

TABLE 1 OF § 63.2870.—APPLICABILITY OF 40 CFR PART 63, SUBPART A, TO 40 CFR PART 63, SUBPART GGGG—Continued

General provisions citation	Subject of citation	Brief description of requirement	Applies to subpart	Explanation
§ 63.6(e)(3)(viii)	Operation and maintenance requirements.		Yes	Except, report each revision to your SSM plan in accordance with § 63.2861(c) rather than § 63.10(d)(5) as required under § 63.6(e)(3) (viii).
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[FR Doc. 02-5862 Filed 4-4-02; 8:45 am]
 BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 52

[CC Docket No. 99-200; CC Docket No. 96-98; CC Docket No 96-116; FCC 02-73]

Numbering Resource Optimization

AGENCY: Federal Communications Commission.

ACTION: Final rule; clarification.

SUMMARY: In this document, the Federal Communications Commission (FCC or Commission), on its own motion, reconsiders its findings in the *Numbering Resource Optimization Third Report and Order*, regarding the local number portability (LNP) and thousands-block number pooling requirements for carriers in the 100 largest Metropolitan Statistical Areas (MSAs). Specifically, the Commission reverses its clarification that the requirements extend to all carriers within the largest 100 MSAs, regardless of whether they have received a specific request from another carrier to provide LNP.

FOR FURTHER INFORMATION CONTACT: Pam Slipakoff, (202) 418-7705 or e-mail at pslipako@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Third Order on Reconsideration in CC Docket No. 99-200 (Third Order on Reconsideration)*, FCC 02-73, adopted on March 13, 2002 and released on March 14, 2002. The full text of this document is available for inspection and copying during normal business hours in the Commission Reference Center, 445 12th Street, SW, Washington, DC 20554. The complete text may also be obtained through the world wide web at <http://www.fcc.gov/Bureaus/CommonCarrier/Orders>, or may be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street,

SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail at qualexint@aol.com.

Synopsis of the Third Order on Reconsideration in CC Docket No. 99-200

1. On its own motion, the Commission reconsiders its findings in the *Numbering Resource Optimization Third Report and Order*, 67 FR 6431 (Feb. 12, 2002), regarding the local number portability (LNP) and thousands-block number pooling requirements for carriers in the 100 largest Metropolitan Statistical Areas (MSAs). Specifically, the Commission reverses its clarification that these requirements extend to all carriers within the largest 100 MSAs, regardless of whether they have received a specific request from another carrier to provide LNP.

2. In the *Numbering Resource Optimization Third Report and Order*, the Commission extended LNP and thousands-block number pooling requirements to all carriers in the largest 100 MSAs, and gave non-compliant carriers six months from the effective date of the order to deploy LNP. This decision was driven by questions raised when certain state commissions began implementing thousands-block number pooling trials and discovered that some LECs had not deployed LNP in some of the largest 100 MSAs. Apparently, some carriers and state commissions differed on the current status of the LNP requirements. Specifically, they were not sure whether LNP is required for all carriers within the 100 largest MSAs, or only for those carriers that receive a request from a competing carrier. Thus, the Commission sought to clarify the issue.

3. In attempting to clarify the issue, however, the Commission reversed the decision on LNP deployment reached by the Commission in the *Number Portability First Order on Reconsideration*, 62 FR 18280 (April 15, 1997), without providing an adequate opportunity for comment on this

specific issue. The Commission now reverses this clarification and provides interested parties an opportunity to comment on whether carriers should be required to deploy LNP and participate in thousands-block number pooling in the 100 largest MSAs, regardless of whether they have received a specific request to provide LNP from another carrier.

4. Pursuant to sections 1, 3, 4, 201-205, 251 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 153, 154, 201-205, and 251, this *Third Order on Reconsideration* in CC Docket 99-200 is hereby *adopted*.

Federal Communications Commission.

William F. Caton,
Acting Secretary.

[FR Doc. 02-8249 Filed 4-4-02; 8:45 am]
 BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 000831250-0250-01; 032602D]

Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Reopening of Directed Fishery for Pacific Mackerel

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

ACTION: Reopening of the directed fishery for Pacific mackerel.

SUMMARY: NMFS announces the reopening of the directed fishery for Pacific mackerel in the U.S. exclusive economic zone off the Pacific coast at 12 midnight local time (l.t.) on March 31, 2002. A significant portion of the Pacific mackerel harvest guideline remains unharvested; therefore, the incidental catch allowance that has been in effect

since November 21, 2001, is removed, and any landing of Pacific mackerel may consist of 100 percent Pacific mackerel. This action is taken to help ensure that the harvest guideline is attained, but not exceeded.

DATES: Effective at 12 midnight l.t. March 31, 2002, through 12 midnight l.t. June 30, 2002.

ADDRESSES: The data used as the basis for this action is available for public inspection at the Office of the Acting Regional Administrator, Rodney R. McInnis, Southwest Region (Regional Administrator), NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213.

FOR FURTHER INFORMATION CONTACT: James J. Morgan, Southwest Region, NMFS, (562) 980-4036.

SUPPLEMENTARY INFORMATION: On July 25, 2001, NMFS announced a harvest guideline of 13,837 metric tons (mt) for Pacific mackerel for the fishing season July 1, 2001, through June 30, 2002 (66 FR 38571). A directed fishery of 6,000 mt was established, which, when attained, would be followed by an incidental catch allowance of 45 percent of Pacific mackerel in a landing of any coastal pelagic species. If a significant amount of the harvest guideline remained unused before the end of the fishing season on June 30, 2002, the directed fishery would be reopened. This approach was taken because of concern about the low harvest guideline's potential negative effect on the harvest of Pacific sardine if the fishery for Pacific mackerel had to be closed. The two species occur together often and could present bycatch problems.

On November 8, 2001, 6,079 mt of Pacific mackerel had been landed; therefore, the 45 percent incidental rate was implemented on November 21, 2001 (66 FR 54166, November 27, 2001). On March 5, 2002, 7,252 mt of Pacific mackerel had been landed, with 6,585 mt of the harvest guideline remaining. To help ensure that the harvest guideline will be achieved, beginning on April 1, 2002, the 45 percent incidental landing restriction will be removed. If the harvest guideline of 13,837 mt is projected to be reached before June 30, 2002, the directed fishery will be closed and an appropriate incidental landing restriction imposed.

For the reasons stated here and in accordance with the FMP and its implementing regulations at 50 CFR 660.509, the directed fishery for Pacific mackerel will be reopened at 12 midnight l.t. on March 31, 2002, after which time any landing of Pacific

mackerel may consist of 100 percent Pacific mackerel.

Classification

This action is required by 50 CFR 660.509 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA, finds good cause to waive the requirement to provide opportunity for prior notice and comment on this action pursuant to 5 U.S.C. 553(b)(B), as providing prior notice and opportunity for comment would be impracticable and unnecessary. It is impracticable because the fishery must be opened immediately in order to achieve the harvest guideline. It is unnecessary because this is a minor inseason action and the public had an opportunity to comment on the process that established the season openings and closings.

Since this action will give Pacific mackerel fishermen an opportunity to land the remaining harvest guideline, it relieves a restriction under 5 U.S.C. 553(d)(1).

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

Dated: April 1, 2002.

John H. Dunnigan,

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

[FR Doc. 02-8186 Filed 4-1-02; 3:28 pm]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 010511123-2076-02; I.D. 031102C]

RIN 0648-AP84

Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagics Fisheries; Hawaii-based Pelagic Longline Restrictions

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

ACTION: Emergency interim rule; notification of restrictions; request for comments.

SUMMARY: NMFS issues an emergency interim rule applicable to any vessel registered for use under a Hawaii longline limited access permit (Hawaii longline vessel). This rule prohibits longline fishing north of 26° N. lat. and the retention or landing of more than 10 swordfish per trip by Hawaii longline

vessels that fish north of the equator. This interim emergency rule is intended to prevent additional takings of loggerhead sea turtles.

DATES: This emergency interim rule is effective April 5, 2002, through June 8, 2002. Comments must be received no later than 5 p.m., Hawaiian standard time, on May 20, 2002.

ADDRESSES: Written comments on this action must be mailed to Dr. Charles Karnella, Administrator, NMFS, Pacific Islands Area Office (PIAO), 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI, 96814-4700; or faxed to 808-973-2941. Comments will not be accepted if submitted via e-mail or the Internet. Copies of an Environmental Assessment and Regulatory Impact Review (RIR) prepared for this action may be obtained from Dr. Charles Karnella, PIAO. See also <http://swr.nmfs.noaa.gov> to view the Final Environmental Impact Statement (FEIS) on the implementation of the Fishery Management Plan for Pelagic Fisheries of the Western Pacific (FMP).

FOR FURTHER INFORMATION CONTACT: Alvin Katekaru, PIAO, at 808-973-2937.

SUPPLEMENTARY INFORMATION: On June 12, 2001, NMFS issued an emergency interim rule (66 FR 31561) implementing temporary measures for the Hawaii-based pelagic longline fishery (Hawaii longline fishery) to avoid the likelihood of jeopardy to sea turtles and reduce adverse effects to the short-tailed albatross. Those measures are consistent with NMFS' March 29, 2001, biological opinion (BiOp) on the FMP and with the U.S. Fish and Wildlife Service's November 28, 2000, BiOp on the Effects of the Hawaii-based Domestic Longline Fleet on the Short-tailed Albatross (*Phoebastria albatrus*). The consultations culminating in the two BiOps have been reinitiated and are expected to be completed by July 2002. The June 12, 2001, emergency interim rule was extended for 180 days on December 10, 2001 (66 FR 63630). The actions taken to protect sea turtles comply with a March 30, 2001, Order Modifying Injunction (Court Order) issued by the Court in *Center for Marine Conservation v. NMFS* CV No. 99-00152. Specific information on the protective measures in the BiOps and background information on the Court Order were published in several **Federal Register** documents (64 FR 72290, December 27, 1999; 65 FR 16346, March 28, 2000; 65 FR 37917, June 19, 2000; 65 FR 51992, August 25, 2000; 65 FR 66186, November 3, 2000; 66 FR 1110, February 22, 2001; 66 FR 31561, June 12, 2001; and 66 FR 63631, December 10, 2001), and that information is not