

Rulemaking Analyses and Notices**1. Executive Order 12866 (Federal Regulatory Planning and Review) and DOT Regulatory Policies and Procedures**

This proposal was not reviewed under E.O. 12866. NHTSA has analyzed this proposal and determined that it is not "significant" within the meaning of the Department of Transportation's regulatory policies and procedures.

2. Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, NHTSA has evaluated the effects of this action on small entities. Based upon this evaluation, I certify that the proposed amendment would not have a significant economic impact on a substantial number of small entities. Motor vehicle manufacturers who are likely to be affected by the proposed amendment typically would not qualify as small entities. This amendment would also have no effect on small businesses, small organizations, and small governmental units. Accordingly, no regulatory flexibility analysis has been prepared.

3. Executive Order 12612 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rule would not have sufficient Federalism implications to warrant preparation of a Federalism Assessment. No State laws would be affected.

4. National Environmental Policy Act

The agency has considered the environmental implications of this proposed rule in accordance with the National Environmental Policy Act of 1969 and determined that the proposed rule would not significantly affect the human environment.

5. Civil Justice Reform

This proposed rule would not have any retroactive effect. It would modify an existing Federal regulation to make it consistent with a statutory requirement. A petition for reconsideration or other administrative proceeding will not be a prerequisite to an action seeking judicial review of this proposed rule. This proposed rule does not preempt the states from adopting laws or regulations on the same subject, except that if adopted, the resulting Federal regulation would preempt a state regulation that is in actual conflict with the Federal regulation or makes compliance with the Federal regulation impossible or interferes with the implementation of the Federal statute.

Public Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR Part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material. Comments will also be available on line at www.dms.dot.gov.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 567

Labeling, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, the agency proposes to amend § 567.4, *Requirements for manufacturers of motor vehicles*, in Title 49 of the Code of Federal Regulations at Part 567 as follows:

PARTS 567—[AMENDED]

1. The authority citation for Part 567 would be revised to read as follows:

Authority: 49 U.S.C. 322, 30111, and 30115, 30117, 30166, 32502, 32504, 33101–33104, and 33109; delegation of authority at 49 CFR 1.50

2. Section 567.4 would be amended by adding a new paragraph (g)(5)(iii), to read as follows:

§ 567.4 Requirements for manufacturers of motor vehicles.

* * * * *

(g) * * *

(5) * * *

(iii) In the case of multipurpose passenger vehicles (MPVs) and trucks with a GVWR of 6,000 pounds or less manufactured on or after January 1, 1999, the expression "and theft prevention" shall be included in the statement following the word "safety".

* * * * *

Issued: June 19, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98–16849 Filed 6–24–98; 8:45 am]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 300**

[Docket No. 980602143–8143–01; I.D. 040197B]

RIN 0648–A199

High Seas Fishing Compliance Act

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule to implement vessel identification and reporting requirements under the High Seas Fishing Compliance Act (HSFCA). This rule would require vessels with permits issued under the HSFCA to be marked for identification purposes and to report their catches and effort when fishing on the high seas. This action is necessary to comply with the HSFCA.

DATES: Comments must be received by July 27, 1998.

ADDRESSES: Send comments on the proposed rule and on the collection-of-information requirements to Gary C.

Matlock, Director, Office of Sustainable Fisheries, National Marine Fisheries Service, 1315 East West Highway, Silver Spring, MD 20910. Also send comments on the collection-of-information requirements to the Office of Information and Regulatory Affairs, Office of Management and Budget; Attention: NOAA Desk Officer, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Robert A. Dickinson, (301) 713-2337.

SUPPLEMENTARY INFORMATION: The HSFCA (16 U.S.C. 5501 *et seq.*), among other things, implements the United Nations Food and Agriculture Organization (FAO) Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Agreement) and requires that U.S. vessels fishing on the high seas possess a permit issued under the HSFCA. As used in the HSFCA, the term "high seas" means the waters beyond the territorial sea or exclusive economic zone (or the equivalent) of any nation, to the extent that such territorial sea or exclusive economic zone (or the equivalent) is recognized by the United States. Additional information on the Agreement and the HSFCA is published at 61 FR 11751, March 22, 1996, and 61 FR 35548, July 5, 1996.

Regulations at 50 CFR part 300, subpart B, govern permit application and issuance procedures under the HSFCA. NMFS is proposing to amend these regulations to include provisions for vessel identification and reporting requirements.

Pursuant to guidance contained in the HSFCA, NMFS is attempting to minimize duplication of reporting requirements and to ensure that, to the extent practicable, the proposed regulations are consistent with regulations implementing fishery management plans (FMPs) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*). Additionally, NMFS proposes to ensure that regulations implementing HSFCA vessel identification and reporting requirements are, to the extent practicable, consistent with regulations implementing other Federal fishery management statutes (e.g., regulations implementing the Antarctic Marine Living Resources Convention Act).

The HSFCA prescribes that licensed U.S. vessels operating on the high seas be marked (1) in accordance with regulations issued under the Magnuson-Stevens Act to implement a FMP, or (2) in accordance with the FAO Standard

Specifications for the Marking and Identification of Fishing Vessels. NMFS proposes that vessels operating on the high seas with a permit issued under the HSFCA be considered appropriately marked for purposes of identification if marked in accordance with either of the preceding manners of marking. NMFS also proposes to consider vessels marked in accordance with regulations implementing other Federal fishery management statutes as appropriately marked for purposes of the HSFCA.

The HSFCA also prescribes that permit holders be required to report their catches on the high seas.

NMFS has identified three groups of vessel operators that fish, or have the potential to fish, on the high seas under the HSFCA. The first group consists of vessel operators already required to report their catch and effort when on the high seas based on existing reporting requirements in regulations under the Magnuson-Stevens Act or other Federal fishery management statutes. NMFS proposes to consider such operators in compliance with HSFCA reporting requirements if they continue to maintain and submit such logs as may be required by regulations promulgated under the Magnuson-Stevens Act or other Federal fishery management statutes. There will be no requirement for vessels already appropriately reporting their catch and effort on the high seas to maintain a separate high seas log.

The second group consists of operators of vessels with HSFCA permits that participate in the albacore fishery of the Pacific Ocean. Vessel operators in this fishery have had the option of participating in a voluntary reporting system to record their catch and effort by using the "U.S. Pacific Albacore Logbook," which has been available since 1961 through the NMFS Southwest Regional Office and the NMFS Southwest Fisheries Science Center. A valuable time series of data on the fishery has been amassed over the years. NMFS proposes that the log used in the voluntary reporting system be the mandatory log for reporting catch and effort on the high seas by all operators of HSFCA-permitted vessels in the albacore fisheries. This action will maintain some continuity of the database developed under the voluntary system and will avoid the potential for a duplicative reporting requirement.

The third group consists of all other operators of vessels licensed under the HSFCA who fish on the high seas (i.e., who will not be reporting their catch and effort on the high seas based on existing regulations or the "U.S. Pacific Albacore Logbook"). NMFS proposes

that these vessel operators use gear-specific logs, to be available from NMFS Regional Administrators, to report their catch and effort on the high seas. These logs will collect the basic information typically collected for each gear type. Logs have been prepared to record catches on the high seas for the following gear types: Longline/gillnet, purse seine, troll/pole and line, trawl, trap, mothership and "other." Samples of the logs are available from NMFS (see **ADDRESSES**). The actual logs will be available from the Regional Administrator of the NMFS Regional Office from which a vessel's HSFCA permit was issued.

NMFS also proposes to revise the existing regulations to clarify the conditions under which a U.S. vessel is eligible for a permit and the scope of permit sanction authority under the HSFCA.

Operators of U.S. vessels fishing on the high seas are reminded of their responsibility under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361 *et seq.*) to report all incidental injuries and mortalities of marine mammals that occur as a result of commercial fishing operations. MMPA reporting forms and additional information about the MMPA can be obtained through NMFS Regional Offices.

Classification

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

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. It is estimated this action will affect approximately 5 percent of HSFCA permit holders at a total annual cost of \$7,600.00. Neither the agency standard for "substantial number of small entities" nor any of the agency criteria for "significant economic impact" are met. As a result, a regulatory flexibility analysis was not prepared.

This rule contains two collection-of-information requirements subject to the Paperwork Reduction Act. These collection-of-information requirements have been submitted to the Office of Management and Budget for approval.

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection-of-information subject to the requirements of the Paperwork

Reduction Act unless that collection-of-information displays a currently valid OMB control number.

The first collection-of-information requirement is the vessel marking requirement. The burden of this collection of information is estimated to be about 45 minutes per year for each vessel not already marked for identification purposes in accordance with the implementing regulations of a FMP or Federal fishery management statute. The second collection-of-information requirement is the requirement for vessels not otherwise required to report high seas catches and effort to report such catches and effort. The burden of this collection of information is estimated to be an average of 3 minutes per day. Send comments regarding these burden estimates or any other aspect of the collection-of-information, including suggestions for reducing this burden, to Gary C. Matlock, NMFS, or to the Office of Information and Regulatory Affairs, OMB (see ADDRESSES).

Public comment is sought regarding: Whether this proposed collection-of-information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection-of-information, including through the use of automated collection techniques or other forms of information technology.

List of Subjects in 50 CFR Part 300

Exports, Fisheries, Marine resources, Reporting and recordkeeping requirements, Treaties.

Dated: June 18, 1998.

Rolland A. Schmitt,
Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 300 is proposed to be amended as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

1. The authority citation for subpart B continues to read as follows:

Authority: 16 U.S.C. 5501 *et seq.*

2. In § 300.13, paragraph (a)(1) introductory text is revised to read as follows:

§ 300.13 Vessel permits.

(a) * * *

(1) Any high seas fishing vessel of the United States is eligible to receive a

permit under this subpart, unless the vessel was previously authorized to be used for fishing on the high seas by a foreign nation, and —

* * * * *

3. In § 300.14, the section heading is revised, and text is added to read as follows:

§ 300.14 Vessel identification.

(a) *General.* A vessel permitted under this subpart must be marked for identification purposes in accordance with this section.

(b) *Marking.* Vessels must be marked either:

(1) In accordance with vessel identification requirements specified in Federal fishery regulations issued under the Magnuson-Stevens Act or under other Federal fishery management statutes; or

(2) In accordance with the following identification requirements:

(i) A vessel must be marked with its IRCS, or, if not assigned an IRCS, must be marked (in order of priority) with its Federal, state, or other documentation number appearing on its high seas fishing permit;

(ii) The markings must be displayed at all times on the vessel's side or superstructure, port and starboard, as well as on a deck;

(iii) The markings must be placed so that they do not extend below the waterline, are not obscured by fishing gear, whether stowed or in use, and are clear of flow from scuppers or overboard discharges that might damage or discolor the markings;

(iv) Block lettering and numbering must be used;

(v) The height of the letters and numbers must be in proportion to the size of the vessel as follows: for vessels 25 meters (m) and over in length, the height of letters and numbers must be not less than 1.0 m; for vessels 20 m but less than 25 m in length, the height of letters and numbers must be not less than 0.8 m; for vessels 15 m but less than 20 m in length, the height of letters and numbers must be not less than 0.6 m; for vessels 12 m but less than 15 m in length, the height of letters and numbers must be not less than 0.4 m; for vessels 5 m but less than 12 m in length, the height of letters and numbers must be not less than 0.3 m; and for vessels under 5 m in length, the height of letters and numbers must be not less than 0.1 m;

(vi) The height of the letters and numbers to be placed on decks must be not less than 0.3 m;

(vii) The length of the hyphen(s), if any, must be half the height (h) of the letters and numbers;

(viii) The width of the stroke for all letters, numbers and hyphens must be h/6;

(ix) The space between letters and/or numbers must not exceed h/4 nor be less than h/6;

(x) The space between adjacent letters having sloping sides must not exceed h/8 nor be less than h/10;

(xi) The marks must be white on a black background, or black on a white background;

(xii) The background must extend to provide a border around the mark of not less than h/6; and

(xiii) The marks and the background must be maintained in good condition at all times.

4. In § 300.15, paragraph (c) is added to read as follows:

§ 300.15 Prohibitions.

* * * * *

(c) Use a high seas fishing vessel on the high seas that is not marked in accordance with section 300.14.

5. In § 300.16, the section is revised to read as follows:

§ 300.16 Penalties.

(a) Any person, any high seas fishing vessel, the owner or operator of such vessel, or any person who has been issued or has applied for a permit, found to be in violation of the Act, this subpart, or any permit issued under this subpart will be subject to the civil and criminal penalty provisions, permit sanctions, and forfeiture provisions prescribed by the Act, 15 CFR part 904 (Civil Procedures), and other applicable laws.

(b) Permits under this subpart may be subject to permit sanctions prescribed by the Act, 15 CFR part 904 (Civil Procedures), and other applicable laws if any amount in settlement of a civil forfeiture imposed on a high seas fishing vessel or other property, or any civil penalty or criminal fine imposed on a high seas fishing vessel or on an owner or operator of such a vessel or on any other person who has been issued or has applied for a permit under any fishery resource statute enforced by the Secretary, has not been paid and is overdue.

6. In § 300.17, the section heading is revised, and text is added to read as follows:

§ 300.17 Reporting.

(a) *General.* The operator of any vessel permitted under this subpart must report high seas catch and effort information to the NMFS in a manner set by this section. Reports must include: identification information for vessel and operator; operator signature;

crew size; whether an observer is aboard; target species; gear used; dates, times, locations, and conditions under which fishing was conducted; species and amounts of fish retained and discarded; and details of any interactions with sea turtles or birds.

(b) *Reporting options.* (1) For the following fisheries, a permit holder must maintain and submit the listed reporting forms to the appropriate address and in accordance with the time limits required by the relevant regulations:

(i) Antarctic—CCAMLR Logbook (50 CFR 300.107);

(ii) Atlantic—Fishing Vessel Log Reports (50 CFR 648.7(b));

(iii) Atlantic Pelagic Longline—Longline Logbook (50 CFR 630.5);

(iv) Atlantic Purse Seine—Purse Seine Logbook (50 CFR 285.54);

(v) Pacific Pelagic Longline—Longline Logbook (50 CFR 660.14(a));

(vi) Eastern Pacific Purse Seine—IATTC Logbook (50 CFR 300.22); or

(vii) Western Pacific Purse Seine—South Pacific Tuna Treaty Logbook (50 CFR 300.34).

(2) For the albacore troll fisheries in the North and South Pacific, a permit holder must report high seas catch and effort by maintaining and submitting the log provided by the Regional

Administrator, Southwest Region, NMFS.

(3) For other fisheries, a permit holder must report high seas catch and effort by maintaining and submitting records, specific to the fishing gear being used, on forms provided by the Regional Administrator of the NMFS Region which issued the permit holder's HSFCA permit.

(c) *Confidentiality of statistics.* Information submitted pursuant to this subpart will be treated in accordance with the provisions of 50 CFR part 600 of this title.

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