

# Rules and Regulations

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 15 CFR Part 922

[Docket No. 950609150-8003-04]

RIN 0648-A106

#### Jade Collection in the Monterey Bay National Marine Sanctuary; Confirmation of Effective Date

**AGENCY:** Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Confirmation of effective date.

**SUMMARY:** On March 30, 1998, the National Oceanic and Atmospheric Administration (NOAA) published a final rule (63 FR 15083) amending the regulations and Designation Document for the Monterey Bay National Marine Sanctuary (MBNMS or Sanctuary) to allow limited, small-scale collection of jade from the Jade Cove area of the Sanctuary. Under the National Marine Sanctuaries Act, the amendment would automatically take effect at the end of 45 days, continuous session of Congress beginning on March 30 1998, unless the Governor of California certified to the Secretary of Commerce the amendment as unacceptable in State waters of the MBNMS. The 45-day review period ended on June 13, 1998. During the review period, NOAA received a letter dated May 29, 1998, from Governor Pete Wilson stating that the State of California has no objection to the amendment. This document confirms the effective date of the amendment of the MBNMS Designation Document and regulations as June 16, 1998.

**EFFECTIVE DATE:** The amendment to the MBNMS Designation Document and regulations at 15 CFR part 922, subpart M, published on March 30, 1998 (63 FR 15083) shall take effect on June 16, 1998.

**FOR FURTHER INFORMATION CONTACT:** Scott Kathey, Monterey Bay National Marine Sanctuary, 299 Foam Street, Suite D, Monterey, California 93940 or at (408) 647-4251.

(Federal Domestic Assistance Catalog Number 11.429, Marine Sanctuary Program)

**Captain Evelyn Fields,**  
*Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.*  
[FR Doc. 98-17734 Filed 7-2-98; 8:45 am]

**BILLING CODE 3510-08-M**

## FEDERAL TRADE COMMISSION

### 16 CFR Parts 0, 1, and 3

#### Organization, General Procedures, Rules of Practice for Adjudicative Proceedings

**AGENCY:** Federal Trade Commission (FTC).

**ACTION:** Final rule.

**SUMMARY:** The Commission is revising its Rules of Practice to incorporate statutory requirements of the Small Business Regulatory Enforcement Fairness Act concerning congressional review of certain agency rules and publication of small entity guides for certain rules.

The revised rules also reflect statutory amendments to the Equal Access to Justice Act as well as technical and interpretive nonsubstantive changes to the rules governing claims under the Act.

**EFFECTIVE DATES:** These amendments are effective July 6, 1998.

**FOR FURTHER INFORMATION CONTACT:** Sandra M. Vidas, Attorney, (202) 326-2456, Office of the General Counsel, FTC, Sixth Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

**SUPPLEMENTARY INFORMATION:** The Commission is amending Parts 0, 1, and 3 of its existing Rules of Practice to reflect the statutory provisions of the Small Business Regulatory Enforcement Fairness Act (SBREFA), Pub. L. 104-121, 110 Stat. 857 (1996) as that Act amends the Administrative Procedure Act (APA), 5 U.S.C. 551 *et seq.*, the

Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612, and the Equal Access to Justice Act (EAJA), 5 U.S.C. 504.

The Commission is amending Part 1 by adding a new Subpart M reflecting SBREFA's requirements concerning the submission of information to Congress and the Comptroller General when the agency issues or amends a rule or industry guide, or formally adopts an interpretation or policy statement that constitutes a rule within the meaning of 5 U.S.C. 804(3). The amendments also reflect SBREFA's statutory requirements with respect to publication of small entity compliance guides, and add references to the RFA and Paperwork Reduction Act, (PRA), 44 U.S.C. 3501-3520, where appropriate.

The Commission is revising its rules governing EAJA claims to reflect statutory amendments and to clarify certain provisions of the Commission's existing EAJA rules. These clarifying amendments provide, *inter alia*, additional information concerning filing time limits, procedures, and allowable expenses to assist persons eligible to file claims under the EAJA. The Commission is also amending § 0.5 of its rules, "Laws authorizing monetary claims," to include a reference to the EAJA and a new telephone contact number in the Office of the General Counsel.

The Commission has determined that these rule amendments relate to agency practice or are interpretive in nature. Accordingly, they are not subject to the notice and comment requirements of the APA, 5 U.S.C. 553(b)(A), or to the RFA, 5 U.S.C. 601-612.

The submissions required by the amended rules with respect to claims under the EAJA, 5 U.S.C. 504, do not likely constitute "the collection of information" as that term is defined by the PRA. Submission of a claim for fees occurs in connection with an administrative proceeding with respect to a specific party and is therefore exempt from PRA coverage. 5 CFR 1320.4(a)(2). In the event that an EAJA claim is subject to the requirements of the PRA, the Commission has previously received clearance for Part 3, Subpart I, of the Rules of Practice, which specifies, *inter alia*, the documentation necessary to support an application for reimbursement under the EAJA, See 16 CFR 3.81-3.83 (OMB