

as defined in section 316(b)(1) of such Act (20 U.S.C. 1059c(b)(1)).

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 107 and 171

[Docket No. HM-208; Notice 94-5]

Hazardous Materials Transportation; Registration and Fee Assessment Program

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

ACTION: Notice of filing requirements.

SUMMARY: The Hazardous Materials Registration Program will enter Registration Year 1994-95 on July 1, 1994. Persons who transport or offer for transportation certain hazardous materials are required to annually file a registration statement and pay a fee to the Department of Transportation. Persons who registered for the 1993-94 Registration Year will be mailed a Registration Statement form and informational brochure in April.

FOR FURTHER INFORMATION CONTACT: David W. Donaldson, Office of Hazardous Materials Planning and Analysis (202-366-4109), Hazardous Materials Safety, 400 Seventh Street SW., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to advise persons who transport or offer for transportation certain hazardous materials of an annual requirement to register with the Department of Transportation. A Final Rule implementing this requirement was published in the *Federal Register* on July 9, 1992 (57 FR 30620-30633), a clarification on July 28, 1992 (57 FR 33416-33417), editorial revisions on August 21, 1992 (57 FR 37900-37902), a formal interpretation of the terms "offeror" and "transporter" on October 28, 1992 (57 FR 48739-48741), and an amendment to the regulation on March 5, 1993 (58 FR 12543-12545). Each person, as defined by the Hazardous Materials Transportation Act, who engages in any of the specified activities relating to the transportation of hazardous materials is required to register annually with the Department of Transportation and pay a fee. Proceeds are used to fund grants to State, local, and Indian tribal governments for

emergency response planning and training. The regulations implementing this program are in Title 49, Code of Federal Regulations, Sections 107.601-107.620.

The persons affected by this rule include those who offer or transport in commerce any of the following materials:

A. Any highway route-controlled quantity of a Class 7 (radioactive) material;

B. More than 25 kilograms (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material in a motor vehicle, rail car, or freight container;

C. More than one liter (1.06 quarts) per package of a material extremely toxic by inhalation (Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A);

D. A hazardous material in a bulk packaging having a capacity equal to or greater than 13,248 liters (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids; or

E. A shipment, in other than a bulk packaging, of 2,268 kilograms (5,000 pounds) gross weight or more of a class of hazardous materials for which placarding of a vehicle, rail car, or freight container is required for that class.

The 1993-94 registration year ends on June 30, 1994. The 1994-95 Registration Year will begin on July 1, 1994, and end on June 30, 1995. Any person who engages in any of the specified activities during that period must file a Registration Statement and pay the associated fee of \$300.00 before July 1, 1994, or before engaging in any of the activities, whichever is later. All persons who registered for the 1993-94 Registration Year will be mailed a Registration Statement form and an informational brochure in May 1994. Others wishing to obtain the form and any other information relating to this program should contact the program number given above.

RSPA is now accepting 1994-95 registrations. The Registration Statement has not been revised for the 1994-95 Registration Year. Registrants should file a registration statement and pay the associated fee in advance of July 1, 1994, in order to ensure that a 1994-95 Registration Number has been provided by that date to comply with the recordkeeping requirements, including the requirement that the number be made available on board each truck and truck tractor (not including trailers and semi-trailers) used to transport hazardous materials subject to the registration requirements. A Certificate of Registration is generally mailed

within three weeks of RSPA's receipt of a Registration Statement.

Persons who engage in any of the specified activities during a Registration Year are required to register for that year. Persons who engaged in these activities during Registration Year 1992-93 (September 16, 1992, through June 30, 1993) or 1993-94 (July 1, 1993, through June 30, 1994) and have not filed a registration statement and paid the associated fee of \$300.00 for each year for which registration is required should contact RSPA to obtain the required form (DOT F 5800.2). Persons who fail to register for any registration year in which they engaged in such activities are subject to civil penalties for each day a covered function is performed. The legal obligation to register for a year in which any of the specified activities was conducted does not end with the registration year. Registration after the completion of a registration year may also involve the imposition of a late fee and interest in addition to a civil penalty.

For the 1994-95 Registration Year, RSPA has entered into an agreement with the Public Utilities Commission of Ohio (PUCO) to test an alternative procedure for filing the Federal Registration Statement for motor carriers who are also subject to the State of Ohio's registration program. Ohio Revised Code Section 4905.80 requires that motor carriers transporting in or through Ohio hazardous materials that must be placarded, require the display of vehicle markings, or must be manifested register with PUCO.

Motor carriers who are subject to the Federal 1994-95 Hazardous Materials Registration requirement, may elect to submit a completed Federal Registration Statement DOT Form F 5800.2, through PUCO together with the associated fee of \$300.00 payable to the U.S. Department of Transportation. This option for the submittal of the Federal registration documents through PUCO is being offered to certain motor carriers to demonstrate if this procedure is more cost-effective or otherwise less burdensome to industry and government. Since this procedure is optional, a motor carrier subject to Ohio's registration requirement may elect to register in the Federal program directly with the U.S. Department of Transportation, as specified in 49 CFR 107.616. However, PUCO has agreed to verify that all motor carriers required to register with PUCO are registered with DOT if they are subject to the Federal registration requirements.

A motor carrier subject to both the Federal and PUCO registration requirements who elects to register in

the Federal program through PUCO may obtain the required Federal and Ohio forms and related information by contacting the Public Utilities Commission of Ohio, Transportation Department, Hazardous Materials Division, 180 East Broad Street, 5th Floor, Columbus, OH 43215-3793, telephone 614-466-7232.

On April 1, 1994 (59 FR 15602-15605), RSPA published a Notice of Proposed Rulemaking, in which it proposed several additional requirements that may affect persons currently subject to the registration requirements. New provisions proposed in this notice include: (1) A requirement that shippers verify that carriers are registered before using their services and that carriers verify that shippers are registered before accepting a shipment from them; (2) a requirement that vessel operators carry proof of registration on each vessel subject to the registration requirement; and (3) a two-year extension (until July 1, 1996) in the delay in implementation of the registration requirement for foreign offerors of hazardous materials. Persons subject to the registration requirements are advised to watch for further developments in this rulemaking action.

Dated: April 22, 1994.

Alan T. Roberts,

Associate Administrator for Hazardous Materials Safety.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 672 and 675

[Docket No. 930954-4110; I.D. 092193A]

RIN 0648-AF54

Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area

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

ACTION: Final rule.

SUMMARY: NMFS issues final regulations to change requirements for observer coverage of the groundfish fisheries in the Gulf of Alaska (GOA) and the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to improve management of the groundfish fisheries off Alaska. The intended effect of this action is to increase observer

coverage of the groundfish harvests and to promote the fishery management objectives of the Fishery Management Plan (FMP) for Groundfish of the GOA and the FMP for the Groundfish Fishery of the BSAI.

EFFECTIVE DATE: Effective July 1, 1994, except for § 672.27(c)(1)(iii)(F), which will become effective May 31, 1994.

ADDRESSES: Copies of the environmental assessment/regulatory impact review/final regulatory flexibility analysis (EA/RIR/FRFA) and the Observer Plan may be obtained from the Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802 (Attn: Lori Gravel).

FOR FURTHER INFORMATION CONTACT: Susan J. Salvesson, Fisheries Management Division, Alaska Region, NMFS at 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

Fishing for groundfish by vessels in the exclusive economic zone (EEZ) of the GOA and the BSAI is managed by the Secretary of Commerce (Secretary) according to the FMP for Groundfish of the GOA and the FMP for the Groundfish Fishery of the BSAI. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and are implemented by regulations governing the U.S. groundfish fisheries at 50 CFR parts 620, 672, and 675.

Amendments 13 and 18 to the groundfish FMPs for the BSAI and GOA, respectively, authorize a comprehensive domestic fishery observer program. An Observer Plan to implement the program was prepared by the Secretary in consultation with the Council and issued by NMFS, effective February 7, 1990 (55 FR 4839, February 12, 1990). At its December 1992 meeting, the Council reviewed draft changes to the Observer Plan that were developed by NMFS and a Council-Appointed Industry Oversight Committee. The Council recommended that NMFS make the draft changes and initiate a rulemaking to implement them.

A proposed rule to implement the Council's recommendation was published in the *Federal Register* October 28, 1993 (58 FR 57979). Comments on the proposed rule were invited through November 29, 1993. Two letters of comments were received and are summarized in the "Response to Comments" section of this preamble.

After reviewing the reasons for the draft changes to the Observer Plan and the comments on the proposed rule to

implement them, NMFS has determined that this action is necessary for fishery conservation and management and implements the following changes to the Observer Plan and its implementing regulations at §§ 672.27 and 675.25.

(1) Change the definition of a "fishing trip" and base observer coverage requirements on a new definition of "fishing days" instead of "fishing trip days". "Fishing day" is defined as a 24-hour period from 0001 Alaska local time (A.l.t.) through 2400 A.l.t. during which fishing gear is retrieved and groundfish, as defined at 50 CFR 672.2 and 675.2, are retained for further processing.

(2) Increase observer coverage on vessels equal to or greater than 60 feet (18.3 m) in length overall (LOA) but less than 125 ft (38.1 m) LOA during each calendar quarter, so that vessels in this size category are required to carry an observer 30 percent of the fishing days in each calendar quarter in which the vessels participate for more than 3 fishing days in a directed fishery for groundfish. Each vessel required to carry an observer during a calendar quarter must carry an observer during at least one fishing trip for each of the following fisheries in which the vessel participates: Pollock, Pacific cod, sablefish, rockfish, flatfish, and other species of groundfish.

(3) Increase observer coverage of vessels using hook-and-line gear in the Eastern Regulatory Area of the GOA by requiring operators of catcher/processor and catcher vessels using hook-and-line gear that participate in a directed fishery for groundfish to carry a NMFS-certified observer during at least one fishing trip in the Eastern Regulatory Area during each calendar quarter that they participate in a directed fishery for groundfish in this area;

(4) Revise observer coverage requirements for vessels using pot gear to participate in a directed fishery for groundfish, so that each vessel using pot gear that is equal to or greater than 60 ft (18.3 m) LOA is required to carry an observer during at least 30 percent of its fishing days during each calendar quarter in which it participates for more than 3 days in a directed groundfish pot gear fishery; and

(5) Revise the conflict of interest standards for NMFS-certified observers and observer contractors. Revisions include: (1) Placing restrictions on observers who were employed in the observed fishery within the preceding 12 months; and (2) prohibiting observer contractors from assigning observers in response to requests for or against a specific individual or a specific gender, race, creed, or age of individual.

The intent of these measures is to increase observer coverage of the groundfish harvests and to promote the fishery management objectives of the FMPs. Further descriptions of, and reasons for, these measures are contained in the preamble to the proposed rule (58 FR 57979, October 28, 1993).

With the exception of § 672.27(c)(1)(iii)(F), the effective date of