

quotas for the second 2003 semiannual season will likely be attained by September 15, 2003. Thus, the ridgeback and non-ridgeback LCS fisheries will close September 15, 2003, at 11:30 p.m. local time.

When quotas are projected to be reached for the SCS, pelagic, blue, or porbeagle shark fisheries, the AA will file notification of closure at the Office of the **Federal Register** at least 14 days before the effective date.

During a closure, retention of, fishing for, possessing or selling LCS are prohibited for persons fishing aboard vessels issued a limited access permit under 50 CFR 635.4. The sale, purchase, trade, or barter of carcasses and/or fins of LCS harvested by a person aboard a vessel that has been issued a permit under 50 CFR 635.4 are prohibited, except for those that were harvested, offloaded, and sold, traded, or bartered prior to the closure and were held in storage by a dealer or processor.

Classification

This emergency rule extension is published under the authority of the Magnuson-Stevens Act. The AA has determined that these emergency regulations are necessary to ensure that regulations in force are consistent with the best available science and a court-approved settlement agreement.

NMFS prepared an EA for the initial emergency rule that describes the impact on the human environment and found that no significant impact on the human environment would result. During the public comment period, NMFS became aware that several corrections and clarifications were needed for the initial EA. As a result, NMFS prepared a supplemental EA. None of the corrections or clarifications changed the findings of the EA or NMFS' decision to extend the emergency rule. Thus, the supplemental EA found that no significant impact on the human environment would result from extending the emergency rule. This emergency rule extension is of limited duration. Additional details concerning the basis for this action are contained in the initial emergency rule and are not repeated here. NMFS intends to have management measures in Amendment 1 to the HMS FMP in place by January 1, 2004.

NMFS also prepared a RIR for the emergency rule which assesses the economic costs and benefits of the action. Additional details concerning the basis for this action are contained in the initial emergency rule and are not repeated here.

This emergency rule extension to establish the 2003 landings quotas and

other shark management actions has been determined to be not significant for the purposes of Executive Order 12866.

Additionally, the ancillary action announcing the fishing season is taken under 50 CFR 635.27(b) and is exempt from review under Executive Order 12866.

Because no general notice of proposed rulemaking is required to be published in the **Federal Register** for this emergency rule extension by 5 U.S.C. 553 or by any other law, the analytical requirements of the Regulatory Flexibility Act do not apply; thus, no Regulatory Flexibility Analysis was prepared.

Pursuant to provisions of 15 CFR part 930 and Section 307 of the Coastal Zone Management Act of 1972, state Coastal Zone Management (CZM) Programs, including Puerto Rico and the U.S. Virgin Islands, were advised of NMFS' determination that the emergency rule was consistent with the enforceable provisions of the CZM Programs. Of the eleven responses received, all concurred with NMFS' determination.

The AA finds that it is unnecessary and contrary to the public interest to provide prior notice of and an opportunity for public comment on this emergency rule extension. In the initial emergency rule published on December 27, 2002 (67 FR 78990), NMFS requested, and subsequently received, comments on these management measures. Therefore, the agency has the authority to extend the emergency rule for another 180 days.

This emergency rule extension contains the same measures as in the initial emergency rule and must be in place by July 1, 2003, otherwise LCS quotas and certain other management measures from the 1999 HMS FMP, which were based on the 1998 LCS stock assessment, will go into effect. After reviewing the independent peer reviews of the 1998 assessment, which were required as part of a court-approved settlement agreement, NMFS determined that portions of the 1998 assessment did not constitute the best available science. Allowing the LCS quotas from the 1999 FMP to go into effect, thus, would be inconsistent with National Standard 2 of the Magnuson-Stevens Act and also would result in a significant adverse economic impact to LCS fishermen, as fishing quotas that have been at least 1,285 mt dw for LCS since 1997 would be reduced by at least 36 percent. Additionally, the settlement agreement contemplated that NMFS would not adjust LCS quotas and other management measures in the 1999 HMS FMP until after a peer review process on a new LCS stock assessment was

complete, but could take emergency action as needed pending completion of the review process.

Since publication of the initial emergency rule, NMFS has held four public hearings and solicited comment on the rule during a 50 day comment period, reviewed and analyzed the findings of the peer reviews of the 2002 LCS stock assessment, and continued to work on Amendment 1 to the HMS FMP to address long-term, comprehensive shark management measures based on the 2002 LCS and SCS stock assessments. NMFS also developed an issues and options paper for Amendment 1 to the HMS FMP, and held seven scoping meetings including one at the February 2003 meeting of the HMS and Billfish Advisory Panels. NMFS has received extensive public comment on the emergency rule as a result of these processes, and as noted above, this extension would not change any measures from the initial emergency rule.

NMFS will consider many of the comments received on this action in the course of developing Amendment 1 to the HMS FMP. Therefore, for all of the above reasons, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment.

Dated: May 22, 2003.

Rebecca J. Lent,

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 030314060-3126-02; I.D. 021003E]

RIN 0648-AQ57

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid and Butterfish Fisheries; Framework Adjustment 3

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement measures contained in Framework Adjustment 3 (Framework 3) to the Atlantic Mackerel, Squid, and