required by § 654.6.

\* \* \* \* \*

(g) Use or possess in the management area a stone crab trap that does not comply with the trap construction requirements as specified in § 654.22(a).

\* \* \* \* \*

(p) Except for a person who is in compliance with the FFWCC stone crab trap limitation program, possess or use a stone crab trap, possess more than 1 gallon (4.5 L) of stone crab claws, or sell stone crab claws in or from the management area without a commercial vessel permit as specified in § 654.4(a).

(q) Falsify information on an application for a commercial vessel permit or submitted in support of such application as specified in § 654.4(a)(1) or (2).

7. Section 654.8 is revised to read as follows:

#### **§ 654.8 Facilitation of enforcement.**

See § 600.730 of this chapter.

8. Section 654.9 is revised to read as follows:

#### **§ 654.9 Penalties.**

See § 600.735 of this chapter.

#### **§§ 654.1, 654.2, 654.7 [Amended]**

9. In 50 CFR part 654 remove the words "Magnuson Act" and add in their place, the words, "Magnuson-Stevens Act" in the following places:

(a) Section 654.1(a);

(b) Section 654.2 introductory text; and

(c) Section 654.7(n).

#### **§§ 654.20, 654.25, 654.26, 654.27 [Amended]**

10. In 50 CFR part 654 remove the words "Regional Director" and add in their place, the words, "Regional Administrator" in the following places:

(a) Section 654.20(b)(2)(i);

(b) Section 654.25(b);

(c) Section 654.26; and (d) Section 654.27.

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## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 660

[Docket No. 000622191-2104-02; I.D. 041700D]

RIN 0648-AO35

**Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Measures to Reduce the Incidental Catch of Seabirds in the Hawaii Pelagic Longline Fishery; Correction**

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

**ACTION:** Correction to announcement of effectiveness of a collection-of-information requirement.

**SUMMARY:** This document contains a correction to a document that announced the effective date of a collection-of-information requirement that was published on September 10, 2002.

**DATES:** Effective October 10, 2002.

**FOR FURTHER INFORMATION CONTACT:** Alvin Z. Katekaru, Pacific Islands Area Office, NMFS, 808-973-2937.

**SUPPLEMENTARY INFORMATION:****Background**

The document announcing the effectiveness of a collection-of-information requirement for participants in the Hawaii-based longline limited access fishery, whereby in the event an endangered short-tailed albatross is accidentally hooked or entangled during fishing operations, NMFS or the U.S. Coast Guard or U.S. Fish and Wildlife Service must be notified immediately, was published in the **Federal Register** on September 10, 2002 (67 FR 57346). The document contained an incorrect effective date.

**Correction**

In the rule FR Doc. 02-22924, in the issue of Tuesday, September 10, 2002 (67 FR 57346), on page 57346, at the end of the last paragraph in the third column, change "September 30, 2002" to "October 10, 2002".

Dated: September 27, 2002.

**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 660

[Docket No. 020628163-2221-02; 061302B]

RIN 0648-AP43

**Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues a regulation to implement the annual harvest guideline for Pacific mackerel in the U.S. exclusive economic zone off the Pacific coast. The Coastal Pelagic Species (CPS) Fishery Management Plan (FMP) and its implementing regulations require NMFS to set an annual harvest guideline for Pacific mackerel based on the formula in the FMP. The intended effect of this action is to conserve Pacific mackerel off the Pacific coast.

**DATES:** Effective November 4, 2002, until the 2003 annual specifications are effective, unless modified, superseded, or rescinded through a publication in the **Federal Register**.

**ADDRESSES:** The report Stock Assessment of Pacific Mackerel with Recommendations for the 2002-2003 Management Season may be obtained from Rodney R. McInnis, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802.

**FOR FURTHER INFORMATION CONTACT:** James J. Morgan, Southwest Region, NMFS, (562) 980-4036.

**SUPPLEMENTARY INFORMATION:** The FMP, which was implemented by publication of a final rule in the **Federal Register** on December 15, 1999 (64 FR 69888), divides management unit species into the categories of actively managed and monitored. Harvest guidelines of actively managed species (Pacific sardine and Pacific mackerel) are based on formulas applied to current biomass estimates. Biomass estimates are not calculated for species that are only monitored (jack mackerel, northern anchovy, and market squid).

At a public meeting each year, the biomass for each actively managed species is reviewed by the Pacific Fishery Management Council's (Council) CPS Management Team

(Team). The biomass, harvest guideline, and status of the fisheries are then reviewed at a public meeting of the Council's CPS Advisory Subpanel (Subpanel). This information is also reviewed by the Council's Scientific and Statistical Committee (SSC). The Council reviews reports from the Team, Subpanel, and SSC, and then, after providing time for public comment, makes its recommendation to NMFS. The annual harvest guideline and season structure is published by NMFS in the **Federal Register** as soon as practicable before the beginning of the appropriate fishing season. The Pacific mackerel season begins on July 1 of each year and ends on June 30 the following year.

A public meeting of the Team took place at the Southwest Fisheries Science Center in La Jolla, California, on May 29, 2002 (67 FR 34434, May 14, 2002), where the biomass estimate and harvest guideline were reviewed. Based on the Team's review, a proposed rule was published on July 11, 2002 (67 FR 45952), soliciting public comment on a harvest guideline of 12,456 metric tons (mt) based on a biomass estimate of 77,516 mt. Public comment was also requested on how the season might be structured to minimize the impact of a low mackerel harvest on the harvest of other CPS. The public comment period ended on July 26, 2002. No comments were received.

The SSC and Subpanel meetings occurred in conjunction with the June 17-21, 2002, Council meeting in Foster City, California. During the Subpanel meeting, the Team calculated a revised biomass estimate by updating estimates of fishing mortality obtained since the Team meeting on May 29, 2002. A revised biomass of 77,892 mt and a revised harvest guideline of 12,535 mt was presented to the Subpanel.

The Subpanel reviewed the experience of the fishing industry during the 2001/2002 fishing season to develop a strategy for the 2002/2003 fishing season. With the goal of minimizing bycatch, which would likely occur if the Pacific mackerel season were closed and mackerel were mixed in schools of Pacific sardine, the Subpanel recommended a directed fishery of 9,500 mt, with 3,035 mt held in reserve. This would allow for an incidental harvest of mackerel in the sardine fishery. When 9,500 mt was landed, 40 percent by weight of Pacific mackerel could be landed in loads of any CPS until the reserve of 3,035 mt was attained.

At its meeting on June 21, 2002, the Council received reports from its Team, SSC, and Subpanel. Following public