

rule so they can better evaluate its effects on them and participate in the rulemaking. If your small business is affected by this rule and you have questions concerning its provisions or options for compliance, please call Mr. Anthony Murray, Licensing and Evaluation Branch, U.S. Coast Guard, National Maritime Center, 703-235-1729.

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions of the Coast Guard, call 1-888-REG-FAIR (1-888-7734-3247).

#### Collection of Information

This final rule contains no collection-of-information requirements under the Paperwork Reduction Act of 1995 [44 U.S.C. 3501-3520].

#### Federalism

The Coast Guard has analyzed this final rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Congress specifically, under 46 U.S.C. 8503(a), authorized the Federal Government to require a Federally-licensed pilot where State law requires no pilot. North Carolina permits a docking master, not licensed by the State, to serve as pilot on certain waters of the State. Therefore, the Federal Government may require Federally-licensed pilots on those waters. The Federal authority to require that pilots hold Federal licenses is effective only until the State establishes a superseding requirement that pilots hold State licenses and notifies the Coast Guard of that fact according to 46 U.S.C. 8503(b).

Since this final rule aims primarily at requiring Federal pilots to supplement State pilots, the Coast Guard does not believe that the preparation of a Federalism Assessment is warranted. This rule will not impinge upon existing State laws. If North Carolina adopts superseding legislation requiring foreign vessels, and domestic vessels sailing on registry, to be under the direction and control of State-licensed pilots and notifies the Secretary of Transportation of that requirement, this rule will lose all its force. Thus, in step with the Federal statute, this rule itself lets the State preempt Federal authority.

#### Environment

The Coast Guard considered the environmental impact of this final rule and concluded that, under figure 2-1, paragraph (34)(a) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under ADDRESSES.

The Coast Guard has determined that most people now providing pilotage to foreign-trade vessels calling within the Cape Fear River and Northeast Cape Fear River will continue to provide it because most already hold Federal first-class pilots' licenses for those waters. Therefore, this rule will let affected vessels continue to operate according to current practices in the industry.

The Coast Guard also recognizes that this rule may have a positive effect on the environment by minimizing the risk of environmental harm resulting from collisions, allisions and grounding of vessels. Nevertheless, this impact is not significant enough to warrant further documentation.

#### List of Subjects in 46 CFR Part 15

Crewmembers, Marine safety, Navigation (water), Seamen, Vessels.

For the reasons discussed in the preamble, the Coast Guard amends 46 CFR part 15 as follows:

#### PART 15—MANNING REQUIREMENTS

1. The authority citation for part 15 continues to read as follows:

**Authority:** 46 U.S.C. 2101, 2103, 3306, 3703, 8101, 8102, 8104, 8105, 8301, 8304, 8502, 8503, 8701, 8702, 8901, 8902, 8903, 8904, 8905(b), 9102; 49 CFR 1.45 and 1.46.

2. Add § 15.1050 to read as follows:

##### § 15.1050 North Carolina.

(a) The following navigable waters of the United States within the State of North Carolina when the vessel is maneuvering while berthing or unberthing, is approaching or passing through a bridge, or is making any intra-port transit, which transit may include but is not limited to movement from a dock to a dock, from a dock to an anchorage, from an anchorage to a dock, or from an anchorage to an anchorage, within either of the following areas:

(1) The waters of the Cape Fear River from the boundary line established by 46 CFR 7.60 to Latitude 34° 16.5'N.

(2) The waters of the Northeast Cape Fear River from its confluence with the Cape Fear River at Point Peter to Latitude 34° 17'N.

(b) This subpart does not apply to any vessel on the waters specified in paragraph (a) of this section if the laws of the State of North Carolina require a State-licensed pilot on the vessel.

Dated: October 13, 1998.

**R.C. North,**

*Rear Admiral, U.S. Coast Guard,*

*Assistant Commandant for Marine Safety and Environmental Protection.*

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 971208297-8054-02; I.D. 102098E]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Western Regulatory Area in the Gulf of Alaska

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

**ACTION:** Modification of a closure.

**SUMMARY:** NMFS is opening directed fishing for Pacific cod by vessels catching Pacific cod in the Western Regulatory Area of the Gulf of Alaska (GOA) for processing by both the inshore and offshore components. This action is necessary to fully utilize the total allowable catch (TAC) of Pacific cod in that area.

**DATES:** Dates Effective 1200 hrs, Alaska local time (A.L.T.), October 21, 1998.

**FOR FURTHER INFORMATION CONTACT:** Nick Hindman, 907-581-2062.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone 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. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

In accordance with § 679.20(a)(6)(iii), the allowance of the Pacific cod TAC apportioned for vessels catching Pacific cod for processing by the inshore and offshore components in the Western Regulatory Area of the GOA was established as: 20,853 metric tons (mt) inshore, and 2,317 mt offshore, by the

Final 1998 Harvest Specifications for Groundfish (63 FR 12027, March 12, 1998) and subsequent apportionment of reserves (63 FR 18848, April 16, 1998).

The inshore component fishery for Pacific cod in the Western Regulatory Area was closed to directed fishing under § 679.20(d)(1)(iii) on October 11, 1998, (63 FR 55341, October 15, 1998).

The offshore component fishery for Pacific cod in the Western Regulatory Area was closed to directed fishing under § 679.20(d)(1)(iii) on March 11, 1998 (63 FR 12697, March 16, 1998).

NMFS has determined that as of October 15, 1998, approximately 1,100 mt remain in the inshore component directed fishing allowance, and 2,000 mt remain in the offshore component directed fishing allowance. Therefore, NMFS is terminating the previous closures and is opening directed fishing

for Pacific cod by vessels catching Pacific cod in Statistical Area 610 of the GOA for processing by both the inshore and offshore components.

Fishermen are reminded that Pacific cod hook-and-line and trawl gear fisheries in the Gulf of Alaska are closed (63 FR 45765, August 27, 1998) and (63 FR 55341, October 15, 1998).

NMFS is taking this action to prevent the underharvest of the Pacific cod TAC in Statistical Area 610 as authorized by § 679.25(a)(2)(i)(C).

#### **Classification**

All other closures remain in full force and effect. This action responds to the best available information recently obtained from the fishery. It must be implemented immediately in order to allow full utilization of the Pacific cod TAC. Providing prior notice and

opportunity for public comment for this action is impracticable and contrary to the public interest. Further delay would only disrupt the FMP objective of providing the Pacific cod TAC for harvest. NMFS finds for good cause that implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

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

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

Dated: October 21, 1998.

**Bruce C. Morehead,**

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

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