

Rulemaking Analyses and Notices

This rule is not subject to review under Executive Order 12866. It is significant within the meaning of the Department's Regulatory Policies and Procedures, since it affects an important Departmental safety initiative and is of substantial public interest. It is anticipated that this postponement will create some savings for the motor carrier industry, resulting, from the absence of the pre-employment testing requirements of the rule during the first four months of 1995. A portion of the anticipated annual benefits of the rule will also be forgone, however.

FHWA has determined that this rule does not have a significant economic impact on a substantial number of small entities, for purposes of the Regulatory Flexibility Act. In addition to the reason cited above, FHWA makes this determination because small entities, for purposes of Part 382, are those motor carriers with fewer than 50 covered drivers who are not scheduled to begin alcohol testing until January 1, 1996, in any case. There is not a sufficient Federalism impact to warrant preparation of a Federalism assessment under Executive Order 12612.

FHWA is making this rule final without first issuing a notice of proposed rulemaking. The rule is also being made effective before 30 days from the date of its publication. FHWA is taking these steps on the basis that notice and comment are impracticable, unnecessary, and contrary to the public interest, and that there is good cause for making the rule effective immediately. The rationale for this finding is as follows: all requirements of 49 CFR part 382 would have to be implemented by larger motor carriers on January 1, 1995, absent this action. Carriers would be in noncompliance with part 382 in any interval between that date and the date that this amendment takes effect. This amendment could not have its intended impact unless it is put into effect before January 1. Moreover, this amendment is one that relieves a restriction.

List of Subjects in 49 CFR Part 382

Alcohol testing, Controlled substances testing, Highways and roads, Highway

safety, Motor carriers, Motor vehicle safety.

Issued this 30th day of December, 1994, at Washington, DC.

Rodney E. Slater,

Federal Highway Administrator.

For the reasons stated in the preamble, 49 CFR part 382 is amended as follows:

1. The authority citation is revised to read as follows:

Authority: 49 U.S.C. 31136, 31302 et seq., and 31502; 49 CFR 1.48.

2. 49 CFR § 382.115(a) is revised to read as follows:

§ 382.115 Starting date for testing programs.

(a) *Large employers.* (1) Except as otherwise provided in this paragraph, each employer with fifty or more drivers on March 17, 1994, shall implement the requirements of this part beginning on January 1, 1995.

(2) Large employers may begin implementing the requirements of § 382.301 of this part with respect to alcohol testing on January 1, 1995, but are not required to do so until May 1, 1995.

* * * * *

[FR Doc. 95-342 Filed 1-5-95; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 630

[Docket No. 931078-4286; I.D. 122294E]

Atlantic Swordfish Fishery; Pilot Study Landing Requirements

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

ACTION: Announcement of a change in off-loading requirements.

SUMMARY: NMFS announces that volunteer participants selected by NMFS to participate in the swordfish pilot program are not required to

observe the off-loading time requirement when carrying an observer. The observer will be collecting statistical data that would otherwise be collected by dockside samplers within the off-loading time requirement. Therefore, NMFS has determined that the off-loading requirements of the regulations are unnecessary during 1995.

EFFECTIVE DATE: January 1, 1995 through December 31, 1995.

FOR FURTHER INFORMATION CONTACT: Rod Dalton, 813-893-3721, or Ron Rinaldo, 301-713-2347.

SUPPLEMENTARY INFORMATION: The Atlantic swordfish fishery is managed under the Fishery Management Plan (FMP) for Atlantic Swordfish and its implementing regulations at 50 CFR part 630 under the authority of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and the Atlantic Tunas Convention Act (ATCA) (16 U.S.C. 971 *et seq.*). Regulations issued under authority of the ATCA carry out the recommendations of the International Commission for the Conservation of Atlantic Tunas.

Section 630.51(b)(6) of the regulations requires that off-loading of vessels participating in the donation program begin between the hours of 8 a.m. and 6 p.m. local time. The Assistant Administrator for Fisheries, NOAA, (AA) is authorized under § 630.51(b)(7) to adjust these requirements. NMFS is providing observers for all pilot program trips in 1995. Therefore, the AA, in consultation with the industry and the NMFS Office of Enforcement, waives § 630.51 (b)(6), the off-loading time requirements for vessels carrying NMFS observers for 1995.

Classification

This rule is exempt from review under E.O. 12866.

Dated: December 30, 1994.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95-351 Filed 1-5-95; 8:45 am]

BILLING CODE 3510-22-F