

Dated: June 14, 1994.  
Carol M. Browner,  
Administrator.

For the reasons set out in the preamble 48 CFR Part 1501 is amended as follows:

- 1. In part 1501:
  - a. The authority citation for part 1501 continues to read as follows:  
Authority: Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).
  - b. Section 1501.370 is amended by revising the heading and adding the new entry and heading to the table in numerical order to read as follows:

§ 1501.370 OMB approvals under the Paperwork Reduction Act.

48 CFR citation	OMB control No.
Contract financing: 1532.170(a) .....	2030-0016

(FR Doc. 94-15072 Filed 6-21-94; 8:45 am).  
BILLING CODE 6560-50-P

**DEPARTMENT OF TRANSPORTATION**

Office of the Secretary

49 CFR Part 1

(OST Docket No. 1; Amdt. 1-262)

Organization and Delegation of Powers and Duties Delegations to General Counsel

AGENCY: Office of the Secretary, DOT.  
ACTION: Final rule.

**SUMMARY:** The Secretary of Transportation has delegated to the General Counsel the authority to deny petitions for rulemaking or petitions for exemptions and to notify petitioners of denials. This rule is necessary to reflect the delegation in the Code of Federal Regulations.

**EFFECTIVE DATE:** This rule becomes effective June 22, 1994.

**FOR FURTHER INFORMATION CONTACT:** Steven B. Farbman, Office of the Assistant General Counsel for Regulation and Enforcement (202) 366-9306, Department of Transportation, 400 7th Street SW., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** Under 49 CFR 5.11, any person may petition the Secretary of Transportation to issue, amend, or repeal a rule, or for a permanent or temporary exemption from any rule. Under 49 CFR 5.13, if the

Secretary determines that the petition contains adequate justification, he is authorized to initiate rulemaking action or grant the exemption. If the Secretary determines that the petition does not contain adequate justification, he is authorized to deny the petition. The Secretary is also authorized to notify the petitioner of the decision. This rule delegates to the General Counsel the Secretary of Transportation's authority to deny a petition for rulemaking or a petition for exemption and to notify the petitioner of the denial.

Since this rule relates to departmental management, organization, procedure, and practice, notice and public comment are unnecessary. For the same reason, good cause exists for not publishing this rule at least 30 days before its effective date, as is ordinarily required by 5 U.S.C. 553(d). Therefore, this rule is effective on the date of its publication.

**List of Subjects in 49 CFR Part 1**

Authority delegations (Government agencies), Organizations and functions (Government agencies).

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

**PART 1—[AMENDED]**

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

Authority: 49 U.S.C. 322; Pub. L. 101-552, 28 U.S.C. 2672, 31 U.S.C. 3711(a)(2).

2. Section 1.57 is amended by adding paragraph (q) to read as follows:

**§ 1.57 Delegations to General Counsel.**

- (q) Deny petitions for rulemaking or petitions for exemptions in accordance with § 5.13(c) of this title, and notify petitioners of denials in accordance with § 5.13(d) of this title.

Issued at Washington, DC this 8th day of June 1994.

Federico Peña,  
Secretary of Transportation.

(FR Doc. 94-15139 Filed 6-21-94; 8:45 am)  
BILLING CODE 4910-62-P

**DEPARTMENT OF COMMERCE**

National Oceanic and Atmospheric Administration

50 CFR Part 651

[Docket No. 940380-4164; I.D. 020194A]

RIN 0648-AG18

**Northeast Multispecies Fishery**

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

ACTION: Final rule.

**SUMMARY:** NMFS announces the approval of Amendment 6 to the Fishery Management Plan for the Northeast Multispecies Fishery (FMP) and issues final regulations to implement it. This rule continues on a permanent basis three measures originally imposed by a temporary emergency rule: A 500-lb (226.8-kg) possession limit for haddock year-round for all vessels permitted under the FMP and for all vessels in possession of haddock from or in the Exclusive Economic Zone (EEZ); a prohibition on scallop dredge vessels from possessing or landing haddock from January through June; and an extension of the time period of the closure of Closed Area II to 6 months (from January through June), rather than 4 months (February through May), in 1995. The intended effect of this rule is to protect depleted haddock stocks.

**EFFECTIVE DATE:** June 30, 1994.

**ADDRESSES:** Copies of the Environmental Assessment (EA) and Regulatory Impact Review (RIR) supporting this action may be obtained from Allen E. Peterson, Jr., Acting Regional Director, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930.

**FOR FURTHER INFORMATION CONTACT:** Susan A. Murphy, Fishery Policy Analyst, 508-281-9252.

**SUPPLEMENTARY INFORMATION:** Supplementary and background information on Amendment 6 and the proposed implementing regulations (which were initiated by NMFS rather than the New England Fishery Management Council (Council)) was published in the preamble to the proposed rule to implement Amendment 6 (59 FR 18092, on April 15, 1994), and is not repeated here. All three of the measures contained in this final rule are also contained in the emergency rule that is effective through June 30, 1994 (59 FR 15656, April 4, 1994).

The Council voted on February 17 to begin the resubmission process for the disapproved 5,000-lb (2,268-kg) haddock possession limit in Amendment 5 to the FMP by submitting a 750-pound (340-kg) possession limit. The 750-pound (340-kg) limit was recommended by the Council on the basis of Plan Development Team and Council staff analysis of the haddock fishery. The 750-pound (340-kg) limit and a proposed implementing rule were submitted to NMFS on March 31, 1994.

On April 28, 1994, NMFS disapproved the Council's 750-pound (340-kg) limit because it was determined to be inconsistent with National Standard 1 of the Magnuson Act, which requires that management measures prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the U.S. fishing industry.

This determination was based, in part, on data from the Northeast Fisheries Science Center (NEFSC) that indicate that current haddock catches are generally less than 500 pounds (226.8 kg). The Council's argument that a 750-pound (340-kg) limit would allow vessels to keep what would be discarded anyway, therefore, was no longer relevant to this segment of the multispecies fishery. This additional information which was available to NMFS at the time the resubmission was disapproved, but not available to the Council at the time of its analysis, underscores the appropriateness of a 500-pound (226.8-kg) possession limit in order to ensure maximum protection to this severely depleted resource. Accordingly, the 500-pound (226.8-kg) possession limit is included in Amendment 6 and is implemented by this final rule.

NMFS also determined that, because scallop vessels fish in Closed Area II during the period when haddock are congregated to spawn, all scallop dredge vessels should be prohibited from landing or possessing haddock during the closed period to ensure that such vessels do not target these concentrations of haddock. While the Council requested that the Regional Director consider whether scallop dredges should be prohibited from being in the area during the closure, instead of being prohibited from possessing or landing haddock, the information provided by the NEFSC of NMFS did not support precluding scallops from the closed area. Accordingly the prohibition from possessing or landing haddock is included in Amendment 6 and is implemented by this final rule.

In addition, the resubmission package did not propose the extension of the

time closure of Closed Area II. The data acquired by the NEFSC since the Council's analysis supports an extension of the time closure in 1995, rather than beginning in 1996, as stipulated in Amendment 5. The expansion of Closed Area II in time for 1995 will provide additional protection to the concentrations of haddock that occur in the area. The closure of Area II beginning in January rather than February, and ending at the end of June rather than at the end of May, should ensure that haddock beginning to concentrate in the area are provided the fullest protection. Accordingly, an extension of the time period of the closure is included in Amendment 6 and is implemented by this final rule.

NMFS has approved Amendment 6 and hereby issues final implementing regulations.

#### Comments and Responses

Written comments on the proposed rule to Amendment 6 to the FMP were received by the NMFS from the Center for Marine Conservation (CMC) and from the Council. The Council had no specific comment on the proposed rule but went on record at its May 11-12, 1994, meeting and again in writing on May 13, as supporting Amendment 6. In addition, on March 8, 1994, prior to the beginning of the comment period for the proposed rule to implement Amendment 6, the Council submitted comments on proposed Amendment 6 and its EA/RIR.

*Comment:* The Council commented that proposed Amendment 6 and its EA/RIR had several deficiencies in content and format including: The need for a "Purpose and need" section, a clear statement of objectives of the Amendment, a description of the consistency of the Amendment with the national standards of Magnuson Act, evidence that the Amendment's possession limit for haddock promotes efficiency in the utilization of the resource, a section describing the Amendment's relationship to other applicable law, better evidence that the 500-pound possession limit is the proper preferred alternative compared to several incremental amounts higher than 500 pounds, and a convincing argument justifying preparation of an EA rather than an EIS.

*Response:* The final EA/RIR of Amendment 6 has been revised to contain a "Purpose and Need" section (page 4), an improved objectives statement (page 5), consistency of the Amendment with national standards (page 75), evidence that the 500-pound haddock possession limit promotes efficiency of the resource, and effects of

the preferred possession limit on the resource (pages 19-27), a discussion of compliance of the Amendment with other applicable law (pages 72-76), a comparison of the effects of the preferred alternative versus several different haddock possession limit amounts (pages 19-37), and a convincing argument for preparation of an EA rather than an EIS (pages 38, 72, and 73).

*Comment:* The CMC supported the protective measures contained in Amendment 6 and suggested the possession limit on haddock be reflected in three standard totes, consistent with the Council's recommendation from its May (1994) meeting.

*Response:* The Council and the NMFS are aware of the need to ensure that the haddock possession limit is adhered to strictly. The standard tote, or box, measure is currently under review to determine whether the number of totes allowed is sufficiently equivalent to 500 lb (226.8 kg).

#### Changes from the Proposed Rule

In § 651.9(a)(12) and (e)(34), the phrase "or the equivalent in totes or boxes" is added to reflect the language in the amendment and to clarify the requirement.

Section 651.27(b)(1)(iii) is added to clarify who is subject to the haddock possession limit and provisions specified in § 651.27(b)(2).

#### Classification

The General Counsel of the Department of Commerce, when this rule was proposed, certified to the Small Business Administration that this action would not have a significant economic impact on a substantial number of small entities. Fishing vessels that will be subject to this rule rarely take more than 500-lb (226.8-kg) of haddock per trip because of the severely depleted status of the stock. Based on the most recent catch statistics, 68 percent of the fishing trips landing groundfish landed no haddock, 84 percent involved less than 500 lb (226.8 kg). The allowable bycatch of 500 pounds (226.8 kg) is expected to discourage vessels from targeting haddock, promoting rebuilding of the stock that will result in long term benefits to the groundfish fleet. The measures in this rule will not result in a reduction of annual gross revenues of more than 5 percent. Annual compliance costs are not expected to increase total costs by more than 5 percent and are not expected to be substantially higher for small, as compared to large, business entities. The measures will not force more than

2 percent of small business entities to cease business operations. As a result, an initial regulatory flexibility analysis was not prepared.

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

The Assistant Administrator for Fisheries, NOAA, finds that under section 553(d)(3) of the Administrative Procedure Act, there is good cause to waive part of the 30-day delay in effectiveness and make this rule effective on June 30, 1994. This effective date will avoid a one or two-week hiatus between the effective date of this rule with a 30-day delay in effective date and the expiration of the emergency rule on June 30, 1994, that imposes the three management measures contained in this final rule. This will avoid confusion in the fishery, continue protection of badly depleted stocks of haddock from further overfishing, and enhance the likelihood that abundance of those stocks begin replenishment.

#### List of Subjects in 50 CFR Part 651

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: June 16, 1994.

**Charles Karnella,**

*Acting Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 651 is amended as follows:

#### PART 651—NORTHEAST MULTISPECIES FISHERY

1. The authority citation for part 651 continues to read as follows:

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

2. Section 651.9, paragraphs (a)(11), (a)(12), (e)(33), and (e)(34) are revised to read as follows:

##### § 651.9 Prohibitions.

(a) \* \* \*

(11) Land haddock from, or possess haddock on board, a sea scallop dredge vessel during the time specified in § 651.27(b)(1).

(12) Land, or possess on board a vessel, more than 500 lb (226.8 kg) of haddock, or the equivalent in totes or boxes, as specified in § 651.27(b)(2), or violate any of the other provisions specified in § 651.27(b)(2).

(e) \* \* \*

(33) Land haddock from, or possess haddock on board, a sea scallop dredge vessel as specified in § 651.27(b)(1).

(34) Land, or possess on board a vessel, more than 500 lb (226.8 kg) of haddock, or the equivalent in totes or

boxes, as specified in § 651.27(b)(2), or violate any of the other provisions specified in § 651.27(b)(2).

\* \* \* \* \*

3. Section 651.21, paragraph (b)(3) is revised to read as follows:

##### § 651.21 Closed areas.

\* \* \* \* \*

(b) \* \* \*

(3) *Duration.* No fishing vessel or person on a fishing vessel may fish or be in Closed Area II from January through June, except as specified in paragraph (b)(4) of this section.

\* \* \* \* \*

4. Section 651.27, paragraph (b) is revised to read as follows:

##### § 651.27 Possession limits.

\* \* \* \* \*

(b) *Haddock possession limits.*—(1) *Scallop dredge vessels.*

(i) No person owning or operating a scallop dredge vessel issued a permit under this part may land haddock from, or possess haddock on board, a scallop dredge vessel, from January 1 through June 30.

(ii) No person owning or operating a scallop dredge vessel may possess haddock in, or harvested from, the EEZ, from January 1 through June 30.

(iii) From July 1 through December 31, scallop dredge vessels and persons owning or operating scallop dredge vessels, are subject to the haddock possession limitations and provisions specified in § 651.27(b)(2).

(2) *Other vessels.* (i) No person owning or operating a vessel issued a permit under this part may land, or possess on board a vessel, more than 500 lb (226.8 kg) of haddock.

(ii) No person may land or possess on board a vessel more than 500 lb (226.8 kg) of haddock in, or harvested from, the EEZ.

(iii) Vessels subject to the haddock possession limit shall have on board the vessel at least one standard box or one standard tote.

(iv) The haddock stored on board the vessel shall be retained separately from the rest of the catch and shall be readily available for inspection and for measurement by placement of the haddock in a standard box or standard tote if requested by an authorized officer.

(v) The haddock possession limit is equal to 500 lb (226.8 kg) or its equivalent as measured by the volume of four standard boxes or five standard totes.

[FR Doc. 94-15160 Filed 6-17-94; 2:00 pm]  
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#### 50 CFR Part 630

[I.D. 061794A]

#### Atlantic Swordfish Fishery

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

ACTION: Closure of the Atlantic swordfish drift gillnet fishery.

**SUMMARY:** NMFS closes the drift gillnet fishery for swordfish in the North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, north of 5° N. lat. NMFS has determined that the first semiannual quota for swordfish that may be harvested by drift gillnet will be reached on or before June 25, 1994. This closure is necessary to prevent the catch of swordfish by drift gillnet vessels from exceeding the quota. **EFFECTIVE DATE:** Closure is effective 0001 hours, local time, June 25, 1994, through June 30, 1994.

**FOR FURTHER INFORMATION CONTACT:** Richard B. Stone, 301-713-2347.

**SUPPLEMENTARY INFORMATION:** The Atlantic swordfish fishery is managed under the authority of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*)

The implementing regulations at 50 CFR 630.24(b)(1)(i)(A) establish a quota of 69,286 lbs (31,428 kg) of swordfish that may be harvested by drift gillnet during the period January 1 through June 30, each year. Under 50 CFR 630.25(a), NMFS is required to close the drift gillnet fishery for swordfish when its quota is reached, or is projected to be reached, by filing a notice with the Office of the Federal Register at least 8 days before the closure is to become effective.

Based on the current level of swordfish catch by drift gillnets, historic data on average catch per set for June, and the number of vessels fishing or expected to fish, NMFS has determined that the drift gillnet quota for the January 1 through June 30 period will be reached on or before June 25, 1994. Hence, the drift gillnet fishery for Atlantic swordfish is closed effective 0001 hours, local time, June 25, 1994, through June 30, 1994, when a new semiannual quota becomes available. NMFS may adjust the July 1 through December 31, 1994, drift gillnet quota to reflect actual catches made in the January 1 through June 30, 1994, semiannual period as specified in 50 CFR 630.24.

During this closure of the drift gillnet fishery: (1) A person aboard a vessel

using or having aboard a drift gillnet may not fish for swordfish from the North Atlantic swordfish stock; (2) no more than two swordfish per trip may be possessed in the North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, north of 5° N. lat.;

and (3) no more than two swordfish per trip may be landed in an Atlantic, Gulf of Mexico, or Caribbean coastal state.

**Classification**

This action is required by 50 CFR 630.25(a) and is exempt from OMB review under E.O. 12866.

Dated: June 17, 1994.

**David S. Crestin,**  
*Acting Director, Office of Fisheries  
Conservation and Management, National  
Marine Fisheries Service.*

[FR Doc. 94-15161 Filed 6-17-94; 12:59 pm]

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