

**Authority:** 49 U.S.C. 5101–5127; 49 CFR 1.53.

■ 2. In § 172.321, a new paragraph (e) is added to read as follows:

**§ 172.321 Air eligibility mark.**

\* \* \* \* \*

(e) *Transition Date.* Compliance with the requirements of this section is not mandatory until October 1, 2006.

Issued in Washington, DC, on April 12, 2004, under authority delegated in 49 CFR part 1.

**Samuel G. Bonasso,**

*Deputy Administrator, Research and Special Programs Administration.*

[FR Doc. 04–8825 Filed 4–16–04; 8:45 am]

**BILLING CODE 4910–60–P**

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 031124287–4060–02; I.D. 041404B]

#### **Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/“Other flatfish” Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area**

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

**ACTION:** Closure.

**SUMMARY:** NMFS is closing directed fishing for species in the rock sole/flathead sole/“other flatfish” fishery category by vessels using trawl gear in

the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the second seasonal apportionment of the 2004 halibut bycatch allowance specified for the trawl rock sole/flathead sole/“other flatfish” fishery category in the BSAI.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), April 16, 2004, through 1200 hrs, A.l.t., July 4, 2004.

**FOR FURTHER INFORMATION CONTACT:** Josh Keaton, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (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 CFR part 679.

The 2004 halibut bycatch allowance was specified for the trawl rock sole/flathead sole/“other flatfish” fishery category in the BSAI by the 2004 final harvest specifications for groundfish of the BSAI (69 FR 9242, February 27, 2004), as 164 metric tons for the period of 1200 hrs, A.l.t., April 1, 2004 through 1200 hrs, A.l.t., July 4, 2004.

In accordance with § 679.21(e)(7)(v), the Administrator, Alaska Region, NMFS, has determined that the amount of the second seasonal apportionment of the 2004 halibut bycatch allowance specified for the trawl rock sole/flathead sole/“other flatfish” fishery category in the BSAI has been caught. Consequently, NMFS is closing directed

fishing for species in the rock sole/flathead sole/“other flatfish” fishery category by vessels using trawl gear in the BSAI.

#### **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 closure of directed fishing for species in the rock sole/flathead sole/“other flatfish” fishery category by vessels using trawl gear in the BSAI.

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: April 14, 2004.

**Alan D. Risenhoover,**

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

[FR Doc. 04–8765 Filed 4–14–04; 4:26 pm]

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