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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 25**

[IB Docket 98-21; FCC 02-110]

Policies and Rules for the Direct Broadcast Satellite Service; Correction

AGENCY: Federal Communications Commission.

ACTION: Correcting amendments.

SUMMARY: This document contains a correction to final regulations which were published Wednesday, August 7, 2002 (67 FR 51110). The regulations relates to Policy and Rules for the Direct Broadcast Satellite Service.

DATES: Effective June 25, 2003.

FOR FURTHER INFORMATION CONTACT: Selina Y. Khan, Attorney Advisor, Satellite Division, International Bureau, telephone (202) 418-7282 or via the Internet at skhan@fcc.gov.

SUPPLEMENTARY INFORMATION:**Background**

The final rule document published on Wednesday, August 7, 2002 publishes 47 CFR 25.114 by adding paragraph (c)(22) instead of paragraph (c)(23).

Need for Correction

As published, the final regulations contain an error which may prove to be misleading and are in need of clarification.

List of Subjects in 47 CFR Part 25

Satellites.

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

■ Accordingly, 47 CFR part 25 is corrected by making the following correcting amendments:

PART 25—SATELLITE COMMUNICATIONS

■ 1. The authority citation for part 25 continues to read as follows:

Authority: U.S.C. 701744. Interprets or applies 47 U.S.C. 51, 154, 302, 303, and 307, unless otherwise noted.

§ 25.114 [Amended]

■ 2. Amend § 25.114 by redesignating the second paragraph (c)(22) as paragraph (c)(23).

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 635**

[Docket No. 030617153-3153-01; I.D. 061203E]

RIN 0648-AR29

Atlantic Highly Migratory Species (HMS) Fisheries; Vessel Monitoring Systems (VMS)

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

ACTION: Final rule; amendment of effective date.

SUMMARY: This document amends the effective date for the requirement to have a NOAA-approved, VMS unit installed and operating on any vessel leaving port to fish for HMS with pelagic longline gear on board to September 1, 2003.

DATES: Effective September 1, 2003.

ADDRESSES: To obtain copies of the list of NOAA-approved VMS mobile transmitting units and NOAA-approved VMS communications service providers, write to NMFS Office for Law Enforcement (OLE), 8484 Georgia Avenue, Suite 415, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: For information regarding the requirement contact Chris Rilling, Highly Migratory Species Management Division (F/SF1), Office of Sustainable Fisheries, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, phone 301-713-2347. For current listing of approved VMS units contact Mark Oswell, Outreach Specialist, phone 301-427-2300, fax 301-427-2055. For questions regarding VMS installation and activation checklists, contact Jonathan Pinkerton, National VMS Program Manager, phone 301-427-2300, fax 301-427-2055.

The public may acquire this notice, installation checklist, and relevant updates via the "fax-back" service, or at the OLE website <http://www.nmfs.noaa.gov/ole/vms.html>.

SUPPLEMENTARY INFORMATION: On May 28, 1999, NMFS issued a regulation (64 FR 29090) codified at 50 CFR 635.69(a), requiring all commercial pelagic longline vessels fishing for Atlantic HMS to install a NMFS-approved VMS unit. Due to litigation, the requirement was stayed indefinitely on October 1, 2000 (66 FR 1907, January 10, 2001). On

October 15, 2002, the U.S. District Court for the District of Columbia issued a final order upholding the VMS regulation. Following the favorable court ruling, NMFS began working to reinstate the VMS requirement.

On March 11, 2003, NMFS published a notice in the **Federal Register** (68 FR 11534) and corrected it on March 27, 2003 (68 FR 14949), to provide a list of the NMFS-approved VMS units for use by pelagic longline vessels in the Atlantic Highly Migratory Species (HMS) Fisheries and set forth relevant features of each VMS. The notification was issued to update and replace the approval notice published on September 9, 1999. An additional type approval notice was published on May 1, 2003 (68 FR 23285).

NMFS also submitted a request to the Office of Management and Budget (OMB) to reinstate approval for VMS information collection under the provisions of the Paperwork Reduction Act. A notice regarding this collection was published in the **Federal Register** on November 18, 2002 (67 FR 69506). The second notice of OMB review was published in the **Federal Register** on March 19, 2003 (68 FR 13280). OMB approved the VMS information collection request on May 10, 2003.

The placement of VMS units on fishing vessels in this fishery will enable NMFS to determine vessel locations and will complement the Agency's efforts to monitor and enforce compliance with applicable regulations. Because fishermen need time to purchase and install VMS, the VMS rule will be effective September 1, 2003, which provides approximately 60 days for affected fishermen to come into compliance.

Classification

This action is published under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. The Assistant Administrator (AA) has determined that implementation of a VMS program in the pelagic longline fishery is necessary to monitor and enforce closed areas implemented to reduce bycatch. The AA finds that good cause exists to waive the requirement to provide prior notice and the opportunity for comment, pursuant to authority set forth at 5 U.S.C. 553(b)(B), as such procedures would be unnecessary and contrary to the public interest. This amendment establishes a new effective date for the HMS VMS rule, which had been suspended due to litigation. NMFS provided for prior notice and comment before promulgating the HMS VMS rule in 1999, then provided for additional