

deleted that provision thus making § 28.580(a) apply to vessels that had undergone major conversions or alterations as well. This was not the Coast Guard's intent, considering the difficulties existing vessels would have retrofitting bulkheads in order to meet the survival conditions specified.

Need for Correction

As published, the final regulations contain errors which may prove misleading or are unclear in their intent and need further clarification.

List of Subjects in 46 CFR Part 28

Fire prevention, Fishing vessels, Incorporation by reference, Lifesaving equipment, Main and auxiliary machinery, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Seamen, and Stability.

PART 28—REQUIREMENTS FOR COMMERCIAL FISHING INDUSTRY VESSELS

1. The authority citation for part 28 continues to read as follows:

Authority: 46 U.S.C. 3316, 4502, 4506, 6104, 10603; 49 U.S.C. App. 1804; 49 CFR 1.46.

2. Paragraph (b) of § 28.500 is revised to read as follows:

§ 28.500 Applicability.

* * * * *

(b) Undergoes alterations to the fishing or processing equipment for the purpose of catching, landing, or processing fish in a manner different than has previously been accomplished on the vessel—these vessels need only comply with § 28.501 of this subpart; or

* * * * *

3. Paragraph (a) of § 28.580 is revised to read as follows:

§ 28.580 Unintentional flooding.

(a) *Applicability.* Except for an open boat that operates on protected waters and as provided by paragraph (i) of this section, each vessel built on or after September 15, 1991 must comply with the requirements of this section.

* * * * *

Dated: December 27, 1991.

A.E. Henn,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 92-157 Filed 1-3-92; 8:45 am]

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Research and Special Programs Administration

49 CFR Parts 107 and 180

[Docket Nos. HM-183, 183A; Amdt. Nos. 107-20, 180-2]

RIN 2137-AA42

Requirements for Cargo Tanks; Compliance Date

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule; revision of compliance date.

SUMMARY: RSPA is delaying the compliance date for a provision contained in 49 CFR 107.503(b)(1) and (c) that persons who are engaged in the manufacture and repair of MC 306, MC 307 and MC 312 cargo tank motor vehicles must submit a copy of their American Society of Mechanical Engineers (ASME) "U" or National Board of Boiler and Pressure Vessel Inspectors (National Board) "R" Certificate of Authorization to RSPA before December 31, 1991. RSPA is delaying the compliance date to June 30, 1992. This action is being taken to allow the National Board, which performs the inspection reviews, additional time to process its backlog of authorization requests.

EFFECTIVE DATE: Effective December 31, 1991.

FOR FURTHER INFORMATION CONTACT: Charles Hochman, (202) 366-4545, Office of Hazardous Materials Technology, or Hattie Mitchell, (202) 366-4488, Office of Hazardous Materials Standards, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION: The Hazardous Materials Regulations (49 CFR parts 171-180) require that any person engaged in the manufacture, assembly or repair of DOT specification cargo tanks or cargo tank motor vehicles, and cargo tanks manufactured under exemption must hold a current ASME "U" or National Board "R" Certificate of Authorization. Sections 107.504(b)(1) and (c) require manufacturers (including certain assemblers) and repairers of MC 306, MC 307 and MC 312 cargo tank motor vehicles to submit a copy of their Certificate of Authorization to RSPA before December 31, 1991. Similarly, § 180.413(a) provides that any repair, modification, stretching or rebarrelling on any low pressure MC series cargo tank must be performed by a holder of

an ASME "U" stamp or a National Board "R" stamp after January 1, 1992.

RSPA has received several written and telephonic requests to delay the December 31, 1991 compliance date for RSPA to receive these ASME or National Board Certificates of Authorization. The ASME and the National Board both have established procedures for inspection and certification of facilities engaged in the construction and repair of cargo tanks. Prior to issuance of both types of certificates, the National Board conducts a review of the manufacturer's or repairer's facility and witnesses a demonstration of the operator's quality control system and fabrication or repair procedures. Because of a substantial increase in the number of these authorization requests, the National Board is experiencing scheduling delays of 3-4 months in some states. Therefore, RSPA is delaying the date for submission of these ASME and National Board Certificates of Authorization from December 31, 1991, to June 30, 1992.

Because the amendments adopted herein impose no new regulatory burden on any person, notice and public procedure are unnecessary. For these same reasons, these amendments are being made effective without the usual 30-day delay following publication.

Administrative Notices

A. Executive Order 12291

This final rule has been reviewed under the criteria specified in section 1(b) of Executive Order 12291 and is determined not to be a major rule. However, it is a significant rule under the regulatory procedures of the Department of Transportation (44 FR 11034). This rule does not require a Regulatory Impact Analysis, or an environmental impact statement under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) This final rule does not impose additional requirements and has the net result of reducing costs imposed under the final rule published in the **Federal Register** on June 12, 1989 (54 FR 38233) without reducing safety. The original regulatory evaluation of the final rule was not modified because this final rule does not impose additional requirements and does not make substantive changes to the final rule. That document is available for review in the docket.

B. Executive Order 12612

This action has been analyzed in accordance with Executive Order 12612 ("Federalism"). It has no substantial direct effect on the States, on the current

Federal-State relationship, or the current distribution of power and responsibilities among levels of government. Thus this final rule contains no policies that have Federalism implications, as defined in Executive Order 12612, and no Federalism Assessment is required.

C. Impact on Small Entities

Based on available information, I certify that the changes in this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

A regulatory flexibility analysis prepared for the October 2, 1991 final rule is available for review in the docket.

D. Paperwork Reduction Act

This amendment imposes no changes to the information collection and recordkeeping requirements contained in the June 12, 1989 final rule, which was approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. chapter 35.

E. Regulatory Information Number (RIN)

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects

49 CFR Part 107

Administrative practice and procedure, Hazardous materials transportation, Packaging and containers, Penalties, Reporting and recordkeeping requirements.

49 CFR Part 180

Hazardous material transportation, Motor carriers, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

In consideration of the foregoing, title 49, chapter I, subchapters B and C of the Code of Federal Regulations, are amended as set forth below.

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

1. The authority citation for part 107 continues to read as follows:

Authority: 49 App. U.S.C. 1421(c); 49 App. U.S.C. 1802, 1806, 1808-1811; 49 CFR 1.45 and

1.53 and app. A of part 1, Public Law 89-670 (49 U.S.C. 1653(d), 1655).

§ 107.503 [Amended]

2. In § 107.503, in paragraphs (b)(1) and (c), the date "December 31, 1991" is revised to read "June 30, 1992" both places it appears.

PART 180—CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS

3. The authority citation for part 180 continues to read as follows:

Authority: 49 App. U.S.C. 1803; 49 CFR part 1.

§ 180.413 [Amended]

4. In § 180.413, in the last sentence of the introductory text to paragraph (a), the date "January 1, 1992" is revised to read "June 30, 1992".

Issued in Washington, DC on December 30, 1991, under authority delegated in 49 CFR part 1.

Travis P. Dungan,
Administrator, Research and Special
Programs Administration.

[FR Doc. 91-31332 Filed 12-31-91; 11:35 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 910102-1312]

RIN 0648-AD01

Atlantic Bluefin Tuna Fishery

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule under authority of the Atlantic Tunas Convention Act (ATCA) to: (1) Require specified amounts of other species to be landed as a condition for landing an incidental bycatch of Atlantic bluefin tuna (bluefin) in the southern longline fishery; (2) prohibit retention of Atlantic bluefin tuna harvested from the Gulf of Mexico, except for vessels permitted in the Incidental Catch category; and (3) make other technical revisions to the regulations.

This action is necessary to prevent a directed fishery for Atlantic bluefin tuna in the Gulf of Mexico and to enhance enforcement of the regulations. The intent of this action is to ensure that the United States fulfills its obligations to conserve and manage the Atlantic bluefin tuna resource in accordance

with the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT).

EFFECTIVE DATE: December 31, 1991.

ADDRESSES: Copies of the environmental assessment and final regulatory flexibility analysis referred to in this rule, as well as other previously published reports, are available from Richard Roe, Regional Director, NMFS, Northeast Region, One Blackburn Drive, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: Kathi Rodrigues, (508) 281-9324 or Hannah Goodale, (508) 281-9101.

SUPPLEMENTARY INFORMATION: On March 11, 1991, NMFS published a proposed rule at 56 FR 10227 to amend the regulations governing the Atlantic bluefin tuna fishery (50 CFR part 285). The rule was intended to prevent a directed fishery for Atlantic bluefin tuna in the Gulf of Mexico (Gulf) and improve management of the angling sector. The rule also proposed technical revisions to improve the effectiveness of existing regulations. This final rule implements the measures concerning the Gulf fishery, which are necessary before the January commencement of the Gulf fishery, and the technical revisions. A technical modification to allow the Regional Director to specify a date when a bluefin permit expires was implemented in a separate final rule (56 FR 50061). The remaining proposed measures concerning the angling sector are still under consideration by NMFS and are not implemented by this rule.

Public comment on the proposed rule was initially invited through April 25, 1991. NMFS also held a series of public hearings in New England, Mid-Atlantic and Gulf states. In response to concerns expressed at the public hearings, the comment period was reopened until May 10, 1991 (56 FR 20183, May 2, 1991). In addition, NMFS also invited comment on a request from fishermen in North Carolina for future rulemaking to change the commencement date of the General category season.

Background

This final rule is not intended to present a new management strategy for Atlantic bluefin tuna. The Fishery Conservation Amendments of 1990 (Pub. L. 101-627) will bring all tunas under Magnuson Act authority on January 1, 1992, and NMFS intends to undertake a more comprehensive rulemaking after that date. This final rule is intended to address specific concerns and ensure that the United States fulfills its current obligations to ICCAT.