

high based on an analysis of past landings and the current condition of greater amberjack. We therefore again recommend that this value will be reassessed at regular intervals to insure its soundness.

Response: According to NMFS national standard guidelines on the Magnuson-Stevens Act (50 CFR Part 600.310), OY is based on MSY or MSY as it may be reduced to take into account social, economic, or ecological factors. The guidelines go on to say that Councils should adopt a precautionary approach in specifying OY including reference points set safely below limit reference points and that these targets be "explicitly" risk averse. NMFS technical guidance in setting an OY level suggests that OY should be set at a yield where the fishing mortality rate is 25 percent below the limit fishing mortality rate (i.e., $0.75 * F_{MSY}$). Advantages of setting F at this level are: (1) the probability of exceeding the MFMT is low (20–30 percent), and (2) because the total mortality on the stock is reduced, the stock size is allowed to increase. Restrepo *et al.* (1998) estimated that by fishing at $0.75 * F_{MSY}$, the stock is allowed to build to 125–131 percent of BMSY and that the resultant reduction in yield is only about 6 percent of MSY. Specifically for greater amberjack, fishing at the FMSY proxy ($0.75 * F_{30\%SPR}$) would allow the stock to build to 128 percent of the spawning stock biomass at MSY (SSB_{MSY}), with the resultant yield of about 92 percent of MSY.

The Preferred Alternative (Alternative 1) defines OY as the yield associated with an $F_{40\% SPR}$ when the stock is at equilibrium, and is actually more conservative than what is recommended by NMFS. According to Turner (2002), the estimated value of $F_{40\% SPR}$ is 72 percent of $F_{30\% SPR}$ (the proxy they used for FMSY). Based on estimates of yield at $F_{40\%}$ (8.5 million lb (3.9 million kg)) and at $F_{30\%}$ (9.5 million lb (4.3 million kg)), the OY yield from Alternative 1 would be 89 percent of the Preferred Alternative for MSY (the yield associated with an $F_{30\%}$). Alternative 1 also is consistent with NMFS recommendations for OY in the generic SFA amendment that OY should correspond with a stock at 40 percent static SPR.

NMFS will continue to provide the Council with annual updates on the greater amberjack harvest. These updates would cover each calendar year and be presented as soon as the information can be properly collated. The purpose of these updates would be to insure that the annual harvest by the recreational and commercial fisheries

was not exceeding the expected annual harvest needed for the rebuilding plan, and to provide any potential new information that may be incorporated into the rebuilding plan.

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

Dated: June 27, 2003.

Rebecca Lent,

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

[FR Doc. 03–16880 Filed 7–2–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061603A]

Taking and Importing of Marine Mammals

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

ACTION: Notice of affirmative finding renewal.

SUMMARY: The Assistant Administrator for Fisheries, NMFS, (Assistant Administrator) renewed the affirmative finding for the Republic of Ecuador under the Marine Mammal Protection Act (MMPA). This renewal allows the continued importation into the United States of yellowfin tuna and yellowfin tuna products harvested in the eastern tropical Pacific Ocean (ETP) after March 3, 1999, by Ecuadorian-flag purse seine vessels or vessels operating under Ecuadorian jurisdiction greater than 400 short tons (362.8 mt) carrying capacity. The affirmative finding renewal was based on review of documentary evidence submitted by the Republic of Ecuador and obtained from the Inter-American Tropical Tuna Commission (IATTC) and the Department of State. This finding remains in effect through March 31, 2004.

DATES: Effective April 1, 2003, through March 31, 2004.

FOR FURTHER INFORMATION CONTACT: Regional Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA, 90802–4213; Phone 562–980–4000; Fax 562–980–4018.

SUPPLEMENTARY INFORMATION: The MMPA, 16 U.S.C. 1361 *et seq.*, as amended by the International Dolphin Conservation Program Act (IDCPA) (Public Law 105–42), allows the entry into the United States of yellowfin tuna harvested by purse seine vessels in the

ETP under certain conditions. If requested by the harvesting nation, the Assistant Administrator will determine whether to make an affirmative finding based upon documentary evidence provided by the government of the harvesting nation, the IATTC, or the Department of State. A finding will remain valid for 1 year (April 1 through March 31) or for such other period as the Assistant Administrator may determine. An affirmative finding applies to tuna and tuna products that were harvested in the ETP by purse seine vessels of the nation after March 3, 1999, the effective date of the IDCPA.

The affirmative finding process requires that the harvesting nation meet several conditions related to compliance with the International Dolphin Conservation Program (IDCP). A nation may provide information regarding compliance with the IDCP directly to NMFS on an annual basis or may authorize the IATTC to release the information to NMFS in years when NMFS will review and consider whether to issue an affirmative finding determination without an application from the harvesting nation.

An affirmative finding will be terminated, in consultation with the Secretary of State, if the Assistant Administrator determines that the requirements of 50 CFR 216.24(f) are no longer being met or that a nation is consistently failing to take enforcement actions on violations which diminish the effectiveness of the IDCP. Every 5 years, the government of the harvesting nation must request an affirmative finding and submit the required documentary evidence directly to the Assistant Administrator.

As a part of the annual review process set forth in 50 CFR 216.24(f), the Assistant Administrator considered documentary evidence submitted by the Republic of Ecuador or obtained from the IATTC and the Department of State and determined that Ecuador has met the MMPA's requirements to receive an affirmative finding. After consultation with the Department of State, NMFS renewed the Republic of Ecuador's affirmative finding allowing the continued importation into the United States of yellowfin tuna and products derived from yellowfin tuna harvested in the ETP by Ecuadorian-flag purse seine vessels or vessels under Ecuadorian jurisdiction greater than 400 short tons (362.8 metric tons) carrying capacity after March 3, 1999. This renewal will remain in effect for 1 year (April 1, 2003, through March 31, 2004).

In 2004, the Assistant Administrator will determine whether the Republic of Ecuador is meeting the requirements