

STATE OF ALASKA—Continued

	Aleutian Chain, Bristol Bay, Dillingham	Southeast and South Central, Anchorage, Kenai, Juneau, Ketchikan	Remainder of Alaska, including Kodiak
Type 2			
Regular Time	95.00	78.37	83.95
Overtime	142.50	117.56	125.92
Sunday/Holiday	190.00	156.74	167.90
Type 3			
Regular Time	83.82	69.15	74.07
Overtime	125.73	103.73	111.11
Sunday/Holiday	167.64	138.03	148.14

Classification

This action is taken under the authority of 50 CFR 260.70 and has been determined to be not significant for purposes of E.O. 12866.

Regulatory Flexibility Act Analysis

The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and delayed effectiveness are inapplicable because this rule falls within the proprietary exception of subparagraph (a)(2) of section 553. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553 or by any other law, the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*) are not applicable.

Paperwork Reduction Act of 1980

These regulations will impose no information collection requirements subject to the Paperwork Reduction Act of 1980.

Executive Order 12612

This rule does not contain policies with sufficient Federalism implications to warrant preparation of a Federalism assessment under E.O. 12612.

List of Subjects in 50 CFR Part 260

Fees, Food grades and standards, Food labeling, Inspection, Seafood.

Authority: 7 U.S.C. 1622, 1624 and 16 U.S.C. 742e.

Dated: December 4, 1998.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 98-33184 Filed 12-14-98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 980826225-8296-02; I.D. 081498C]

RIN 0648-AL50

Fisheries of the Exclusive Economic Zone Off Alaska; Extension of the Interim Groundfish Observer Program through 2000

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to implement a regulatory amendment to extend the current groundfish observer coverage requirements and implementing regulations for the North Pacific Groundfish Observer Program (Observer Program) that expire December 31, 1998. This action is necessary to assure uninterrupted observer coverage requirements through 2000.

This action is intended to accomplish the objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska and of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMPs).

DATES: Effective January 1, 1999.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA) prepared for the 1997 Interim Groundfish Observer Program, the RIR/FRFA prepared for the 1998 Interim Groundfish Observer Program, and the RIR/FRFA prepared for this final regulatory action may be obtained from

the Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori J. Gravel, or by calling 907-586-7228.

FOR FURTHER INFORMATION CONTACT: Sue Salveson, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

NMFS manages the U.S. groundfish fisheries of the Gulf of Alaska and the Bering Sea and Aleutian Islands management area in the Exclusive Economic Zone under the FMPs. The North Pacific Fishery Management Council (Council) prepared the FMPs under the Magnuson-Stevens Fishery Conservation and Management Act. Regulations implement the FMPs at 50 CFR part 679. General regulations that also pertain to U.S. fisheries appear at subpart H of 50 CFR part 600.

In 1996, the Council adopted, and NMFS implemented, the Interim Groundfish Observer Program. The Interim Groundfish Observer Program extended the 1996 mandatory groundfish observer requirements through 1997 (61 FR 56425, November 1, 1996) and again through 1998 (62 FR 67755, December 30, 1997). The intent of the Interim Observer Program is to provide for the collection of observer data necessary to manage the Alaska groundfish fisheries while the Council develops a long-term program that addresses concerns about observer data integrity, observer compensation and working conditions, and equitable distribution of observer coverage costs.

At its June 1998 meeting, the Council requested NMFS to develop new options for an alternative infrastructure for the Observer Program that would (1) better assure the continued collection of quality observer data, and (2) address observer coverage cost distribution issues through a fee collection or alternative funding mechanism. The Council also recognized that the development of measures to address

concerns about the continued integrity of observer data and industry cost distribution issues would take time and coordination among NMFS staff, different industry sectors, and representatives for observer interests. At its June 1998 meeting, the Council unanimously requested NMFS to extend through 2000 the current Interim Observer Program.

On September 8, 1998, NMFS published a proposed rule in the **Federal Register** (63 FR 47462) to implement the Council's recommended extension of the Interim Observer Program through December 31, 2000. The preamble to the proposed rule discussed NMFS and Council activities and events that led to the proposed extension of this program. NMFS invited comments on the proposed rule through October 8, 1998, but did not receive any by the end of the comment period.

A description of the regulatory provisions of the Interim Groundfish Observer Program was provided in the proposed rule and final rule implementing this program (61 FR 40380, August 2, 1996; 61 FR 56425, November 1, 1996) as well as in the proposed and final rule that extended the interim program through 1998 (62 FR 49198, September 19, 1997; 62 FR 67755, December 30, 1997). Consistent with the final rule extending the observer program into 1998, § 679.50(i)(1)(i) of the final rule specifies that observer contractors certified prior to January 1, 1999, and providing observer services during 1998 will be exempt from the requirement to submit an application for certification. The intent of this provision is to alleviate an unnecessary paperwork burden on those observer contractors who are certified by NMFS and currently provide observer services. No other changes to the existing regulations are implemented at this time.

Classification

This final rule has been determined to be not significant for the purposes of E.O. 12866.

This rule would extend without change existing collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The collection of this information has been approved by the Office of Management

and Budget (OMB) under OMB control numbers 0648-0318 and 0648-0307.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

NMFS prepared a final regulatory flexibility analysis that consists of the RIR/FRFA and the preambles to the proposed and final rules. A copy of the RIR/FRFA is available from NMFS (see ADDRESSES). No comments on the Initial Regulatory Flexibility Analysis were received during the public comment period on the proposed rule. NMFS has determined that this final rule could have a significant economic impact on a substantial number of small entities. Alternatives that addressed modifying reporting requirements for small entities or the use of performance rather than design standards for small entities were not included in the analysis because such alternatives are not relevant to the proposed action and would not mitigate impacts on small entities. Allowing exemptions for small entities would not be appropriate because the objective to assure uninterrupted observer coverage requirements through 2000 would not be achieved.

However, this action does include measures that will minimize the significant economic impacts of observer coverage on a least some small entities. Vessels less than 60 ft (18.3 m) length overall (LOA) are not required to carry an observer while fishing for groundfish. Vessels between 60 ft (18.3 m) and 125 ft LOA have lower levels of observer coverage than those for vessels over 125 ft (38.1 m) LOA. These measures, which have been incorporated into the requirements of the North Pacific Groundfish Observer Program since its inception in 1989, effectively mitigate the economic impacts on some small entities without adversely affecting the implementation of the conservation and management responsibilities imposed by the FMPs and the Magnuson-Stevens Fishery Conservation and Management Act.

The Assistant Administrator for Fisheries, NOAA, finds there is good cause under the authority contained in 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness because this rule

is not establishing any new requirements with which affected parties must come into compliance. As such, there is no need for a delay in effective date. This rule will become effective on January 1, 1999, at the expiration of the existing rule.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: December 9, 1998.

Andrew Rosenberg,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

2. In § 679.50, the section heading and paragraphs (i)(1)(i) and (i)(1)(iii) are revised to read as follows:

§ 679.50 Groundfish Observer Program applicable through December 31, 2000.

* * * * *

(i) * * *

(1) * * *

(i) *Application.* An applicant seeking to become an observer contractor must submit an application to the Regional Administrator describing the applicant's ability to carry out the responsibilities and duties of an observer contractor as set out in paragraph (i)(2) of this section and the arrangements and methods to be used. Observer contractors who were certified prior to January 1, 1999, and who have provided observer services during 1998 are exempt from this requirement to submit an application and are certified for the term specified in paragraph (i)(1)(iii) of this section.

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(iii) *Term.* Observer contractors will be certified through December 31, 2000. NMFS can decertify or suspend observer contractors pursuant to paragraph (j) of this section.

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