

incur additional fuel and supply costs in order to fish further offshore to target larger fish. During development of this final rule, NMFS provided many opportunities for public participation and made the FEIS for Amendment 1 available to the public for 30 days prior to making its final decision (68 FR 64621, November 14, 2003). Thus, members of the public were aware of what the rule was likely to contain. It would be contrary to the public interest to delay the implementation of these measures because of the economic impact on fishermen. Therefore, pursuant to 5 U.S.C. 553(d)(3), there is good cause to waive the delay in effectiveness for the commercial quotas and minimum size.

## List of Subjects

### 50 CFR Part 600

Administrative practice and procedure, Confidential business information, Fisheries, Fishing, Fishing vessels, Foreign relations, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Statistics.

### 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Foreign relations, Imports, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: December 17, 2003.

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■ For the reasons set out in the preamble, 50 CFR parts 600 and 635 are amended as follows:

## PART 600—MAGNUSON-STEVENS ACT PROVISIONS

■ 1. The authority citation for 50 CFR part 600 continues to read as follows:

**Authority:** 5 U.S.C. 561 and 16 U.S.C. 1801 *et seq.*

■ 2. In § 600.725, section IX of the list of authorized fisheries and gears in paragraph (v) is revised to read as follows:

### § 600.725 General prohibitions.

\* \* \* \* \*

(v) \* \* \*

## Fishery

## Authorized gear types

\* \* \* \* \*

## IX. SECRETARY OF COMMERCE

### 1. Atlantic Tunas, Swordfish, and Sharks Fisheries (FMP):

A. Swordfish handgear fishery .....	A. Rod and reel, harpoon, handline, bandit gear.
B. Pelagic longline fishery .....	B. Longline.
C. Shark gillnet fishery .....	C. Gillnet
D. Shark bottom longline fishery .....	D. Longline.
E. Shark handgear fishery .....	E. Rod and reel, handline, bandit gear.
F. Shark recreational fishery .....	F. Rod and reel, handline.
G. Tuna purse seine fishery .....	G. Purse seine.
H. Tuna recreational fishery .....	H. Rod and reel, handline.
I. Tuna handgear fishery .....	I. Rod and reel, harpoon, handline, bandit gear.
J. Tuna harpoon fishery .....	J. Harpoon.

### 2. Atlantic Billfish Fishery (FMP):

Recreational fishery .....

Rod and reel.

3. Commercial Fisheries (Non-FMP) ..... Rod and reel, handline, longline, gillnet, harpoon, bandit gear, purse seine.

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## PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

■ 3. The authority citation for 50 CFR part 635 continues to read as follows:

**Authority:** 16 U.S.C. 971 *et seq.*; 16 U.S.C. 1801 *et seq.*

■ 4. In § 635.2, in the definition of “Management unit,” paragraph (5) is revised, and new definitions for “Display permit,” and “Mid-Atlantic shark closed area,” are added in alphabetical order to read as follows:

### § 635.2 Definitions.

\* \* \* \* \*

*Display permit* means a permit issued in order to catch and land HMS for the purpose of public display pursuant to § 635.32.

\* \* \* \* \*

*Management unit* means in this part:

\* \* \* \* \*

(5) For sharks, means all fish of these species in the western north Atlantic Ocean, including the Gulf of Mexico and the Caribbean Sea, excluding those species listed in Table 2 of Appendix A.

\* \* \* \* \*

*Mid-Atlantic shark closed area* means the Atlantic Ocean area seaward of the inner boundary of the U.S. EEZ from a point intersecting the inner boundary of the U.S. EEZ at 35°41' N. lat. just south of Oregon Inlet, North Carolina, and connecting by straight lines the following coordinates in the order stated: 35°41' N. lat., 75°25' W. long. proceeding due east to 35°41' N. lat., 74°51' W. long.; then proceeding southeast to 35°30' N. lat., 74°46' W. long.; then proceeding southwest, roughly following the 55 fathom mark, to 33°51' N. lat., 76°24' W. long.; then

proceeding due west to intersect the inner boundary of the U.S. EEZ at 33°51' N. lat., 77°53' W. long. near Cape Fear, North Carolina.

\* \* \* \* \*

■ 5. In § 635.3, paragraph (d) is revised to read as follows:

### § 635.3 Relation to other laws.

\* \* \* \* \*

(d) An activity that is otherwise prohibited by this part may be conducted if authorized as scientific research activity, exempted fishing or exempted educational activity, or for public display, as specified in § 635.32.

■ 6. In § 635.5, paragraph (e) is revised to read as follows:

### § 635.5 Recordkeeping and reporting.

\* \* \* \* \*

(e) *Inspection.* Any person authorized to carry out enforcement activities