

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 206**

RIN: 1660-AA17

**Hazard Mitigation Grant Program; Correction**

**AGENCY:** Federal Emergency Management Agency (FEMA), Emergency Preparedness and Response Directorate, Department of Homeland Security.

**ACTION:** Correcting amendment.

**SUMMARY:** FEMA announces a technical correction to 44 CFR 206.435 which was amended in the **Federal Register** on August 30, 1990, at 55 FR 35532 and again amended on February 26, 2002, at 67 FR 8844. This document corrects a reference made in § 206.435 to the old § 206.434 (b), now paragraph (c).

**DATES:** This document is effective November 10, 2003.

**FOR FURTHER INFORMATION CONTACT:** Margaret Lawless, Division Director, FEMA, 500 C Street, SW., Room 417, Washington, DC 20472; 202-646-3027.

**SUPPLEMENTARY INFORMATION:**

**Background**

FEMA announces a technical correction to 44 CFR 206.435. The final rule entitled Disaster Assistance; Hazard Mitigation Grant Program (Subpart N) was published on August 30, 1990, at 55 FR 35532. Changes to the rule at § 206.434 were subsequently published on February 26, 2002, at 67 FR 8844. These changes resulted in § 206.434 redesignating *Minimum project criteria* from paragraph (b) to (c). This correcting amendment changes a reference to the old paragraph (b), to paragraph (c) at § 206.435(b).

**Need for Correction**

As published, the final regulations contain an error which may prove misleading, and needs to be clarified.

**List of Subjects in 44 CFR Part 206**

Administrative practice and procedure, Disaster assistance, Grant programs, Mitigation planning, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 206 is corrected by making the following correcting amendment:

**PART 206—FEDERAL DISASTER ASSISTANCE FOR DISASTERS DECLARED ON OR AFTER NOVEMBER 23, 1988**

■ 1. The authority citation for part 206 continues to read as follows:

**Authority:** Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 FR 12571, 3 CFR, 1989 Comp., p. 214.

■ 2. Revise the inductive text of paragraph (b) of § 206.435 to read as follows:

**§ 206.435 Project identification and selection criteria.**

\* \* \* \* \*

(b) *Selection.* The State will establish procedures and priorities for the selection of mitigation measures. At a minimum, the criteria must be consistent with the criteria stated in § 206.434(c) and include:

\* \* \* \* \*

Dated: October 31, 2003.

**Michael D. Brown,**

*Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 635**

[Docket No. 021113274-3267-02; I.D. 031501A]

RIN 0648-A079

**Atlantic Highly Migratory Species; Exempted Fishing Activities**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues a final rule in accordance with framework procedures for adjusting management measures of the Final Fishery Management Plan for Atlantic Tunas, Swordfish and Sharks (HMS FMP), and Amendment 1 to the Atlantic Billfish Fishery Management Plan (Billfish FMP). This final rule modifies existing regulations for Atlantic highly migratory species (HMS) exempted fishing activities, with the

intent of improving monitoring and reporting of exempted fishing activities for Atlantic HMS, primarily those which are collected for public display purposes and those targeted for scientific research.

**DATES:** Effective December 10, 2003.

**ADDRESSES:** Written reports on fishing activities and applications for Exempted Fishing Permits and Scientific Research Permits should be submitted to Sari Kiraly or Heather Stirratt, Highly Migratory Species Management Division (F/SF1), Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Sari Kiraly or Heather Stirratt at 301-713-2347, fax 301-713-1917, e-mail [Sari.Kiraly@noaa.gov](mailto:Sari.Kiraly@noaa.gov) or [Heather.Stirratt@noaa.gov](mailto:Heather.Stirratt@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Under 50 CFR 635.32, and consistent with 50 CFR 600.745, NMFS may authorize, for limited testing, public display, and scientific data collection purposes, the target or incidental harvest of species managed under an FMP or fishery regulations that would otherwise be prohibited. Exempted fishing may not be conducted unless authorized by an Exempted Fishing Permit (EFP) or a Scientific Research Permit (SRP) issued by NMFS in accordance with criteria and procedures specified in those sections. As necessary, an EFP or SRP would exempt the named party(ies) from otherwise applicable regulations under 50 CFR part 635. Such exemptions could address fishery closures, possession of prohibited species, commercial permitting requirements, and retention and minimum size limits.

This final rule was developed largely in response to ongoing concerns related to EFPs issued in the past for the purpose of collecting regulated HMS, particularly those collected for public display, and also takes into consideration concerns related to the reporting of permitted HMS scientific research activities. It is intended to strengthen the existing regulations which govern these permit related activities. This final rule is in accordance with framework procedures for adjusting management measures provided in the Final HMS FMP, and Amendment 1 to the Billfish FMP.

**Exempted Fishing Operations**

With respect to exempted fishing activities, NMFS finalizes the following requirements:

(1) Collectors of HMS for public display are required to notify the local NMFS Office for Law Enforcement at