

coordinates 34–13–35 N. and 118–3–58 W.

With this action, this proceeding is terminated.

**DATES:** This document will become effective 60 days after concurrence of the Mexican government is obtained. The FCC will publish a document announcing when the concurrence has been obtained, and also give that effective date.

**FOR FURTHER INFORMATION CONTACT:** Joyce Bernstein, Media Bureau, (202) 418–1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MB Docket No. 02–223, adopted September 10, 2002, and released September 17, 2002. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., CY–B402, Washington, DC 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

#### List of Subjects in 47 CFR Part 73

Digital television broadcasting, Television.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

#### PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

#### § 73.622 [Amended]

2. Section 73.622(b), the Table of Allotments under California, is amended by adding Avalon, DTV channel 47c.

Federal Communications Commission.

**Barbara A. Kreisman,**

Chief, Video Division, Media Bureau.

[FR Doc. 02–29381 Filed 11–19–02; 8:45 am]

**BILLING CODE 6712–01–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 600 and 660

[Docket No. 011231309–2090–03; I.D. 111302A]

#### Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Trip Limit Adjustments; Correction

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

**ACTION:** Inseason trip limit adjustments and correction; request for comments.

**SUMMARY:** NMFS announces trip limit changes in the Pacific Coast groundfish fisheries for flatfish sub-limits in the exempted trawl fishery for California halibut and trip limit corrections for minor nearshore and widow rockfish in the limited entry trawl fisheries. These actions, which are authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP), will allow fisheries access to healthy groundfish stocks while protecting overfished and depleted stocks.

**DATES:** Effective 0001 hours local time November 20, 2002 until the 2003 annual specifications and management measures are effective, unless modified, superseded, or rescinded through a publication in the **Federal Register**.

**ADDRESSES:** Submit comments to D. Robert Lohn, Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115–0070; or Rod McInnis, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd, Suite 4200, Long Beach, CA 90802–4213.

**FOR FURTHER INFORMATION CONTACT:** Carrie Nordeen (Northwest Region, NMFS), phone: 206–526–6140; fax: 206–526–6736; and e-mail: [carrie.nordeen@noaa.gov](mailto:carrie.nordeen@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

This **Federal Register** document is available on the Government Printing Office's Web site at: [http://www.access.gpo.gov/su\\_docs/ca/docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/ca/docs/aces/aces140.html). Background information and documents are available at the NMFS Northwest Region Web site at: <http://www.nwr.noaa.gov/1sustfsh/gdfsh01.htm> and at the Pacific

Fishery Management Council's Web site at: <http://www.pcouncil.org>.

#### Background

The Pacific Coast Groundfish FMP and its implementing regulations at 50 CFR part 660, subpart G, regulate fishing for over 80 species of groundfish off the coasts of Washington, Oregon, and California. Annual groundfish specifications and management measures are initially developed by the Pacific Fishery Management Council (Pacific Council), and are implemented by NMFS. The specifications and management measures for the current fishing year (January 1–December 31, 2002) were initially published in the **Federal Register** as an emergency rule for January 1–February 28, 2002 (67 FR 1540, January 11, 2002), as a proposed rule for all of 2002 (67 FR 1555, January 11, 2002), and as a final rule effective March 1, 2002 (67 FR 10490, March 7, 2002). The final rule was subsequently amended at 67 FR 15338, April 1, 2002; at 67 FR 18117, April 15, 2002; at 67 FR 30604, May 7, 2002; at 67 FR 40870, June 14, 2002; at 67 FR 44778, July 5, 2002; at 67 FR 48571, July 25, 2002; at 67 FR 50835, August 6, 2002; at 67 FR 55166, August 28, 2000; at 67 FR 56497, September 4, 2002; at 67 FR 57973, September 13, 2002; at 67 FR 62204, October 4, 2002; at 67 FR 62401, October 7, 2002; and at 67 FR 64826, October 22, 2002.

The following changes to current groundfish management measures were recommended by the Pacific Council, in consultation with Pacific Coast Treaty Tribes and the States of Washington, Oregon, and California, at its October 29–November 1, 2002, meeting in Foster City, CA. Pacific Coast groundfish landings will be monitored throughout the year, and further adjustments will be made as necessary to allow achievement of or to avoid exceeding the 2002 optimum yields (OYs) and allocations.

#### Limited Entry Trawl Small Footrope Limits for Nearshore Rockfish and Widow Rockfish North of 40°10' N. lat.

On September 10, 2002, NMFS implemented an emergency rule to establish new depth-based management measures in the Pacific Coast groundfish fishery north of 40°10' N. lat. for September–December 2002 (67 FR 57973, September 13, 2002). This emergency rule created the Darkblotched Rockfish Conservation Area (DBCA) to protect darkblotched rockfish, an overfished species, and re-opened areas outside the DBCA to limited entry trawl harvest of healthy groundfish stocks that otherwise would have been foregone to protect

darkblotched rockfish. Fishing with limited entry trawl large footrope gear has been permitted seaward of the DBCA September-December and fishing with limited entry small footrope gear has been permitted shoreward of the DBCA during October-December.

When setting rockfish incidental catch allowance recommendations for the area shoreward of the DBCA in October's inseason action (67 FR 62401, October 7, 2002), the Pacific Council overlooked allowances for nearshore rockfish and widow rockfish. After discussing this issue at its October/November meeting, instead of prohibiting retention of nearshore and widow rockfish, the Pacific Council recommended limited entry trawl small footrope limits of 300 lb (136 kg) per month for nearshore rockfish and 500 lb (227 kg) per month for widow rockfish for the November-December cumulative period north of 40°10' N. lat. These incidental catch allowances will decrease the discard of rockfish incidentally taken with nearshore flatfish species, but are not expected to cause the 2002 OYs for any rockfish species or species group to be exceeded.

*Exempted California Trawl Sub-limit for Flatfish South of 40°10' N. lat.*

Another incidental catch allowance issue brought to the Pacific Council's attention at their October/November meeting was that of groundfish retention in the exempted trawl fishery for California halibut. Since July 1, 2002 (67 FR 44778), all groundfish retention with exempted trawl gear south of 40°10' N. lat. has been prohibited to protect bocaccio. In addition to slowing the catch of bocaccio, prohibiting the retention of all groundfish species taken with exempted trawl gear has resulted in the discard of small amounts of valuable flatfish species in the trawl fishery for California halibut. Because flatfish species are taken incidentally with California halibut at depths shallower than where bocaccio are typically found (less than 40 fm (73 m)), an incidental catch allowance for nearshore flatfish is not expected to result in additional catch of bocaccio rockfish. Therefore, the Pacific Council recommended a California halibut exempted trawl flatfish sub-limit of up to 100 lb (45 kg) per day, provided that flatfish are landed with at least one California halibut, and an exempted trawl flatfish limit of between 100 lb (45

kg) and 300 lb (136 kg) per day, not to exceed 3,000 lb (1,361 kg) per month, provided the amount of flatfish landed does not exceed the amount of California halibut landed. Because of the small size of this incidental catch allowance and the variability of California halibut catch rates, the Pacific Council recommended suspension of the previous requirement that groundfish poundage not exceed non-groundfish poundage for flatfish landings of less than 100 lb (45 kg). These low incidental catch allowances are not expected to result in an effort shift whereby vessels would be targeting flatfish.

**NMFS Actions**

For the reasons stated herein, NMFS concurred with the Pacific Council's recommendations and hereby announces the following changes to the 2002 specifications and management measures:

1. On page 10517 in the March 7, 2002, issue of the **Federal Register**, in section IV., under B. Limited Entry Fishery, at the end of paragraph (1), Table 3 is revised to read as follows:

**BILLING CODE 3510-22-S**

IV. NMFS Actions

B. Limited Entry Fishery

(1) \* \* \*

Table 3. Trip Limits<sup>1)</sup> and Gear Requirements<sup>2)</sup> for Limited Entry Trawl Gear

Other Limits and Requirements Apply – Read Sections IV. A. and B. NMFS Actions before using this table

Line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
** NOTE FOR NORTH OF 40°10' N. LAT.: ALL TRAWLING WITH GROUNDFISH GEAR IS PROHIBITED WITHIN THE DBCA <sup>1)</sup> . ALL TRAWLING IS PROHIBITED SHOREWARD OF THE DBCA DURING SEPTEMBER. SMALL FOOTROPE GEAR <sup>2)</sup> IS REQUIRED SHOREWARD OF THE DBCA OCT-DEC, AND LARGE FOOTROPE GEAR IS PERMITTED SEAWARD OF THE DBCA SEP-DEC.							
1	Minor slope rockfish						
2	North		1,800 lb/ 2 months				
3	South					600 lb / 2 months	1,800 lb / 2 months
4	40°10' - 36° N. lat.	50,000 lb/ 2 months		5,000 lb/ 2 months			
5	South of 36° N. lat.		50,000 lb/ 2 months			25,000 lb/ 2 months	40,000 lb/ 2 months
6	Splitnose - South <sup>3)</sup>						
7	40°10' - 36° N. lat.	25,000 lb/ 2 months		5,000 lb/ 2 months		1,800 lb / 2 months	
8	South of 36° N. lat.		25,000 lb/ 2 months			25,000 lb/ 2 months	40,000 lb/ 2 months
9	Pacific ocean perch - North <sup>4)</sup>	2,000 lb/ month		4,000 lb/ month		4,000 lb/ 2 months	
10	Chillipepper - South <sup>4)</sup>						
11	mid-water trawl	25,000 lb/ 2 months					
12	small footrope trawl	7,500 lb/ 2 months		4,000 lb/ 2 months		CLOSED <sup>7)</sup>	
13	large footrope trawl	500 lb/ trip, not to exceed small footrope cumulative 2-month limits at any time during the year.					
14	DTS complex - North						
15	Sablefish	6,000 lb/ 2 months		3,500 lb/ 2 months		3,000 lb/ 2 months	In times and areas where open - 3,500 lb/ 2 months
16	Longspine thornyhead	10,000 lb/ 2 months		6,000 lb/ 2 months		1,500 lb/ 2 months	In times and areas where open - 10,000 lb/ 2 months
17	Shortspine thornyhead	2,600 lb/ 2 months		2,000 lb/ 2 months		1,500 lb/ 2 months	In times and areas where open - 2,600 lb/ 2 months
18	Dover sole	30,000 lb/ 2 months	28,000 lb/ 2 months	14,000 lb/ 2 months		In times and areas where open - 20,000 lb/ 2 months	22,000 lb/ 2 months providing that only large footrope or midwater trawl gear is used to land any groundfish species during entire limit period. If small footrope bottom trawl is used at any time in any area (North or South) during the entire limit period, then 12,000 lb/ 2 months.
19	DTS complex - South						
20	Sablefish <sup>4)</sup>				4,500 lb/ 2 months		
21	Longspine thornyhead				10,000 lb/ 2 months		
22	Shortspine thornyhead				2,600 lb/ 2 months		
23	Dover sole				22,000 lb/ 2 months		
24	Flatfish - North						
25	All other flatfish <sup>3)</sup>	LARGE FOOTROPE: 1,000 lb/trip, not to exceed small footrope cumulative monthly limits, includes arrowtooth flounder.		LARGE FOOTROPE: 1,000 lb/trip, not to exceed small footrope cumulative monthly limits. Retention of <b>petrale</b> and <b>rex sole</b> prohibited if large footrope gear is onboard.		SMALL FOOTROPE REQUIRED: 40,000 lb/ month, no more than 15,000 of which may be petrale sole	In times and areas where open - 25,000 lb/ month, no more than 10,000 of which may be petrale sole.
26	Petrале sole	SMALL FOOTROPE: 15,000 lb/ month		SMALL FOOTROPE: 30,000 lb/ month, no more than 10,000 of which may be petrale sole			50,000 lb/ month, no more than 20,000 lb / month of which may be petrale
27	Rex sole	35,000 lb/ month					
28	Arrowtooth flounder	Not limited, large footrope allowed		LARGE FOOTROPE: included in "all other flatfish" limit.		SMALL FOOTROPE REQUIRED: 7,500 lb/ trip, no more than 30,000 lb/ month; large footrope prohibited	In times and areas where open - 3,500 lb/ trip, no more than 15,000 lb/ month.
29	Flatfish - South						
30	All other flatfish <sup>3)</sup>	LARGE FOOTROPE: 1,000 lb/trip, not to exceed small footrope cumulative monthly limits, includes arrowtooth flounder.		LARGE FOOTROPE: 1,000 lb/trip, not to exceed small footrope cumulative monthly limits. Retention of <b>petrale</b> and <b>rex sole</b> prohibited if large footrope gear is onboard.			CLOSED <sup>7)</sup>
31	Petrале sole	SMALL FOOTROPE: 70,000 lb/ month, no more than 40,000 lb of which may be species other than Pacific sanddabs.		SMALL FOOTROPE: 70,000 lb/ month, no more than 40,000 lb of which may be species other than Pacific sanddabs. Of the species other than Pacific sanddabs, no more than 15,000 lb may be petrale sole.		With the exception of 1,000 lb/ trip of rex sole, petrale sole, English sole, and arrowtooth flounder combined when landed with DTS complex. The amount of per trip flatfish landings must not exceed the amount of DTS landed. Landings may be made with small or large footrope gear.	
32	Rex sole	Not limited, large footrope allowed					
33	Arrowtooth flounder	LARGE FOOTROPE: included in "all other flatfish" limit.		SMALL FOOTROPE REQUIRED: 7,500 lb/ trip, no more than 30,000 lb/ month; large footrope prohibited			
34	Whiting <sup>4)</sup>	30,000 lb/ trip		20,000 lb/ trip		Primary Season	
							CLOSED <sup>7)</sup>

**Table 3. (CONTINUED) Trip Limits<sup>1/</sup> and Gear Requirements<sup>2/</sup> for Limited Entry Trawl Gear  
Other Limits and Requirements Apply – Read Sections IV. A. and B. NMFS Actions before using this table**

Line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC	
**NOTE FOR NORTH OF 40°10' N. LAT.: ALL TRAWLING WITH GROUND FISH GEAR IS PROHIBITED WITHIN THE DBCA <sup>11/</sup> . ALL TRAWLING IS PROHIBITED SHOREWARD OF THE DBCA DURING SEPTEMBER. SMALL FOOTROPE GEAR <sup>5/</sup> IS REQUIRED SHOREWARD OF THE DBCA OCT-DEC, AND LARGE FOOTROPE GEAR IS PERMITTED SEAWARD OF THE DBCA SEP-DEC.								
<b>35 Minor shelf rockfish</b>								
36	North	300 lb/ month	1,000 lb/ month, no more than 300 lb of which may be yelloweye rockfish		CLOSED <sup>7/</sup>	300 lb / month		
37	South	500 lb/ month	1,000 lb/ month, no more than 300 lb of which may be yelloweye rockfish		CLOSED <sup>7/</sup>			
<b>38 Canary rockfish</b>								
39	North <sup>11/</sup>	200 lb/ 2 months	600 lb/ 2months	600 lb/ 2 months	CLOSED <sup>7/</sup>	200 lb / month		
40	South					CLOSED <sup>7/</sup>		
<b>41 Widow rockfish</b>								
42	North							
43	mid-water trawl <sup>12/</sup>	CLOSED <sup>7/</sup>	During primary whiting season, in trips of at least 10,000 lb of whiting: combined widow and yellowtail limit of 500 lb/ trip, cumulative widow limit of 1,500 lb/ month		CLOSED <sup>7/</sup>	13,000 lb/ 2 months; no more than 2 trips per vessel per 2 month period		
44	small footrope trawl	1,000 lb/ month			CLOSED <sup>7/</sup>	500 lb / month		
45	South							
46	mid-water trawl	CLOSED <sup>7/</sup>	During primary whiting season, in trips of at least 10,000 lb of whiting: combined widow and yellowtail limit of 500 lb/ trip, cumulative widow limit of 1,500 lb/ month		CLOSED <sup>7/</sup>			
47	small footrope trawl	1,000 lb/ month			CLOSED <sup>7/</sup>			
<b>48 Yellowtail - North<sup>8/</sup></b>								
49	mid-water trawl <sup>12/</sup>	CLOSED <sup>7/</sup>	During primary whiting season, in trips of at least 10,000 lb of whiting: combined widow and yellowtail limit of 500 lb/ trip, cumulative yellowtail limit of 2,000 lb/ month		CLOSED <sup>7/</sup>	20,000 lb/ 2 months; no more than 2 trips per vessel per 2 month period		
50	small footrope trawl	In landings without flatfish, 1,000 lb/ month. As flatfish bycatch, per trip limit is the sum of 33% (by weight) of all flatfish except arrowtooth flounder, plus 10% (by weight) of arrowtooth flounder. Combined with and without flatfish, not to exceed 30,000 lb/ 2 months.			CLOSED <sup>7/</sup>	As flatfish bycatch, per trip limit is the sum of 33% (by weight) of all flatfish except arrowtooth flounder, plus 10% (by weight) of arrowtooth flounder not to exceed 4,500 lb/ month.		
51	<b>Bocaccio - South<sup>9/</sup></b>	600 lb/ 2 months	1,000 lb/ 2 months		CLOSED <sup>7/</sup>			
52	<b>Cowcod</b>	CLOSED <sup>7/</sup>						
<b>53 Minor nearshore rockfish</b>								
54	North	300 lb/ month			CLOSED <sup>7/</sup>	300 lb / month		
55	South	300 lb/ month			CLOSED <sup>7/</sup>			
<b>56 Lingcod<sup>8/</sup></b>								
57	North	1,000 lb/ 2 months			500 lb / month			
58	South	800 lb/ 2 months	1,000 lb/ 2 months		CLOSED <sup>7/</sup>			
<b>59 Other Fish<sup>10/</sup></b>								
60	North	Not limited			Grenadier retention permitted	Not limited, except spiny dogfish prohibited with large footrope gear.		
61	South	Not limited			Grenadier retention permitted	CLOSED <sup>7/</sup> , except grenadier retention permitted.		

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. to the U.S.-Canada border. "South" means 40°10' N. lat. to the U.S.-Mexico border. 40°10' N. lat. is about 20 nm south of Cape Mendocino, CA.  
 2/ Gear requirements and prohibitions are explained above. See IV.A.(14).  
 3/ "Other" flatfish means all flatfish at 50 CFR 660.302 except those in this Table 3 with species specific management measures, including trip limits.  
 4/ The whiting "per trip" limit in the Eureka area shoreward 100 fm is 10,000 lb/ trip from January 1 - August 31, 2002. From September 1 - December 31, 2002, the whiting fishery is closed.  
 5/ Small footrope trawl means a bottom trawl net with a footrope no larger than 8 inches (20 cm) in diameter. In areas where trawl gear is restricted, only one type of trawl gear is allowed on board at any one time. See above.  
 6/ Yellowtail rockfish in the south and bocaccio and chilipepper rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area. POP in the south and splitnose rockfish in the north are included in the trip limits for minor slope rockfish in the appropriate area.  
 7/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV.A.(7).  
 8/ The minimum size limit for lingcod is 24 inches (61 cm) total length.  
 9/ The minimum size requirement for sablefish is 20 inches (51 cm) total length and no more than 500 lb of undersized sablefish may be landed per trip.  
 10/ Other fish are defined at 50 CFR 660.302, as those groundfish species or species groups for which there is no trip limit, size limit, quota, or harvest guideline.  
 11/ All trawling is prohibited within the DBCA (between approximately 100 and 250 fathoms north of 40°10' N. lat.); gear must be covered and stowed when transiting through the area. See IV.A.(22).  
 12/ The states of Washington and Oregon require a declaration of intent prior to fishing with midwater trawl gear in the DBCA (between approximately 100 and 250 fathoms north of 40°10' N. lat.). Contact the appropriate state enforcement officials for details. Fishing for widow and yellowtail rockfish with midwater trawl gear is permitted in the DBCA during Nov-Dec as noted in the Table 3.  
**To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.**

\* \* \* \* \*

2. On page 10520 in the same issue, in section IV., under C. Trip Limits in the Open Access Fishery, at the end of paragraph (1), Table 5 is revised to read as follows:

IV. NMFS Actions

C. Trip Limits in the Open Access Fishery

(1) \* \* \*

Table 5. Trip Limits<sup>1)</sup> for Open Access Gears  
Other Limits and Requirements Apply -- Read Sections IV. A. and C. NMFS Actions before using this table  
Exceptions for exempted gears at Section IV.C.

Line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
1	Minor slope rockfish	Per trip, no more than 25% of weight of the sablefish landed					
2	North						
3	South						
4	40°10' - 36° N. lat.	10,000 lb/ 2 months		5,000 lb/ 2 months		1,800 lb/ 2 months	
5	South of 36° N. lat.			10,000 lb/ 2 months			
6	Splittose - South <sup>2)</sup>	200 lb/ month					
7	Pacific ocean perch - North <sup>4)</sup>	100 lb/ month					
8	Sablefish						
9	North of 36° N. lat. <sup>7)</sup>	300 lb/ day, or 1 landing per week of up to 800 lb, not to exceed 2,400 lb/ 2 months				300 lb/ day, or 1 landing per week of up to 900 lb, not to exceed 2,700 lb/ 2 months	
10	South of 36° N. lat.	350 lb/ day, or 1 landing per week of up to 1,050 lb		300 lb/ day, or 1 landing per week of up to 900 lb			
11	Thornyheads	CLOSED <sup>3)</sup>					
12	North of 34° 27' N. lat.	50 lb/ day, no more than 2,000 lb/ 2 months					
13	South of 34° 27' N. lat.						
14	Dover sole						
15	Arrowtooth flounder	3,000 lb/ month, no more than 300 lb of which may be species other than Pacific sanddabs			North of 40°10': 3,000 lb/ month, no more than 300 lb of which may be species other than Pacific sanddabs		
16	Petrale sole				South of 40°10': Shoreward of 20 fms, 3,000 lb/ month, no more than 300 lb of which may be species other than Pacific sanddabs, otherwise CLOSED <sup>3)</sup>		
17	Rex sole						
18	All other flatfish <sup>2)</sup>	CLOSED <sup>3)</sup>					
19	Whiting	300 lb/ month				CLOSED <sup>3)</sup>	
20	Shelf rockfish, including minor shelf rockfish, widow and yellowtail rockfish <sup>4)</sup>	200 lb/ month					
21	North						
22	South						
23	40°10' - 34°27' N. lat.	200 lb/ month	CLOSED <sup>3)</sup>	Shoreward of 20 fms depth, 200 lb/ month, otherwise CLOSED <sup>3)</sup>	CLOSED <sup>3)</sup>		
24	South of 34°27' N. lat.	CLOSED <sup>3)</sup>	500 lb/ month		CLOSED <sup>3)</sup>		
25	Canary rockfish	CLOSED <sup>3)</sup>					
26	Yelloweye rockfish	CLOSED <sup>3)</sup>					
27	Cowcod	CLOSED <sup>3)</sup>					
28	Bocaccio - South <sup>4)</sup>						
29	40°10' - 34°27' N. lat.	200 lb/ month	CLOSED <sup>3)</sup>		CLOSED <sup>3)</sup>		
30	South of 34°27' N. lat.	CLOSED <sup>3)</sup>	200 lb/ month		CLOSED <sup>3)</sup>		
31	Chilipepper - South <sup>4)</sup>						
32	40°10' - 34°27' N. lat.	500 lb/ month	CLOSED <sup>3)</sup>		CLOSED <sup>3)</sup>		
33	South of 34°27' N. lat.	CLOSED <sup>3)</sup>	2,500 lb/ month		CLOSED <sup>3)</sup>		
34	Minor nearshore rockfish						
35	North	3,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black or blue rockfish <sup>5)</sup>		6,000 lb/ 2 months, no more than 3,000 lb of which may be species other than black or blue rockfish <sup>5)</sup>		7,000 lb/ 2 months no more than 3,000 lb of which may be species other than black or blue rockfish <sup>5)</sup>	
36	South						
37	40°10' - 34°27' N. lat.	1,200 lb/ 2 months	CLOSED <sup>3)</sup>	Shoreward of 20 fms depth, 1,200 lb/ 2 months, otherwise CLOSED <sup>3)</sup>	Shoreward of 20 fms depth, 1,200 lb/ 2 months, otherwise CLOSED <sup>3)</sup>	CLOSED <sup>3)</sup>	
38	South of 34°27' N. lat.	CLOSED <sup>3)</sup>	1,200 lb/ 2 months		CLOSED <sup>3)</sup>		
39	Lingcod <sup>6)</sup>	CLOSED <sup>3)</sup>					
40	North	CLOSED <sup>3)</sup>				300 lb/ month	
41	South	CLOSED <sup>3)</sup>					
42	40°10' - 34°27' N. lat.	CLOSED <sup>3)</sup>		Shoreward of 20 fms depth, 300 lb/ month, otherwise CLOSED <sup>3)</sup>	Shoreward of 20 fms depth, 300 lb/ month, otherwise CLOSED <sup>3)</sup>	CLOSED <sup>3)</sup>	
43	South of 34°27' N. lat.	300 lb/ month					
44	Other Fish <sup>8)</sup>						
45	North	Not limited				Grenadier retention permitted	
46	South	Not limited				Grenadier retention permitted	
47	CALIFORNIA HALIBUT EXEMPTED TRAWL GEAR						
48	North	CLOSED <sup>3)</sup> (groundfish retention prohibited)					
49	South	For November - December: Vessels using groundfish gear to target California halibut south of 38°57'30" N. lat. are allowed to (1) land up to 100 lb of flatfish per day, provided that flatfish are landed with at least one California halibut, and (2) land between 100 lb and 300 lb of flatfish per day, not to exceed 3,000 lb per month, provided the amount of flatfish landed does not exceed the amount of California halibut landed.					

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. To the U.S.-Canada border; "South" means 40°10' N. lat. To the U.S.-Mexico border. 40°10' N. lat. is about 20 nm south of Cape Mendocino, CA.  
 2/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 5 with species specific management measures, including trip limits.  
 3/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV.A.(7).  
 4/ Yellowtail rockfish in the south and bocaccio and chilipepper rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area. Pop in the south and splittose rockfish in the north are included in the trip limits for minor slope rockfish in the appropriate area.  
 5/ For black rockfish north of Cape Alava (48°09'30" N.lat.), and between Destruction Island (47°40'00" N.lat.) and Leadbetter Point (46°38'10" N.lat.), there is an additional limit of 100 lbs or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.  
 6/ The size limit for lingcod is 24 inches (61 cm) total length.  
 7/ The minimum size requirement for sablefish is 20 inches (51 cm) total length between 40°10' N. lat. and 36° N. lat.  
 8/ Other fish are defined at 50 CFR 660.302, as those groundfish species or species groups for which there is no trip limit, size limit, quota, or harvest guideline. To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

\* \* \* \* \*

3. On page 10521, in column 1, section IV., under C. Trip Limits in the Open Access Fishery, paragraph (2)(a) is revised to read as follows:

(a) Trip limits. (i) North of 40°10' N. lat. The trip limit is 300 lb (136 kg) of groundfish per fishing trip. Limits in Table 5 also apply and are counted toward the 300 lb (136 kg) groundfish limit. In any landing by a vessel engaged in fishing for spot prawns with exempted trawl gear, the amount of groundfish landed may not exceed the amount of the target species landed. The daily trip limits for sablefish may not be multiplied by the number of days of the fishing trip.

(ii) South of 40°10' N. lat. "It is prohibited to take and retain, possess, or land any groundfish species with exempted trawl gear with the following exceptions: vessels participating in the California halibut fishery south of 38°57'30" N. lat. are allowed to land up to 100 lb (45 kg) of flatfish per day, provided that flatfish are landed with at least one California halibut, and vessels participating in the California halibut fishery south of 38°57'30" N. lat. are allowed to land between 100 lb (45 kg) and 300 lb (136 kg) of flatfish per day, not to exceed 3,000 lb (1,361 kg) per month provided that the amount of flatfish landed does not exceed the amount of California halibut landed."

\* \* \* \* \*

### Classification

These actions are authorized by the Pacific Coast groundfish FMP and its implementing regulations, and are based on the most recent data available. The aggregate data upon which these actions are based are available for public inspection at the Office of the Administrator, Northwest Region, NMFS, (see **ADDRESSES**) during business hours.

The Assistant Administrator for Fisheries (AA), NMFS, finds good cause to waive the requirement to provide prior notice and opportunity for public comment on this action pursuant to 5 U.S.C. 553(b)(B), because providing prior notice and opportunity for comment would be impracticable. It would be impracticable because the trip limit adjustments are for the November-December cumulative trip limit period and affording prior notice and opportunity for public comment would not allow fishers to take advantage of this harvest opportunity. This would impede the agency's function of managing fisheries to approach without exceeding the OY for federally managed species. The AA is also waiving the 30-day delay in effectiveness requirement

under 5 U.S.C. 553(d)(1) because this rule relieves a restriction. Delaying implementation of these trip limit adjustments may cause unnecessary hardship among the West Coast groundfish fleets. In 2002, the West coast groundfish fleet has suffered severe cutbacks in season lengths, areas, and species available to be fished in an effort by the Pacific Council to primarily protect darkblotched and bocaccio rockfish, both overfished species. Both of the trip limit adjustments in this document are increases from the status quo. Increases to trip limits for healthy stocks must be implemented in a timely manner to alleviate some of the economic and social burden fishermen and fishing communities have to bear to protect overfished and depleted groundfish species. Delaying implementation of these trip limit adjustments would restrict fishermen to the reduced trip limits put in place by the July and October inseason actions.

These actions are taken under the authority of 50 CFR 660.323(b)(1) and are exempt from review under Executive Order 12866.

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

Dated: November 14, 2002.

**Richard W. Surdi,**

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

[FR Doc. 02-29510 Filed 11-19-02; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[Docket No. 011029263-2255-02; I.D. 010201A]

RIN 0648-A093

#### Atlantic Highly Migratory Species; Quotas and Fishing Areas; Trade Monitoring

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to amend the regulations governing the Atlantic swordfish fishery to implement recommendations adopted at the 2000 meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT). To facilitate a future 400 metric ton (mt), one-time quota transfer to Japan and to amend the procedures by which any reserve quota

will be appropriated to other fishing categories, NMFS establishes a reserve quota for North Atlantic swordfish. This final rule also maintains the status quo South Atlantic swordfish, North Atlantic albacore, and South Atlantic albacore quotas for 2001; and prohibits imports of Atlantic bigeye tuna harvested by certain countries. NMFS also reinstates regulations inadvertently removed during regulatory consolidation that would prohibit persons and vessels subject to the jurisdiction of the United States from possessing fish taken in violation of ICCAT recommendations or from violating another country's fisheries regulations pertaining to species managed by ICCAT. Finally, NMFS corrects existing trade restrictions to facilitate the enforcement of the swordfish dead discard allowance and to better monitor the importation of swordfish from designated countries. The intent of these actions is to improve the conservation of Atlantic highly migratory species (HMS) and to improve management of the fisheries targeting these species, while allowing harvest and trade consistent with recommendations of ICCAT.

**DATES:** All provisions of this final rule are effective December 20, 2002.

**ADDRESSES:** Copies of the Environmental Assessment/Regulatory Impact Review supporting this action may be obtained from Tyson Kade, Highly Migratory Species Management Division, F/SF1, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 or on the Web site at [www.nmfs.noaa.gov/sfa/hmspg.html](http://www.nmfs.noaa.gov/sfa/hmspg.html).

**FOR FURTHER INFORMATION CONTACT:** Tyson Kade, by phone: 301-713-2347; by fax: 301-713-1917.

**SUPPLEMENTARY INFORMATION:** The U.S. Atlantic swordfish fishery and the tuna fisheries are managed under the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (HMS FMP) and regulations at 50 CFR part 635 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 et seq. and the Atlantic Tunas Convention Act (ATCA), 16 U.S.C. 971 et seq. Regulations issued under the authority of ATCA carry out the recommendations of ICCAT. The November 15, 2001, proposed rule (66 FR 57409) contains the background information for these promulgated measures and that information is not repeated here.

The 2000 ICCAT recommendation relating to the Atlantic bigeye tuna import prohibitions for Belize, Cambodia, Equatorial Guinea, and St.