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Federal Communications Commission.

**Marlene H. Dortch,**  
Secretary.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 020430101-2101-01; I.D. 082802A]

#### **Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action No. 8—Closure of the Commercial Fishery From Humbug Mountain, OR, to the Oregon-California Border**

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

**ACTION:** Closure; request for comments.

**SUMMARY:** NMFS announces that the commercial fishery for all salmon except coho in the area from Humbug Mountain, OR to the Oregon-California Border was closed at midnight on July 26, 2002. The Northwest Regional Administrator, NMFS (Regional Administrator), determined that the quota of 1,500 chinook salmon had been reached. This action was necessary to conform to the 2002 management goals.

**DATES:** Closure in the area from Humbug Mountain to the Oregon-California border, effective 2359 hours local time (l.t.), July 26, 2002, until 0001 hours l.t., August 1, 2002. Comments will be accepted through September 25, 2002.

**ADDRESSES:** Comments on these actions must be mailed or faxed to D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, NOAA, 7600 Sand Point Way N.E., Bldg. 1, Seattle, WA 98115-0070, facsimile 206-526-6376; or

Rod McInnis, Acting Regional Administrator, Southwest Region, NMFS, NOAA, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4132, facsimile 562-980-4018.

Comments will not be accepted if submitted via e-mail or the Internet. Information relevant to this document is available for public review during business hours at the Office of the

Regional Administrator, Northwest Region, NMFS.

**FOR FURTHER INFORMATION CONTACT:** Christopher Wright, 206-526-6140.

**SUPPLEMENTARY INFORMATION:** The Regional Administrator closed the commercial fishery in the area from Humbug Mountain, OR to the Oregon-California Border effective at midnight on Friday, July 26, 2002. Information provided on July 26, 2002, estimated that the quota of 1,500 chinook salmon had been reached. Automatic season closures based on quotas are authorized by regulations at 50 CFR 660.409(a)(1).

In the 2002 annual management measures for ocean salmon fisheries (67 FR 30616, May 7, 2002), NMFS announced that the commercial fishery for all salmon except coho in the area from Humbug Mountain, OR to the Oregon-California Border would open July 1, 2002, through the earlier of July 30, 2002, or a 1,500-chinook quota. The fishery would then reopen on August 1, 2002, through the earlier of August 29, 2002, or a 3,000-chinook quota; and September 1, 2002, through the earlier of September 30, 2002, or a 2,000-chinook quota.

On July 26, 2002, the Regional Administrator consulted with representatives of the Pacific Fishery Management Council and Oregon Department of Fish and Wildlife (ODFW) by conference call. Information related to catch to date, the chinook catch rate, and effort data indicated that it was likely that the quota had been reached. As a result, the State of Oregon recommended, and the Regional Administrator concurred, that the commercial fishery in the area from Humbug Mountain, OR to the Oregon-California Border close effective at midnight on Friday, July 26, 2002. All other regulations that apply to this fishery remain in effect as announced in the 2002 annual management measures and subsequent inseason actions.

The Regional Administrator determined that the best available information indicated that the catch and effort data, and projections, supported the above inseason action recommended by the ODFW. The states manage the fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone in accordance with this Federal action. As provided by the inseason notice procedures of 50 CFR 660.411, actual notice to fishers of the above described action was given prior to the effective date by telephone hotline number 206-526-6667 and 800-662-9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz.

This action does not apply to other fisheries that may be operating in other areas.

#### Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds that good cause exists for this notification to be issued without affording prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B), or delaying the effectiveness of this rule for 30 days under 5 U.S.C. 553(d)(3), because such notification and delay would be impracticable and contrary to the public interest. As previously noted, actual notice of this action was provided to fishers through telephone hotline and radio notification. This action complies with the requirements of the annual management measures for ocean salmon fisheries (67 FR 30616, May 7, 2002) and the West Coast Salmon Plan. Prior notice and opportunity for public comment is impracticable because NMFS and the state agencies have insufficient time to allow for prior notice and the opportunity for public comment between the time the fishery catch and effort data are collected to determine the extent of the fisheries, and the time the fishery closure must be implemented to avoid exceeding the quota. Moreover, such prior notice and the opportunity for public comment is contrary to the public interest because not closing the fishery upon attainment of the quota would allow the quota to be exceeded, resulting in fewer spawning fish and reduced yield of the stocks. The 30-day delay in effectiveness required under U.S.C. 553(d)(3) is also hereby waived due to the immediate need to stop a fishery upon attainment of a quota.

This action is authorized by 50 CFR 660.409 and 660.411 and is exempt from review under Executive Order 12866.

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

Dated: September 4, 2002

**Virginia M. Fay**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service*  
[FR Doc. 02-22922 Filed 9-9-02; 8:45 am]

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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-A035

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

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

**ACTION:** Announcement of effectiveness of a collection-of-information requirement.

**SUMMARY:** NMFS announces 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 (USCG) or U.S. Fish and Wildlife Service (USFWS) must be notified immediately. Recovery information on short-tailed albatross, which is retrieved from the ocean by a Hawaii-based longline vessel, must be recorded on a data form provided by NMFS. If the retrieved short-tailed albatross is dead or dies on board the vessel, information tags must be

attached to the carcass and specimen bag.

**DATES:** Paragraphs 660.35(b)(4)(i), 660.35(b)(6), and 660.35(b)(8) of the final rule published May 14, 2002 (67 FR 34408), are effective October 10, 2002.

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

**SUPPLEMENTARY INFORMATION:** On May 14, 2002 (67 FR 34408), NMFS published a final rule that promulgated a regulatory amendment, under the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region, permanently codifying seabird take mitigation measures in the Hawaii-based longline fishery. Section 660.35 (Pelagic longline seabird mitigation measures) of that final rule contains a collection-of-information requirement for any vessel registered for use under a Hawaii longline limited access permit. Immediate notification must be provided to NMFS, the USCG, or the USFWS of any hooking or entanglement of an endangered short-tailed albatross during longline fishing operations. If the albatross is retrieved dead or dies on board the vessel, an identification tag must be attached directly to the carcass listing the species, location, and date of mortality, and band number if the bird has a leg band. A duplicate identification tag must be attached to the specimen bag or container holding the carcass. If the retrieved short-tailed albatross is alive, the condition of the bird must be recorded on a recovery data form provided by NMFS. The information may be used by a

veterinarian in providing advice to the vessel operator and crew on the care and recovery of an injured short-tailed albatross.

In the final rule, NMFS requested comments on the reporting burden estimate or any other aspect of the collection-of-information requirements that are in this final rule. No comments were received on the collection-of-information requirements.

Because the notification and reporting activities constitute a collection-of-information subject to the Paperwork Reduction Act, it could not be enforced prior to approval by the Office of Management and Budget (OMB). Delayed enforcement of §§660.35(b)(4)(i), 660.35(b)(6), and 660.35(b)(8) was announced in the May 14, 2002, final rule pending OMB approval of short-tailed albatross interaction notification and reporting procedures. OMB has approved the collection-of-information requirement under OMB control number 0648-0456. Sections 660.35(b)(4)(i), 660.35(b)(6), and 660.35(b)(8) are effective September 30, 2002, and will be enforced from that date on.

**List of Subjects in 50 CFR Part 660**

Reporting and recordkeeping requirements.

Dated: September 4, 2002.

**Rebecca Lent,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service*

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