

86. Revise "analyses" to "analysis" in section 1180.4(b)(1)(ii).

87. Amend the second sentence of 1180.6(a)(8) by adding the word "of" after "no later than the filing".

88. Amend section 1180.7(d) by adding the word "as" after "as well".

89. Amend section 1180.9(c) by putting footnote marker 8 in superscript.

#### **PART 1184—MOTOR CARRIER POOLING OPERATIONS**

90. The authority citation for Part 1184 continues to read as follows:

**Authority:** 49 U.S.C. 721, 14302.

91. Remove the references to "11342(b)" and add in their place "14302" in sections 1184.1 and 1184.2.

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#### **DEPARTMENT OF COMMERCE**

##### **National Oceanic and Atmospheric Administration**

##### **50 CFR Part 216**

[Docket No. 990414095-9251-02; I.D. 033199B]

RIN 0648-AM57

##### **Regulations Governing the Taking of Marine Mammals by Alaskan Natives; Marking and Reporting of Beluga Whales Harvested in Cook Inlet**

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

**ACTION:** Final rule.

**SUMMARY:** This rule finalizes the interim final rule published in the **Federal Register** on May 24, 1999, without changes. The rule requires the marking and reporting of beluga whales, *Delphinapterus leucas*, harvested from Cook Inlet, Alaska, by Alaskan Natives.

The marking and reporting is necessary to provide essential biological data for the management and conservation of the stock. The effect of the information will be to provide a more sound scientific basis for management of the stock.

**DATES:** Effective October 1, 1999.

**ADDRESSES:** A copy of the Environmental Assessment (EA) for this action may be obtained by contacting Brad Smith: NMFS, 222 West 7th Avenue, Box 43, Anchorage, Alaska 99513. Comments regarding the burden-hour estimate or any other aspect of the collection of information in this rule should be sent to the preceding individual and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: NOAA Desk Officer, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Brad Smith: telephone (907) 271-5006.

**SUPPLEMENTARY INFORMATION:**

##### **Background**

On May 24, 1999, NMFS published an interim final rule amending 50 CFR 216.23 to require that Alaskan Natives harvesting beluga whales in Cook Inlet collect the left lower jaw from harvested whales and complete a report (64 FR 27925). In order to allow the opportunity for public comment, the rule was promulgated as an interim rule with a request for public comment. In addition, NMFS held a public hearing on the rule on July 26. Background information on the Cook Inlet stock of beluga whales, the Alaskan Native subsistence harvest, and the need for the regulation were contained in the publication of the interim final rule.

No written comments were received in response to the request for comments, and no comments were received at the public hearing. Accordingly, the interim final rule amending 50 CFR part 216, which was published at 64 FR 27925 on May 24, 1999, is adopted as a final rule without change.

##### **Classification**

An EA has been prepared by NMFS to address this action and is available for public review and comment. Persons wishing to obtain this EA should contact NMFS Anchorage Field Office (see **ADDRESSES**).

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

Because prior notice and opportunity for public comment are not required by 5 U.S.C. 553 or by any other law, under 5 U.S.C. 603(b) the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. *et seq.* are not applicable to this rule. Accordingly, an initial Regulatory Flexibility Analysis was not prepared for this rule.

This rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA) and which has been approved by OMB under control number 0648-0382. The public reporting burden for this collection of information is estimated to average thirty minutes per response, including the time necessary to remove and label the jawbone and complete the reporting form. Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS and OMB (see **ADDRESSES**).

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person 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.

Dated: September 15, 1999.

**Andrew Kemmerer,**

*Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.*

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