

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 221

[Docket No. R-170]

RIN 2133-AB29

Regulated Transactions Involving Documented Vessels and Other Maritime Interests: Elimination of Mortgagee and Trustee Restrictions

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: The Maritime Administration (MARAD) is issuing this final rule to conform its existing regulations to statutory changes that eliminate restrictions on mortgagees and trustees, thereby eliminating the need for approval by MARAD of mortgagees, trustees and mortgages held by noncitizens on U.S. documented vessels.

DATES: This rule is effective February 13, 1998.

FOR FURTHER INFORMATION CONTACT: Edmund T. Sommer, Jr., Chief, General and International Law Division, Telephone 202-366-5181.

SUPPLEMENTARY INFORMATION:**Background**

Section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808), prior to amendment in 1996 by Pub. L. 104-324, required the approval of MARAD, pursuant to authority delegated by the Secretary of Transportation, to mortgage a U.S. documented vessel to a person not a citizen of the United States. Provisions in Chapter 313 of Title 46 U.S.C. likewise required MARAD approval of noncitizen mortgagees and U.S. trustees who would hold mortgages for noncitizens. Pub. L. 104-324 amended those statutes to eliminate the requirement for those approvals. Accordingly, MARAD is hereby conforming its regulations by removing requirements reflecting provisions formerly found in the above statutes for MARAD approval of mortgagees and trustees and mortgages to noncitizens. Existing mortgagees and trustees who have written approval from MARAD which may call for reapproval need not do so.

Rulemaking Analysis and Notices

Executive Order 12866 (Regulatory Planning and Review), Department of Transportation (DOT) Regulatory Policies and Procedures, and Pub. L. 104-121

This procedural rulemaking is not considered to be an economically significant regulatory action under E.O. 12866, and is also not considered a major rule for purposes of Congressional review under Pub. L. 104-121. It is not considered to be a significant rule under DOT's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Accordingly, it has not been reviewed by the Office of Management and Budget. This rule merely conforms MARAD's regulations at 46 CFR Part 221 to changes in statutory authority for MARAD's administrative responsibilities for approving the foreign transfer of certain vessels and interests therein by removing restrictions in the regulations that may no longer be legally imposed. Accordingly, pursuant to provisions of the Administrative Procedure Act, 5 U.S.C. 553 (c) and (d), MARAD finds that notice and public procedure are unnecessary and that this rule may become effective in less than 30 days after its publication.

Federalism

MARAD has analyzed this rulemaking in accordance with principles and criteria contained in E.O. 12612 and has determined that these regulations do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility

The Acting Maritime Administrator certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities. Because fewer applications for approval will need to be filed, the affected public will save money.

Environmental Assessment

MARAD has concluded that this final rule will have no environmental impact and that an environmental impact statement is not required.

Paperwork Reduction Act

This rulemaking contains no new information collection requirements.

This rule does not impose any unfunded mandates or requirements that will have an impact on the quality of the human environment.

List of Subjects in 46 CFR Part 221

Maritime carriers, Reporting and recordkeeping requirements, Trusts and trustees.

Accordingly, Part 221 of 46 CFR Chapter II, Subchapter B is amended as follows:

PART 221—REGULATED TRANSACTIONS INVOLVING DOCUMENTED VESSELS AND OTHER MARITIME INTERESTS

1-2. The authority citation for part 221 continues to read as follows:

Authority: 46 App. U.S.C. 802, 803, 808, 835, 839, 841a, 1114 (b), 1195; 46 U.S.C. chs. 301 and 313; 49 U.S.C. 336; 49 CFR 1.66.

§ 221.1 [Amended]

3. § 221.1 Purpose, is amended as follows:

- a. By removing existing paragraph (a)(1) and redesignating paragraphs (a)(2) and (a)(3) as (a) (1) and (a)(2).
- b. In paragraph (b), by removing the words "(1) through (3)" and replacing them with the words "(1) and (2)" and by replacing the word "of" after "Secretary" with the word "to".

§ 221.3 [Amended]

4. § 221.3 Definitions, is amended as follows:

- a. By removing paragraphs (f) *Federally insured depository institution*, and (k) *Mortgagee*.
- b. In paragraph (t) *Trust*, by removing paragraph (t)(2) and the designation "(1)" in paragraph (t)(1).
- c. By redesignating paragraphs (g) through (j) and (l) through (w) as (f) through (u).

§ 221.7 [Amended]

5. § 221.7 Applications and fees, is amended in paragraph (b) as follows:

- a. In paragraph (b)(1)(ii) by removing the introductory words "Mortgage of, or".
- b. By removing paragraph (b)(1)(v).
- c. By removing paragraph (b)(2)(iv).

§ 221.11 [Amended]

6. § 221.11 Required approvals, is amended as follows:

- a. In paragraph (a) by removing the words "sections 31322(a)(1)(d) and 31328" and inserting in their place "section 12106(e)".
- b. In paragraph (a)(1) by removing the word "mortgage" and the comma thereafter.

§ 221.13 [Amended]

7. § 221.13 General approval, is amended as follows:

- a. In the introductory sentence of paragraph (a)(1) by removing the word "mortgage" and the comma thereafter.

b. By removing paragraph (a)(1)(iii) and redesignating existing paragraph (a)(1)(iv) as (a)(1)(iii).

c. In paragraph (a)(3), by removing the words "or mortgage" and the preceding comma.

§ 221.15 [Amended]

8. § 221.15 Approval for transfer of registry or operation under authority of a foreign country or for scrapping in a foreign country, is amended by replacing the phrase in paragraph (c)(4)(i) "Federally Insured Depository Institution" with the phrase "federally insured depository institution".

§ 221.17 [Amended]

9. § 221.17 Sale of a documented vessel by order of a district court, is amended by replacing the word "Mortgagee" wherever it appears with the word "mortgagee".

§ 221.19 [Amended]

10. § 221.19 Possession or sale of vessels by mortgagees or trustees other than pursuant to court order, is amended by replacing the word "Mortgagee" wherever it appears with the word "mortgagee".

11. Subpart C—Preferred Mortgagees on Documented Vessels: Mortgagees and Trustees, is hereby removed and the subpart is reserved.

§ 221.61 [Amended]

12. § 221.61 Purpose is amended by removing in the **Note** thereto the words "31328 or" and "or mortgages", and inserting the word "or" before the word "transfers".

By Order of the Acting Maritime Administrator.

Dated: February 5, 1998.

Joel C. Richard,
Secretary.

[FR Doc. 98-3346 Filed 2-10-98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208295-7295-01; I.D. 020598D]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 620 of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the interim specification for pollock in this area.

DATES: 1200 hrs, Alaska local time (A.l.t.), February 7, 1998, until the effective date of the Final 1998 Harvest Specification of Groundfish, as published in the *Federal Register*.

FOR FURTHER INFORMATION CONTACT: Thomas Pearson, 907-486-6919.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The interim specification of pollock total allowable catch in Statistical Area 620 was established by the Interim 1998 Harvest Specifications (62 FR 65622, December 15, 1997) as 10,165 metric tons (mt), determined in accordance with § 679.20(c)(2)(i).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 1998 interim specification of pollock in Statistical Area 620 has been reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 9,665 mt, and is setting aside the remaining 500 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 620 of the GOA.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 679.20(e) and (f).

Classification

This action is required by 50 CFR 679.20 and is exempt from review under E.O. 12866.

This action responds to the interim TAC limitations and other restrictions on the fisheries established in the interim 1998 harvest specifications for groundfish for the GOA. It must be implemented immediately to prevent overharvesting the 1998 interim TAC of pollock in Statistical Area 620 of the GOA. A delay in the effective date is impracticable and contrary to public interest. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

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

Dated: February 6, 1998.

Gary C. Matlock,

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

[FR Doc. 98-3462 Filed 2-6-98; 3:57 pm]

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