

We estimate that an application for an exemption requires 5 hours to complete. An application to renew an exemption requires one hour to complete. The addition of a security certification as part of an exemption application will not add any appreciable time to this process.

Requests for a copy of the information collection should be directed to Deborah Boothe or T. Glenn Foster, Office of Hazardous Materials Standards (DHM-10), Research and Special Programs Administration, Room 8102, 400 Seventh Street, SW., Washington, DC 20590-0001, telephone (202) 366-8553.

#### G. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

#### H. Environmental Assessment

There are no significant environmental impacts associated with this final rule. It imposes a self-certification requirement for certain applicants for exemptions from the HMR.

#### I. Privacy Act

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477) or you may visit <http://dms.dot.gov>.

#### List of Subjects

##### 49 CFR Part 107

Administrative practice and procedure, Hazardous materials transportation, Penalties, Reporting and recordkeeping requirements.

##### 49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Reporting and recordkeeping requirements.

##### 49 CFR Part 176

Hazardous materials transportation, Maritime carriers, Radioactive materials,

Reporting and recordkeeping requirements.

##### 49 CFR Part 177

Hazardous materials transportation, Motor carriers, Radioactive materials, Reporting and recordkeeping requirements.

■ Accordingly, the interim final rule amending 49 CFR parts 107, 171, 176, and 177 that was published at 68 FR 23832 on May 5, 2003, is adopted as a final rule with the following changes:

#### PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

■ 1. The authority citation for part 107 continues to read as follows:

**Authority:** 49 U.S.C. 5101-5127, 44701; Section 212-213, Pub. L. 104-121, 110 Stat. 857; 49 CFR 1.45, 1.53.

■ 2. In § 107.105, revise paragraph (c)(10) to read as follows:

##### § 107.105 Application for exemption.

\* \* \* \* \*

(c) \* \* \*

(10) When a Class 1 material is forbidden for transportation by aircraft except under an exemption (see Columns 9A and 9B in the table in 49 CFR 172.101), an applicant for an exemption to transport such Class 1 material on passenger-carrying or cargo-only aircraft with a maximum certificated takeoff weight of less than 12,500 pounds must certify that no person within the categories listed in 18 U.S.C. 842(i) will participate in the transportation of the Class 1 material.

\* \* \* \* \*

■ 3. In § 107.107, revise paragraphs (b)(3) and (b)(4) and add paragraph (b)(5), to read as follows:

##### § 107.107 Application for party status.

\* \* \* \* \*

(b) \* \* \*

(3) State the name, street and mailing addresses, e-mail address (optional), and telephone number of the applicant; if the applicant is not an individual, state the name, street and mailing addresses, e-mail address (optional), and telephone number of an individual designated as the applicant's agent for all purposes related to the application;

(4) If the applicant is not a resident of the United States, provide a designation of agent for service in accordance with § 105.40 of this subchapter; and

(5) For a Class 1 material that is forbidden for transportation by aircraft except under an exemption (see Columns 9A and 9B in the table in 49 CFR 172.101), an applicant for party status to an exemption to transport such Class 1 material on passenger-carrying

or cargo-only aircraft with a maximum certificated takeoff weight of less than 12,500 pounds must certify that no person within the categories listed in 18 U.S.C. 842(i) will participate in the transportation of the Class 1 material.

\* \* \* \* \*

■ 4. In § 107.109, revise paragraph (a)(6) to read as follows:

##### § 107.109 Application for renewal.

(a) \* \* \*

(6) When a Class 1 material is forbidden for transportation by aircraft except under an exemption (see Columns 9A and 9B in the table in 49 CFR 172.101), an applicant to renew an exemption to transport such Class 1 material on passenger-carrying or cargo-only aircraft with a maximum certificated takeoff weight of less than 12,500 pounds must certify that no person within the categories listed in 18 U.S.C. 842(i) will participate in the transportation of the Class 1 material.

\* \* \* \* \*

Issued in Washington DC on February 3, 2004, under authority delegated in 49 CFR Part 1.

**Samuel G. Bonasso,**

*Deputy Administrator, Research and Special Programs Administration.*

[FR Doc. 04-2751 Filed 2-9-04; 8:45 am]

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 679

[Docket No. 030808196-4036-03; I. D. 062403C]

RIN 0648-AR13

##### Fisheries of the Exclusive Economic Zone (EEZ) Off Alaska; Provisions of the American Fisheries Act (AFA)

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

**ACTION:** Final rule; removal of expiration date.

**SUMMARY:** NMFS issues a final rule to remove the expiration date of regulations published in the **Federal Register** on December 30, 2002, implementing the AFA. The AFA final rule inadvertently specified a period of effectiveness that will expire December 31, 2007. This rule will make the amendments to the AFA rule permanent, as originally intended. This

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](mailto: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.*

[FR Doc. 04-2870 Filed 2-9-04; 8:45 am]

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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