

30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; Notice of August 15, 1995, 60 FR 42767, 3 CFR, 1995 Comp., p. 501; Notice of August 14, 1996, 61 FR 42527, 3 CFR, 1996 Comp., p. 298; Notice of August 13, 1997, 62 FR 43629, 3 CFR, 1997 Comp. p. 306; Notice of August 13, 1998, 63 FR 44121, 3 CFR, 1998 Comp. p. 294.

**Supplement No. 1 to Part 774—
[Amended]**

2. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3A001 is amended by revising the License Exceptions section to read as follows:

3A001—Electronic components, as follows (see List of Items Controlled).

* * * * *

License Exceptions

LVS: N/A for MT

\$1500: 3A001.c

\$3000: 3A001.b.1, b.2, b.3, .d, .e and .f

\$5000: 3A001.a, and .b.4 to b.7

GBS: Yes, except 3A001.a.1.a, b.1, b.3 to b.7, .c to .f

CIV: Yes, except 3A001.a.1, a.2, a.3.a (for processors with a CTP greater than 1900 Mtops), a.5, a.6, a.9, a.10, and a.12, .b, .c, .d, .e, and .f

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Eileen M. Albanese,

Acting Assistant Secretary for Export Administration.

[FR Doc. 99-17355 Filed 7-7-99; 8:45 am]

BILLING CODE 3510-33-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 622

[Docket No. 980427104-8227-02; I.D. 120597B]

RIN 0648-AK29

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Certification of Bycatch Reduction Devices; OMB Control Numbers

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to prescribe additional procedures for the

testing and certification of bycatch reduction devices (BRDs) for use in penaeid shrimp trawls in the exclusive economic zone (EEZ) in the South Atlantic. The use of BRDs in all such trawls became mandatory under the final rule implementing Amendment 2 to the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region (FMP). This rule completes implementation of the Testing Protocol for BRD Certification and includes a paragraph providing details on the testing and certification procedures. It also adds four previously omitted measures to the list of measures that may be implemented or modified through the framework procedures contained in Amendment 2 for adjusting management measures. Finally, NMFS informs the public of the approval by the Office of Management and Budget (OMB) of the collection-of-information requirement associated with this rule and publishes the OMB control number for this collection. The testing and certification procedures prescribed by this rule are intended to foster the development of alternative BRDs that meet the bycatch reduction criterion for Spanish mackerel and weakfish, while minimizing inconvenience to fishermen and/or loss of shrimp. The addition of management measures that may be adjusted via the framework procedures is intended to fully implement the amendment's provisions for enhancing the ability of the South Atlantic Fishery Management Council (Council) and NMFS to react in a timely manner to changes in the fishery or to new data.

DATES: This rule is effective July 8, 1999, except that the amendment to § 622.48(h) is effective August 9, 1999.

ADDRESSES: Comments regarding the collection-of-information requirement associated with this rule should be sent to Edward E. Burgess, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer).

Requests for copies of the *Bycatch Reduction Device Testing Protocol Manual* should be sent to the South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407-4699; Phone: 843-571-4366; Fax: 843-769-4520.

FOR FURTHER INFORMATION CONTACT: Peter J. Eldridge, 727-570-5305.

SUPPLEMENTARY INFORMATION: The shrimp fishery in the EEZ of the South Atlantic is managed under the FMP. The FMP was prepared by the Council and

is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

On June 3, 1998, NMFS published and requested comments on a proposed rule (63 FR 30174) to implement the measures that are now incorporated in this final rule. The background and rationale for the proposed rule and associated measures are contained in the preamble to the proposed rule and are not repeated here.

Comments on the Proposed Rule

No comments on the proposed rule were received.

Changes From the Proposed Rule

In § 622.41(g)(3)(ii), the exemption language is revised to be more precise and to be consistent with similar provisions elsewhere in the regulations.

In the appendix containing an additional paragraph from the Testing Protocol for BRD Certification, NMFS changes the mandatory language requiring state directors to collect, review, and submit information to NMFS. NMFS has reviewed the administrative record and finds this change is consistent with the Council's intent and with OMB's collection-of-information approval based on the Testing Protocol Manual.

In addition, NMFS revises that paragraph to more accurately reflect the information that may be collected based on the manual's data collection forms approved by OMB.

Under NOAA Administrative Order 205-11, 7.01, dated December 17, 1990, the Under Secretary for Oceans and Atmosphere, Department of Commerce, has delegated authority to sign material for publication in the **Federal Register** to the Assistant Administrator for Fisheries, NOAA (AA).

Classification

The Regional Administrator, Southeast Region, NMFS, with the concurrence of the AA, determined that the measures implemented by this rule are necessary for the conservation and management of the shrimp fishery off the southern Atlantic states and that the measures are consistent with the Magnuson-Stevens Act and other applicable law.

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

The Chief Counsel for Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not

have a significant economic impact on a substantial number of small entities. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not prepared.

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB control number.

This rule contains a collection-of-information requirement subject to the PRA—namely, the BRD certification process, consisting of an application for the testing of a new BRD, the testing itself, and the submission of the test results. This collection of information has been approved by OMB under OMB control number 0648-0345. The public reporting burden for this collection of information is estimated at 151 hours per application, testing, and submission of results. The estimate of the public reporting burden for this collection of information includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information. Send comments regarding this burden estimate or any other aspect of the data requirement, including suggestions for reducing the burden, to NMFS and to OMB (see ADDRESSES).

The revisions in §§ 622.7(bb), 622.41(g)(1) and (g)(3), and the addition to the uncodified appendix containing the Testing Protocol for BRD Certification are essential for implementation of a procedure for testing alternative BRDs that, if certified, could result in improved finfish bycatch reduction and/or reduction in shrimp loss. At minimum, any BRD certified via this testing procedure would increase the approved BRD options available to participants in the fishery. This would give participants greater choice in selecting an approved BRD that is optimal for their particular fishing operation. Timely implementation of this rule will expedite BRD testing and potential certifications of additional BRDs which is in the best interest of the affected public. Accordingly, under 5 U.S.C. 553(d)(3), the AA, for good cause, finds that it would be unnecessary and contrary to the public interest to delay for 30 days the effective date of these measures.

List of Subjects

15 CFR Part 902

Reporting and recordkeeping requirements.

50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: July 1, 1999.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 15 CFR part 902 and 50 CFR part 622 are amended as follows:

15 CFR Chapter IX

PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT: OMB CONTROL NUMBERS

1. The authority citation for part 902 continues to read as follows:

Authority: 44 U.S.C. 3501 *et seq.*

2. In § 902.1, in the table, in paragraph (b), under 50 CFR, the following entry is added in numerical order to read as follows:

§ 902.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(b) * * *

CFR part or section where the information collection requirement is located	Current OMB control number (All numbers begin with 0648-)
50 CFR	*
622.41(g)(3)	-0345
	*

50 CFR Chapter VI

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

3. The authority citation for part 622 continues to read as follows:

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

4. In § 622.7, paragraph (aa) is added, and paragraph (bb) is reserved to read as follows:

§ 622.7 Prohibitions.

* * * * *

(aa) Falsify information submitted on the testing of a BRD or the results of such testing, as specified in § 622.41(g)(3)(i).

(bb) [Reserved]

5. In § 622.41, the first sentence of paragraph (g)(1) is revised and paragraph (g)(3) is added to read as follows:

§ 622.41 Species specific limitations.

* * * * *

(g) * * *

(1) * * * Except as exempted in paragraph (g)(3)(ii) of this section, on a penaeid shrimp trawler in the South Atlantic EEZ, each trawl net that is rigged for fishing and has a mesh size less than 2.50 inches (6.35 cm), as measured between the centers of opposite knots when pulled taut, and each try net that is rigged for fishing and has a headrope length longer than 16.0 ft (4.9 m), must have a certified BRD installed. * * *

* * * * *

(3) *Certification of BRDs*—(i) A person who seeks to have a BRD certified for use in the South Atlantic EEZ must submit an application to test such BRD, conduct the testing, and submit to the RD the results of the test conducted and recorded in accordance with the Testing Protocol for BRD Certification, which along with forms and procedures, is included in the *Bycatch Reduction Device Testing Protocol Manual* which is available from the SAFMC, One Southpark Circle, Suite 306, Charleston, SC 29407-4699, and from the RD. A BRD that meets the certification criterion, as determined under the Testing Protocol for BRD Certification, will be added to the list of certified BRDs in paragraph (g)(2) of this section.

(ii) A penaeid shrimp trawler that is authorized to test a BRD in the EEZ for possible certification, has such written authorization on board, and is conducting such test in accordance with the Testing Protocol for BRD Certification is granted a limited exemption from the BRD requirement specified in paragraph (g)(1) of this section. The exemption from the BRD requirement is limited to those trawls that are being used in the certification trials. All other trawls rigged for fishing must be equipped with certified BRDs.

* * * * *

6. In § 622.48, paragraph (h) is revised to read as follows:

§ 622.48 Adjustment of management measures.

* * * * *

(h) *South Atlantic shrimp.* BRD certification criteria, BRD specifications, BRD testing protocol, certified BRDs, nets required to use BRDs, and times and locations when the use of BRDs is required.

* * * * *

7. The Testing Protocol for BRD Certification published as an uncodified appendix to the final rule implementing Amendment 2 to the FMP on April 16, 1997 (62 FR 18536) is amended by

adding the following paragraph at the end thereof:

Appendix—Testing Protocol for BRD Certification

Note: This Appendix will not appear in the code of Federal Regulations.

* * * * *

Before conducting any certification test, or series of tests, in state waters, a person must meet any applicable state requirements for notification and approval. Persons planning to conduct certification tests in both state waters and the EEZ have two options. The person may submit an application for certification testing in the EEZ directly to the RD. Alternatively, if state approval is required, a person may submit the required application to conduct BRD testing in the EEZ to the appropriate state director or designee, and the state could forward copies to the RD for concurrent approval for EEZ waters. Under either option, the application to conduct BRD testing in the EEZ must identify the sponsor of the tests and include the information solicited by the Vessel Information Form and the Gear Specification Form. Once the RD determines that the application is complete and all applicable regulations are satisfied, the RD will issue the applicant a letter of authorization to conduct BRD testing in the EEZ.

[FR Doc. 99-17372 Filed 7-7-99; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 227

RIN 1010-AC51

Change to Delegated State Audit Functions

AGENCY: Minerals Management Service, Interior.

ACTION: Final rule.

SUMMARY: The Minerals Management Service (MMS) is amending its regulations to allow States which choose to assume audit duties to do so for less than all of the Federal mineral leases within the State or leases offshore of the State.

EFFECTIVE DATES: August 9, 1999.

FOR FURTHER INFORMATION CONTACT: David S. Guzy, Chief, Rules and Publications Staff, telephone (303) 231-3432, FAX (303) 231-3385, e-Mail David.Guzy@mms.gov.

SUPPLEMENTARY INFORMATION: The principal author of this rulemaking is Ms. Shirley Burhop, State and Indian Compliance Division, Royalty Management Program (RMP).

I. Background

This rule amends regulations governing the delegation of royalty management duties to States. Section 205 of the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA), 30 U.S.C. 1735, gives MMS the authority to delegate audit functions to States. Currently, 10 States have entered into the delegation agreements authorized by Section 205.

Regulations in 30 CFR part 227 implementing the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 (RSFA), Pub. L. 104-185, as corrected by Pub. L. 104-200, expanded the duties that States could assume. Those regulations at 30 CFR 227.101 prescribed that if a State wanted MMS to delegate the audit function to the State, then the State was required to audit all Federal mineral leases within that State and all 8(g) leases offshore of the State. We intended that States perform other delegable functions authorized by RSFA for *all* leases within that State and in all 8(g) leases offshore of the State. However, we do not believe it is either necessary or desirable in the case of the audit function. Typically auditing is done on a sampling basis, *i.e.* not all leases are audited.

This change allows States which are now delegated audit authority under FOGRMA to continue that audit authority without significantly altering their staffing, funding, or other operations. By removing the requirement that they exercise audit authority over all Federal mineral leases within the State, the States will again be able to work with us in those cases where State resources do not allow the State to cover their entire audit universe. Thus, the State will designate the limits of its audit activity each year through an annual audit work plan. This wording change will also enable the MMS to continue to assist a State in its audit efforts when necessary.

II. Statutory Authority

Authority for this change is granted by FOGRMA, 30 U.S.C. 1735, as amended by RSFA, Pub. L. 104-185, August 13, 1996, as corrected by Pub. L. 104-200. Authority regarding solid mineral leases, geothermal leases, and 8(g) leases is granted by Pub. L. 102-154.

III. Comments on Proposed Rule

The proposed rulemaking provided a 60-day public comment period which ended April 12, 1999. MMS received comments from one oil and gas trade association commenter during the comment period. We reviewed and analyzed the comments pertaining to this final rulemaking, and did not revise the language of the final rule. The specific comments are addressed below:

Comment—Regarding the Analysis section of the proposed rule preamble, the commenter questioned how a State could take on delegated functions without adequate staffing or funding. The commenter stated that “the language in the proposed rule controverts the Delegation regulations,” as stated at 30 CFR 227.103.

Response—The final rule enables States to perform delegated audit functions for some or all Federal leases within their State rather than being required to assume responsibility for all such leases. Our intent is to enable those States which face staffing and funding limitations to take on delegated audit duties to the extent they can perform such duties with available resources. Current regulations at 30 CFR 227.101 (1998) require a State to have the resources to audit its entire lease universe in order to take on any delegated audit duties.

IV. Procedural Matters

Regulatory Planning and Review (E.O. 12866)

This document is not a significant rule and is not subject to review by the Office of Management and Budget under Executive Order 12866.

(1) This rule will not have an effect of \$100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. Requesting States may incur additional costs for delegation responsibilities. However, these direct costs will be fully reimbursed by the Federal Government in accordance with their annual, approved audit plan each year. This rule change does not require the States to file any additional information or fees.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. States with delegated audit authority must follow the policies of the Department. States will coordinate their audit actions with the Bureau of Land Management and MMS.

(3) This rule does not alter the budgetary effects or entitlements, grants,