

enter streams) such that it would result in take of the species;

(6) The intentional introduction of nonnative fish species that result in direct competition with or predation on the Topeka shiner at known locations of occupied habitat;

(7) Use of fertilizers or pesticides inconsistent with approved labeling and application procedures; and

(8) Contamination of soil, streams, or groundwater by illegal spills, discharges, or dumping of chemicals, silt, or other pollutants.

Questions regarding whether a specified activity will constitute a violation of section 9 should be directed to the Field Supervisor of our Manhattan, Kansas Field office (see **ADDRESSES** section).

National Environmental Policy Act

We have determined that Environmental Assessments and Environmental Impact Statements, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the reasons

for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Required Determination

This rule does not contain any information collection requirements for which the Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 et seq. is required. An information collection related to the rule pertaining to permits for endangered and threatened species has OMB approval and is assigned clearance number 1018-0094. This rule does not alter that information collection requirement. For additional information concerning permits and associated requirements for threatened species, see 50 CFR 17.32.

References Cited

A complete list of all references cited herein, as well as others, is available upon request from the Manhattan, Kansas Field Office (See **ADDRESSES** section).

Author

The primary author of this document is Vernon M. Tabor, U.S. Fish and

Wildlife Service (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

2. Section 17.11(h) is amended by adding the following, in alphabetical order under FISHES, to the List of Endangered and Threatened Wildlife to read as follows:

§ 17.11 Endangered and threatened wildlife

* * * * *
(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common Name	Scientific name						
* FISHES	*	*	*	*	*		*
* Shiner, Topeka	* <i>Notropis topeka</i> (= <i>Notropis tristis</i>).	* KS, IA, MN, MO, NE, SD.	* Entire	* E	* 654	* NA	* NA
*	*	*	*	*	*		*

Dated: November 25, 1998.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 98–33100 Filed 12–14–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 260

[Docket No. 981023266–8266–01; I.D. 091598A]

Inspection and Certification Fees and Charges

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

ACTION: Notification of inspection fees.

SUMMARY: NMFS announces changes in its fees and charges for voluntary fishery products inspection, grading, and certification services. NMFS increased the basic fee for full-time in-plant inspection services by \$1.95, making the hourly rate \$46.35. The fees for NMFS laboratory services and inspection services conducted by the State of Alaska remain unchanged. It also includes a 3.6-percent base salary increase and varying locality pay increases effective January 1999. NMFS is continuing its separate fee structure for facilities with less than full-time contract services. This fee reflects increases in salary, general operating, and overhead costs that are charged by NMFS and NOAA.

DATES: These fee changes were effective on October 1, 1998.

FOR FURTHER INFORMATION CONTACT:

Richard V. Cano, Chief, Seafood Inspection Division, 301–713–2355.

SUPPLEMENTARY INFORMATION: The Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) authorizes the voluntary fishery products inspection, grading, and certification program, as well as assessment and collection of such fees as will be reasonable and as nearly as may be to cover the cost of the service rendered. Reorganization Plan No. 4 of 1970 delegated these authorities to NMFS. Regulations at 50 CFR 260.70 authorize the Secretary of Commerce to review and revise annually the rates for voluntary fishery products inspection, grading, and certification services by publishing a notice of fee changes in the **Federal Register**. NMFS' annual review

of the projected income and costs for its various services is the basis for determining the fees as set forth below.

Effective October 1, 1998, the National Seafood Inspection Program (Program) increased the basic fee for full-time in-plant inspection services by \$1.95, making the hourly rate \$46.35. This fee reflects increases in salary, general operating, and overhead costs that are charged by NMFS and NOAA. The fees for NMFS laboratory services and inspection services conducted by the State of Alaska remain unchanged.

The basic fee will continue to apply to establishments contracting for 40 hours of inspection service per week. However, to recover estimated additional costs associated with servicing contract establishments receiving less than full-time inspection services, the fee for establishments with Type 1 and Type 3 contracts from 25 to 39 hours per week will be 5 percent

above the basic fee; and for establishments with contracts less than 25 hours per week, the fee will be 10 percent above the basic fee.

NMFS' annual analysis of the actual costs and projected revenue for Type 2 and Type 3 services indicates that these fees are determined by adding factors of 60 and 35 percent, respectively, to the Type 1 service fee. Similarly, to ensure cost recovery, the fee for the Hazard Analysis Critical Control Point (HACCP)-based service is calculated by adding a factor of 65 percent to the Type 1 service fee. The regulations at 50 CFR § 260.70 will be amended accordingly in a separate action.

Users of in-plant (Type 1) services are again advised that the Program will charge for certain label reviews. There is a mechanism to permit pre-approval on labels reviewed by facilities that have demonstrated an adequate understanding of basic labeling

requirements and proper use of the Program's marks. Charges for label review will be assessed at the consultative rate to those facilities not given pre-approval authority.

The Program will continue to require that new users of inspection services, except label review services, that are not under contract prepay via certified check, money order, Master Card or VISA, or maintain a surety (bond or check) equivalent to 3 months of estimated inspection services. Current users not under contract that have a record of "late" or "nonpayment" of fees, as determined by each Regional Inspection Branch, will also be required to prepay or submit a surety. Prepayment is recommended for all non-contract users.

Effective October 1, 1998, the fees and charges for Type 1, 2, and 3 fishery products inspection services (except Alaska) are as follows:

	Per hour
a. Type 1—In-plant Inspection Services	
Non-HACCP 40 Hr/Wk Contracts:	
Regular time	\$46.35
Overtime	69.53
Sunday and legal holidays	92.70
Non-HACCP 25–39 Hr/Wk Contracts:	
Regular time	48.67
Overtime	73.00
Sunday and legal holidays	97.34
Non-HACCP <25 Hr/Wk Contracts:	
Regular time	50.99
Overtime	76.48
Sunday and legal holidays	101.97
HACCP Contracts:	
Regular time	76.48
Overtime	114.72
Sunday and legal holidays	152.96
b. Type 2—Lot Inspection—Officially and Unofficially Drawn Samples	
Regular time	74.16
Overtime	111.24
Sunday and legal holidays	148.32
c. Type 3—Miscellaneous Inspection and Consultative Services	
40 Hr/Wk Contracts:	
Regular time	62.57
Overtime	93.86
Sunday and legal holidays	125.15
25–39 Hr/Wk Contracts:	
Regular time	65.70
Overtime	98.55
Sunday and legal holidays	131.40
Under 25 Hr/Wk Contracts and Non-contract Consultative Services:	
Regular time	68.83
Overtime	103.24
Sunday and legal holidays	137.66

The basis for determining the appropriate fee to be charged is as follows:

a Type 1—In-plant inspection services:

1 Regular time—Services provided during any 8-hour shift.

2 Overtime—Services provided in excess of 8 hours per shift per day.

In addition to any hourly service charge, a night differential fee of \$2.25 per hour will be charged for each hour of service provided after 6 p.m. and before 6 a.m. Similarly, a Sunday

differential fee of \$5.75 per hour will be charged for each hour of service provided between midnight Saturday and midnight Sunday. A cost of living allowance (COLA) fee of \$2.25 per hour will be charged for services in Puerto

Rico; \$5.75 per hour will be charged for services in American Samoa and Alaska.

b.Type 2 and 3—Lot inspection and miscellaneous services:

1. Regular time—Services provided within the inspector's normal work schedule, Monday through Friday.

2. Overtime—Services provided outside the inspector's normal work schedule, Monday through Friday, and on Saturday.

It is the intent of the authorizing legislation and the policy of the Program

to charge fees to recover, as nearly as possible, the costs of providing inspection services. Therefore, the hourly rates charged to contract lot inspection users who provide complete and acceptable inspection facilities will be those delineated under Type 1. In all other cases, contract lot inspection users will be charged Type 3 rates.

Analytical Services

Analyses performed in a private laboratory will be charged at the current

rate of that laboratory. Shipping costs for samples will also be assessed. Charges based on these fees will be in addition to any hourly rates charged for lot, miscellaneous, and consultative inspection service as well as to any hourly rates charged for inspection services provided under a contract. Applicants requesting specific analyses to be performed in a NMFS laboratory will be charged at the following rates:

	Per analysis
Microbiology	
Total aerobic plate count	\$19.00.
Presumptive coliform	15.00.
Confirmed total/fecal coliforms	15.00 additional.
<i>E. coli</i>	15.00 additional.
<i>Staph. aureus</i>	54.00.
<i>Salmonella</i> BAM/ARS/TECRA Method:	
Step 1	40.00.
Step 2	18.00 additional.
Step 3	26.00 additional.
<i>Listeria</i>	
Presumptive	28.00.
Confirmed	42.00.
Chemistry	
Histamine	120.00.
Indole	90.00.
Ammonia	66.00.
Sodium Bisulfite	108.00.
Isoelectric Focusing (Species Identification)	108.00.
Methylmercury	225.00.
Chlorinated pesticides	300.00.
Polychlorinated biphenyls	300.00.
Domoic acid	90.00.
Bioassay	
Paralytic Shellfish Poison (minimum of 3 samples)	150.00 per sample.

Notes on Analytical Services

Sampling time and travel time where applicable will be assessed using the Type 2 rates. Mileage costs will be assessed at the current rate. For other analyses not shown or not frequently requested, the charge will be assessed at the Type 3 hourly rate of \$68.83 (2-hour

minimum) or separately established based on the particular issues of the case involved. All charges are per sample.

Charges for services provided in Alaska by NMFS Inspectors will be at the rates specified above, plus cost of living allowances.

The following rates for the State of Alaska are for services provided by cross-licensed State of Alaska inspectors. The rates charged in the State of Alaska are subject to change based on information supplied by the Alaska Department of Environmental Conservation.

STATE OF ALASKA

	Aleutian Chain, Bristol Bay, Dillingham	Southeast and South Central, Anchorage, Kenai, Juneau, Ketchikan	Remainder of Alaska, including Kodiak
Type 1	Per hour	Per Hour	Per Hour
Non-HACCP:			
Regular Time	\$55.88	\$46.10	\$49.38
Overtime	83.82	69.15	74.07
Sunday/Holiday	111.76	92.20	98.76
HACCP:			
Regular Time	83.82	69.15	74.07
Overtime	125.75	103.73	111.05
Sunday/Holiday	167.64	138.30	148.14

STATE OF ALASKA—Continued

	Aleutian Chain, Bristol Bay, Dillingham	Southeast and South Central, Anchorage, Kenai, Ju- neau, Ketch- ikan	Remainder of Alaska, includ- ing Kodiak
Type 2			
Regular Time	95.00	78.37	83.95
Overtime	142.50	117.56	125.92
Sunday/Holiday	190.00	156.74	167.90
Type 3			
Regular Time	83.82	69.15	74.07
Overtime	125.73	103.73	111.11
Sunday/Holiday	167.64	138.03	148.14

Classification

This action is taken under the authority of 50 CFR 260.70 and has been determined to be not significant for purposes of E.O. 12866.

Regulatory Flexibility Act Analysis

The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and delayed effectiveness are inapplicable because this rule falls within the proprietary exception of subparagraph (a)(2) of section 553. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553 or by any other law, the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*) are not applicable.

Paperwork Reduction Act of 1980

These regulations will impose no information collection requirements subject to the Paperwork Reduction Act of 1980.

Executive Order 12612

This rule does not contain policies with sufficient Federalism implications to warrant preparation of a Federalism assessment under E.O. 12612.

List of Subjects in 50 CFR Part 260

Fees, Food grades and standards, Food labeling, Inspection, Seafood.

Authority: 7 U.S.C. 1622, 1624 and 16 U.S.C. 742e.

Dated: December 4, 1998.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 98-33184 Filed 12-14-98; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 980826225-8296-02; I.D. 081498C]

RIN 0648-AL50

Fisheries of the Exclusive Economic Zone Off Alaska; Extension of the Interim Groundfish Observer Program through 2000

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to implement a regulatory amendment to extend the current groundfish observer coverage requirements and implementing regulations for the North Pacific Groundfish Observer Program (Observer Program) that expire December 31, 1998. This action is necessary to assure uninterrupted observer coverage requirements through 2000.

This action is intended to accomplish the objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska and of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMPs).

DATES: Effective January 1, 1999.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA) prepared for the 1997 Interim Groundfish Observer Program, the RIR/FRFA prepared for the 1998 Interim Groundfish Observer Program, and the RIR/FRFA prepared for this final regulatory action may be obtained from

the Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori J. Gravel, or by calling 907-586-7228.

FOR FURTHER INFORMATION CONTACT: Sue Salveson, 907-586-7228.

SUPPLEMENTARY INFORMATION:**Background**

NMFS manages the U.S. groundfish fisheries of the Gulf of Alaska and the Bering Sea and Aleutian Islands management area in the Exclusive Economic Zone under the FMPs. The North Pacific Fishery Management Council (Council) prepared the FMPs under the Magnuson-Stevens Fishery Conservation and Management Act. Regulations implement the FMPs at 50 CFR part 679. General regulations that also pertain to U.S. fisheries appear at subpart H of 50 CFR part 600.

In 1996, the Council adopted, and NMFS implemented, the Interim Groundfish Observer Program. The Interim Groundfish Observer Program extended the 1996 mandatory groundfish observer requirements through 1997 (61 FR 56425, November 1, 1996) and again through 1998 (62 FR 67755, December 30, 1997). The intent of the Interim Observer Program is to provide for the collection of observer data necessary to manage the Alaska groundfish fisheries while the Council develops a long-term program that addresses concerns about observer data integrity, observer compensation and working conditions, and equitable distribution of observer coverage costs.

At its June 1998 meeting, the Council requested NMFS to develop new options for an alternative infrastructure for the Observer Program that would (1) better assure the continued collection of quality observer data, and (2) address observer coverage cost distribution issues through a fee collection or alternative funding mechanism. The Council also recognized that the development of measures to address