end of the fishing trip during which such taking occurred, will result in suspension or revocation of an Authorization Certificate until such requirements have been fulfilled. For fisheries operating in Category III fisheries, failure to report all incidental injuries and mortalities within 48 hours of the end of the fishing trip during which such taking occurred, will subject such persons to the full penalties of the Act.

An owner of a vessel engaged in a Category I or II fishery who fails to obtain from the NMFS an authorization for such vessel under this section. or fails to maintain a current and valid authorization for such vessel will be deemed to have violated this part and will be subject to the penalties of sections 105, 106, and 107 of the MMPA. An owner of a vessel engaged in a Category I or II fishery who fails to ensure that a decal or other physical evidence of such authorization issued by NMFS is displayed on or is in possession of the operator of the vessel, will be deemed to have violated this part and will be subject to a fine of not more than \$100 for each offense.

Owners or operators of vessels or nonvessel fisheries that fail to comply with a take reduction plan or implementing regulations issued under subpart C of this part will be subject to the penalties in sections 105 and 107 of the Act, and may be subject to the penalties of section 106 of the Act.

Classification

This action 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 Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities since it would establish a process for issuance of authorizations for the incidental taking of marine mammals while conducting commercial fishing in waters of the U.S. exclusive economic zone. Without these authorizations, the taking of marine mammals would be prohibited and fishers could be subject to fines when takings occur in the course of commercial fishing operations. The payment of a fee set to recover the costs of certificate issuance would be required to obtain an Authorization Certificate. While the amount of such fee has not yet been determined, it would cost no more than approximately \$30. Approximately 20,000 fishers are currently required to register under the old interim exemption regime and pay

a similar fee. This number is not expected to increase under the new regime.

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

This proposed rule contains collection-of-information requirements subject to the provisions of the Paperwork Reduction Act. Although these collections have been approved previously by OMB under OMB control numbers 0648–0224 and 0648–0225, because of new collection requirements for commercial fishing in § 229.6 and slightly modified registration requirements under § 229.4, these collection requirements are being resubmitted to OMB for review and approval.

The average reporting burden for these collections is estimated to be approximately 0.25 hours for each of approximately 13,000 fishers to register each year and 0.17 hours for each report of marine mammal injury or mortality. Because fishers would be required to submit a report for each occurrence of marine mammal injury or mortality, there may be multiple reports required per fisher.

Send comments regarding these burden estimates or any other aspect of these collection of information requirements, including suggestions for reducing the burden, to the Chief, Marine Mammals Division, Office of Protected Resources, and to the Office of Information and Regulatory Affairs, OMB (see ADDRESSES).

National Environmental Policy Act

The Assistant Administrator for Fisheries, NOAA (AA) has determined, based upon an EA prepared under the National Environmental Policy Act, that implementation of these regulations would not have a significant impact on the human environment. As a result of this determination, an environmental impact statement is not required. A copy of the EA is available upon request (see ADDRESSES).

List of Subjects

50 CFR Part 216

Administrative practice and procedure, Imports, Indians, Marine Mammals, Penalties, Reporting and recordkeeping requirements, Transportation

50 CFR Part 229

Administrative practice and procedure, Confidential business information, Fisheries, Marine mammals, Reporting and recordkeeping requirements.

Dated: June 13, 1995.

Gary Matlock,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For reasons set out in the preamble, 50 CFR parts 216 and 229 are proposed to be amended as follows:

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

1. The authority citation for part 216 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*, unless otherwise noted.

2. Section 216.24 is amended by removing the phrase, under the Note to § 216.24: "for the period from June 17, 1994, through September 1, 1995".

3. Part 229 is revised to read as follows:

PART 229—AUTHORIZATION FOR COMMERCIAL FISHERIES UNDER THE MARINE MAMMAL PROTECTION ACT OF 1972

Subpart A—General Provisions

Sec.

- 229.1 Purpose and scope.
- 229.2 Definitions.
- 229.3 Prohibitions.
- 229.4 Requirements for Category I and II fisheries.
- 229.5 Requirements for Category III fisheries.
- 229.6 Reporting requirements.
- 229.7 Monitoring of incidental mortalities and serious injuries.
- 229.8 Publication of list of fisheries.
- 229.9 Emergency regulations.
- 229.10 Penalties.
- 229.11 Confidential fisheries data.
- 229.12 Consultation with the Secretary of the Interior.

Subpart B—Takes of Endangered and Threatened Marine Mammals

229.20 Issuance of permits.

Subpart C—Take Reduction Plan Regulations and Emergency Regulations [Reserved]

Authority: 16 U.S.C. 1361 et seq., unless otherwise noted.

Subpart A—General Provisions

§ 229.1 Purpose and scope.

(a) The regulations in this part implement sections 101(a)(5)(E) and 118 of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1371(a)(5)(E) and 1387) that provide exceptions from the Act's moratorium on the taking of marine mammals incidental to certain commercial fishing operations.