

Executive Order 12612 (Federalism)

This rulemaking action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and the agency has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

National Environmental Policy Act

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action will not have any significant impact on the quality of the human environment.

Executive Order 12778 (Civil Justice Reform)

This rule does not have any retroactive effect. Under section 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.50.

Issued on December 7, 1995.

Ricardo Martinez,

Administrator.

[FR Doc. 95-30233 Filed 12-7-95; 2:11 pm]

BILLING CODE 4910-59-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Parts 672 and 675**

[Docket No. 950905226-5282-02; I.D. 083095A]

RIN 0648-AH00

Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area; Extension of Allocations to Inshore and Offshore Components

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

ACTION: Final rule.

SUMMARY: NMFS is implementing Amendment 38 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI) and Amendment 40 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA). Amendment 38 implements an allocation of pollock for processing by the inshore and offshore components in the BSAI management area from January 1, 1996, through December 31, 1998. Amendment 40 implements an allocation of Pacific cod for processing by the inshore and offshore components, and an allocation of pollock for processing by the inshore component in the GOA from January 1, 1996 through December 31, 1998. It also continues the Western Alaska Community Development Quota (CDQ) Program for pollock for the same period of time. This action is necessary to continue the management measures that were contained in Amendments 18 and 23 to the BSAI and GOA FMPs, respectively. The intended effect of this final rule is to promote management and conservation of groundfish, enhance the stability in the fisheries, and further the goals and objectives contained in the FMPs that govern these fisheries.

EFFECTIVE DATE: January 1, 1996.

ADDRESSES: Copies of Amendments 38 and 40, and the environmental assessment/regulatory impact review/final regulatory flexibility analysis (EA/RIR/FRFA) prepared for Amendments 38 and 40 are available from the North Pacific Fishery Management Council, 605 West 4th Avenue, room 306, Anchorage, AK 99501-2252; telephone: 907-271-2809.

FOR FURTHER INFORMATION CONTACT: David Ham, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fisheries in the exclusive economic zone (EEZ) off Alaska are managed under the BSAI and GOA FMPs. Both FMPs were prepared by the North Pacific Fishery Management Council (Council) under authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The BSAI FMP is implemented by regulations appearing at 50 CFR 611.93, 50 CFR part 675, and 50 CFR part 676; for the GOA FMP, regulations are found at 50 CFR 611.92, 50 CFR part 672, and 50 CFR part 676. General regulations that also pertain to U.S. fisheries appear at 50 CFR part 620. The fisheries for pollock (*Theragra chalcogramma*) and Pacific cod (*Gadus macrocephalus*) and the affected human environment are described in the FMPs, in the environmental impact statements prepared by the Council for each FMP, and in the EA/RIR/FRFA prepared for this action.

Amendments 38 and 40 will extend the provisions of Amendment 18 to the BSAI FMP and Amendment 23 to the GOA FMP, respectively.

Amendments 18 and 23 and their implementing regulations expire on December 31, 1995. The Council has not yet completed development of its comprehensive plan to address problems caused by the open access nature of the Alaska groundfish fisheries. Therefore, the Council voted unanimously at its June 1995 meeting to extend the provisions of the expiring amendments through December 31, 1998, by Amendments 38 and 40. A notice of availability of Amendments 38 and 40 was published at 60 FR 46572 (September 7, 1995).

Amendments 38 and 40 are essentially the same as amendments 18 and 23, with minor changes. A full discussion of these changes is listed in the proposed rule for amendments 38 and 40 (60 FR 48087, September 18, 1995).

Amendments 38 and 40 were approved by NMFS on November 28, 1995, under section 304(b) of the Magnuson Act. Upon reviewing the reasons for Amendments 38 and 40 and the comments on the proposed rule to implement it, NMFS has determined that this final rule extending the allocation between inshore and offshore components is necessary for fishery conservation and management.

Changes in the Final Rule From the Proposed Rule

This final rule includes the following changes from the proposed rule:

1. In § 675.27(e)(1)(iii), the date that the annual budget reconciliation report