

Issued in Fort Worth, TX on December 22, 1998.

Albert L. Viselli,
*Acting Manager, Air Traffic Division,
Southwest Region.*

[FR Doc. 98-34769 Filed 12-31-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98-ASW-45]

Establishment of Class E Airspace; Oak Grove, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This notice confirms the effective date of a direct final rule which establishes Class E airspace at Oak Grove, LA.

EFFECTIVE DATE: The direct final rule published at 63 FR 55530 is effective 0901 UTC, January 28, 1999.

FOR FURTHER INFORMATION CONTACT:

Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193-0520, telephone: 817-222-5593.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on October 16, 1998 (63 FR 55530). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on January 28, 1999. No adverse comments were received, and thus this action confirms that this direct final rule will be effective on that date.

Issued in Fort Worth, TX, on December 22, 1998.

Albert L. Viselli,
*Acting Manager, Air Traffic Division,
Southwest Region.*

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98-ASW-44]

Establishment of Class E Airspace; Carrizo Springs, Glass Ranch Airport, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This notice confirms the effective date of a direct final rule which establishes Class E airspace at Carrizo Springs, Glass Ranch Airport, TX.

EFFECTIVE DATE: The direct final rule published at 63 FR 50992 is effective 0901 UTC, January 28, 1999.

FOR FURTHER INFORMATION CONTACT:

Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193-0520, telephone: 817-222-5593.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on September 24, 1998 (63 FR 50992). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on January 28, 1999. No adverse comments were received, and thus this action confirms that this direct final rule will be effective on that date.

Issued in Fort Worth, TX, on December 22, 1998.

Albert L. Viselli,
*Acting Manager, Air Traffic Division,
Southwest Region.*

[FR Doc. 98-34766 Filed 12-31-98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 300

[Docket No. 980602143-8309-02; I.D. 040197B]

RIN 0648-A199

High Seas Fishing Compliance Act; Vessel Identification and Reporting Requirements; 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 implement vessel identification and reporting requirements under the High Seas Fishing Compliance Act (HSFCA). This rule requires vessels possessing permits issued under the HSFCA to be marked for identification purposes and to report their catches and effort when fishing on the high seas. This action is necessary to comply with the HSFCA.

DATES: Effective February 3, 1999.

ADDRESSES: Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298; Southeast Region, NMFS, 9721 Executive Center Drive, N., St. Petersburg, FL 33702; Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; Northwest Region, NMFS, 7600 Sand Point Way, NE., BIN C15700, Bldg. 1, Seattle, WA 98115; Alaska Region, NMFS, 709 West Ninth Street, Suite 401, P.O. Box 21668, Juneau, AK 99802.

FOR FURTHER INFORMATION CONTACT: Robert A. Dickinson, (301) 713-2276.

SUPPLEMENTARY INFORMATION: The HSFCA (16 U.S.C. 5501 *et seq.*) implements the United Nations Food and Agriculture Organization (FAO) Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Agreement). The HSFCA requires U.S. vessels fishing on the high seas to possess a permit issued under the HSFCA. As used in the HSFCA, the term "high seas" means the waters beyond the territorial sea or exclusive economic zone (or the equivalent) of any nation, to the extent that such territorial sea or exclusive economic zone (or the equivalent) is recognized by the United States. Additional information on the Agreement and the HSFCA is published at 61 FR 11751, March 22, 1996, and 61

FR 35548, July 5, 1996. Regulations at 50 CFR part 300, subpart B govern permit application and issuance procedures under the HSFCA.

The HSFCA also prescribes that licensed U.S. vessels operating on the high seas be marked for identification purposes and report their catches on the high seas. A proposed rule to implement vessel identification and reporting requirements was published at 63 FR 34624, June 25, 1998. The proposed rule requested public comments. No comments were received.

NMFS has endeavored to minimize duplication of reporting requirements and to ensure that, to the extent practicable, the regulations issued by this action are consistent with regulations implementing fishery management plans (FMPs) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*) and regulations implementing other Federal fishery management statutes (e.g., regulations implementing the Antarctic Marine Living Resources Convention Act).

NMFS proposed to implement vessel identification requirements under the HSFCA by considering licensed vessels that are already marked according to regulations implementing Federal fishery statutes as being appropriately marked for purposes of the HSFCA. For vessels not so marked, NMFS proposed to specify identification requirements for licensed vessels based on the FAO Standard Specifications for the Marking and Identification of Fishing Vessels. The proposed vessel identification regulations are adopted as final without change.

NMFS proposed to implement vessel reporting requirements under the HSFCA by considering vessel operators already reporting high seas catch and effort in conformity with regulations implementing Federal fishery statutes as meeting HSFCA reporting requirements. It was proposed that vessel operators not already so reporting be required to meet HSFCA reporting requirements by completing gear-specific logs, to be available from NMFS Regional Administrators (see ADDRESSES), except that vessel operators in the albacore fishery of the Pacific Ocean would meet their HSFCA reporting requirements by completing the "U.S. Pacific Albacore Logbook," to be available from the NMFS Southwest Regional Administrator (see ADDRESSES). The proposed vessel reporting regulations are adopted as final without change.

Sources for listed reporting forms for specified fisheries may be found in the applicable implementing regulations;

the "U.S. Pacific Albacore Logbook" may be obtained from the NMFS Southwest Region (see ADDRESSES); gear-specific log forms (consisting of forms for the following gear types: Longline/gillnet, purse seine, troll/pole and line, trawl, trap, mothership and "other") may be obtained from the NMFS Regional Office (see ADDRESSES) from which a vessel's HSFCA permit was issued.

NMFS also proposed to revise the existing regulations to clarify the conditions under which a U.S. vessel is eligible for a permit and the scope of permit sanction authority under the HSFCA. The proposed revisions regarding permit eligibility and sanction authority are adopted as final without change.

Operators of U.S. vessels fishing on the high seas are reminded of their responsibility under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361 *et seq.*) to report all incidental injuries and mortalities of marine mammals that occur as a result of commercial fishing operations. MMPA reporting forms and additional information about the MMPA can be obtained through NMFS Regional Offices (see ADDRESSES).

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

Classification

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

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration when this rule was proposed that it 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.

This rule contains two collection-of-information requirements subject to the Paperwork Reduction Act. These collection-of-information requirements have been approved by the Office of Management and Budget (OMB). The first collection-of-information requirement pertains to vessel identification requirements for vessels not already marked for identification purposes in accordance with the implementing regulations of a FMP or Federal fishery management statute. The

collection of this information has been approved under OMB control number 0648-0348. The second collection-of-information requirement pertains to reporting of catch and effort by those vessels not otherwise required to report high seas catches and effort. The collection of this information has been approved under OMB control number 0648-0349.

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 unless that collection-of-information displays a currently valid OMB control number.

List of Subjects

15 CFR Part 902

Reporting and recordkeeping requirements.

50 CFR Part 300

Exports, Fisheries, Marine resources, Reporting and recordkeeping requirements, Treaties.

Dated: December 24, 1998.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 15 CFR Chapter IX and 50 CFR Chapter III 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, paragraph (b), the table is amended by adding in the left column under 50 CFR, in numerical order, "300.14" and "300.17", and in the right column, in corresponding positions, the control numbers "-0348" and "-0349", 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	* * * *

CFR part or section where the information collection requirement is located	Current OMB control number (All numbers begin with 0648-)
* * *	* * *
300.14	-0348
300.17	-0349
* * *	* * *

50 CFR Chapter III

PART 300—INTERNATIONAL FISHERIES REGULATIONS

3. The authority citation for subpart B continues to read as follows:

Authority: 16 U.S.C. 5501 *et seq.*

4. In § 300.13, (a)(1) introductory text is revised to read as follows:

§ 300.13 Vessel permits.

(a) * * *

(1) Any high seas fishing vessel of the United States is eligible to receive a permit under this subpart, unless the vessel was previously authorized to be used for fishing on the high seas by a foreign nation, and —

* * * * *

5. In § 300.14, the section heading is revised, and text is added to read as follows:

§ 300.14 Vessel identification.

(a) *General.* A vessel permitted under this subpart must be marked for identification purposes in accordance with this section.

(b) *Marking.* Vessels must be marked either:

(1) In accordance with vessel identification requirements specified in Federal fishery regulations issued under the Magnuson-Stevens Act or under other Federal fishery management statutes; or

(2) In accordance with the following identification requirements:

(i) A vessel must be marked with its IRCS, or, if not assigned an IRCS, must be marked (in order of priority) with its Federal, state, or other documentation number appearing on its high seas fishing permit;

(ii) The markings must be displayed at all times on the vessel's side or superstructure, port and starboard, as well as on a deck;

(iii) The markings must be placed so that they do not extend below the waterline, are not obscured by fishing gear, whether stowed or in use, and are clear of flow from scuppers or overboard discharges that might damage or discolor the markings;

(iv) Block lettering and numbering must be used;

(v) The height of the letters and numbers must be in proportion to the size of the vessel as follows: for vessels 25 meters (m) and over in length, the height of letters and numbers must be no less than 1.0 m; for vessels 20 m but less than 25 m in length, the height of letters and numbers must be no less than 0.8 m; for vessels 15 m but less than 20 m in length, the height of letters and numbers must be no less than 0.6 m; for vessels 12 m but less than 15 m in length, the height of letters and numbers must be no less than 0.4 m; for vessels 5 m but less than 12 m in length, the height of letters and numbers must be no less than 0.3 m; and for vessels under 5 m in length, the height of letters and numbers must be no less than 0.1 m;

(vi) The height of the letters and numbers to be placed on decks must be no less than 0.3 m;

(vii) The length of the hyphen(s), if any, must be half the height (h) of the letters and numbers;

(viii) The width of the stroke for all letters, numbers, and hyphens must be h/6;

(ix) The space between letters and/or numbers must not exceed h/4 nor be less than h/6;

(x) The space between adjacent letters having sloping sides must not exceed h/8 nor be less than h/10;

(xi) The marks must be white on a black background, or black on a white background;

(xii) The background must extend to provide a border around the mark of no less than h/6; and

(xiii) The marks and the background must be maintained in good condition at all times.

6. In § 300.15, paragraph (c) is added to read as follows:

§ 300.15 Prohibitions.

* * * * *

(c) Use a high seas fishing vessel on the high seas that is not marked in accordance with § 300.14.

7. Section 300.16 is revised to read as follows:

§ 300.16 Penalties.

(a) Any person, any high seas fishing vessel, the owner or operator of such vessel, or any person who has been issued or has applied for a permit, found to be in violation of the Act, this subpart, or any permit issued under this subpart will be subject to the civil and criminal penalty provisions, permit sanctions, and forfeiture provisions prescribed by the Act, 15 CFR part 904 (Civil Procedures), and other applicable laws.

(b) Permits under this subpart may be subject to permit sanctions prescribed

by the Act, 15 CFR part 904 (Civil Procedures), and other applicable laws if any amount in settlement of a civil forfeiture imposed on a high seas fishing vessel or other property, or any civil penalty or criminal fine imposed on a high seas fishing vessel or on an owner or operator of such a vessel or on any other person who has been issued or has applied for a permit under any fishery resource statute enforced by the Secretary, has not been paid and is overdue.

8. In § 300.17, the section heading is revised, and text is added to read as follows:

§ 300.17 Reporting.

(a) *General.* The operator of any vessel permitted under this subpart must report high seas catch and effort information to NMFS in a manner set by this section. Reports must include: identification information for vessel and operator; operator signature; crew size; whether an observer is aboard; target species; gear used; dates, times, locations, and conditions under which fishing was conducted; species and amounts of fish retained and discarded; and details of any interactions with sea turtles or birds.

(b) *Reporting options.* (1) For the following fisheries, a permit holder must maintain and submit the listed reporting forms to the appropriate address and in accordance with the time limits required by the relevant regulations:

(i) Antarctic—CCAMLR Logbook (50 CFR 300.107);

(ii) Atlantic—Fishing Vessel Log Reports (50 CFR 648.7(b));

(iii) Atlantic Pelagic Longline—Longline Logbook (50 CFR 630.5);

(iv) Atlantic Purse Seine—Purse Seine Logbook (50 CFR 285.54);

(v) Pacific Pelagic Longline—Longline Logbook (50 CFR 660.14(a));

(vi) Eastern Pacific Purse Seine—IATTC Logbook (50 CFR 300.22); or

(vii) Western Pacific Purse Seine—South Pacific Tuna Treaty Logbook (50 CFR 300.34).

(2) For the albacore troll fisheries in the North and South Pacific, a permit holder must report high seas catch and effort by maintaining and submitting the log provided by the Regional Administrator, Southwest Region, NMFS.

(3) For other fisheries, a permit holder must report high seas catch and effort by maintaining and submitting records, specific to the fishing gear being used, on forms provided by the Regional Administrator of the NMFS Region which issued the permit holder's HSFCA permit.

(c) *Confidentiality of statistics.* Information submitted pursuant to this subpart will be treated in accordance with the provisions of 50 CFR part 600 of this title.

[FR Doc. 98-34738 Filed 12-31-98; 8:45 am]
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COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Voting by Interested Members of Self-Regulatory Organization Governing Boards and Committees

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rulemaking.

SUMMARY: The Commodity Futures Trading Commission ("Commission" or "CFTC") has adopted a new Regulation 1.69 that implements the statutory directives of Section 5a(a)(17) of the Commodity Exchange Act ("CEA") as it was amended by Section 217 of the Futures Trading Practices Act of 1992 ("FTPA").¹

New Commission Regulation 1.69 requires self-regulatory organizations ("SRO") to adopt rules prohibiting governing board, disciplinary committee and oversight panel members from deliberating or voting on certain matters where the member has either a relationship with the matter's named party in interest or a financial interest in the matter's outcome. This final rulemaking also has amended Commission Regulations 1.41 and 1.63 to make modifications made necessary by new Commission Regulation 1.69.

EFFECTIVE DATE: March 5, 1999.

FOR FURTHER INFORMATION CONTACT: David P. Van Wagner, Acting Associate Director, or Martha A. Mensoian, Attorney-Advisor, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, N.W., Washington, D.C. 20581. Telephone: (202) 418-5490.

SUPPLEMENTARY INFORMATION

I. Introduction

Section 217 of the FTPA amended Section 5a(1)(17) of the CEA to "provide for the avoidance of conflict of interest in deliberations by the governing board and any disciplinary and oversight committee."² On May 3, 1996, the

Commission published for public comment in the **Federal Register** a proposed new Regulation 1.69 and related amendments to existing Commission Regulations 1.41 and 1.63 which would have required SROs to adopt rules prohibiting governing board, disciplinary committee and oversight panel members from deliberating and voting on certain matters where the member had either a relationship with the matter's named party in interest or a financial interest in the matter's outcome.³ In response to that proposed rulemaking release, the Commission received letters from eleven commenters. After reviewing those comments, the Commission decided to incorporate into its rulemaking many of the suggestions made by the commenters and to issue for public comment re-proposed versions of Regulation 1.69 and amended Regulations 1.41 and 1.63. The Commission published its re-proposed rulemaking in the **Federal Register** on January 23, 1998.⁴ That release extensively discusses the comments that were made on the originally proposed rulemaking, indicates whether and how the re-proposed rulemaking responds to the comments and explains the Commission's reasons for proposing a re-proposed version of the rulemaking. The comment period for the re-proposed rulemaking expired on March 25, 1998.

II. Comments Received

The Commission received ten comment letters in response to its re-proposed rulemaking. The comment letters were submitted by five futures exchanges (the Chicago Board of Trade ("CBT"), the Chicago Mercantile Exchange ("CME"), the Coffee, Sugar & Cocoa Exchange, Inc. ("CSCE"), the Minneapolis Grain Exchange ("MGE"), and the New York Mercantile Exchange ("NYMEX")); a futures clearing organization (the Board of Trade Clearing Corporation ("BOTCC")); two trade associations (the Futures Industry Association ("FIA") and the National Grain Trade Council ("NGTC")); a futures commission merchant (American Futures Group, Inc. ("AFG")) and Mr. Evan Tucker, an individual who was formerly an associated person with AFG.

The Commission has carefully reviewed these comments and has decided to issue new Regulation 1.69 and amended Regulations 1.41 and 1.63 as final with certain modifications from

the re-proposed version of the rulemaking. The following sections of this release analyze the Commission's final rulemaking. Each section describes a provision of the Commission's re-proposed rulemaking, discusses comments which were made on that particular provision, indicates how the provision has been adopted in the final rulemaking, and explains the Commission's rationale for adopting the provision. (For ease of reference, the re-proposed rulemaking will be referred to as the "proposed" rulemaking throughout the remainder of this release.)

III. Final Rulemaking

A. Definitions (Regulation 1.69(a))

1. Disciplinary Committee (Regulation 1.69(a)(1))

As proposed, Regulation 1.69(a)(1) defined "disciplinary committee" to mean "any person or committee of persons, or any subcommittee thereof" that is authorized by an SRO "to issue disciplinary charges to conduct disciplinary proceedings, to settle disciplinary charges, to impose disciplinary sanctions, or to hear appeals thereof" in any case involving a violation of an SRO's rules. The proposed definition excluded persons who were individually authorized by an SRO to impose sanctions summarily for decorum-type rule violations. CBT, CME, CSCE, FIA and NYMEX each commented that the definition should exclude any person or committee of persons that summarily imposed minor disciplinary fines. These commenters contended that imposing conflict of interest restrictions on anyone taking summary actions, whether a single person or a committee, would be cumbersome for SROs to implement.

The Commission has reviewed these comments and concurs that applying conflict of interest requirements to SRO disciplinary authorities when they take summary actions for minor rule violations could be administratively burdensome and might hamper the SROs' ability to take quick, decisive actions in these circumstances. Accordingly, the Commission has determined to establish a disciplinary committee definition that would exclude committees and persons who summarily issue minor penalties for violating rules regarding "decorum, attire, the timely submission of accurate records for clearing or verifying each day's transactions or other similar activities."

¹ Pub. L. No. 102-546, section 217, 106 Stat. 3590 (1992).

² For the purposes of this release, the term "committee" generally will be used to include

governing boards, disciplinary committees and oversight panels unless otherwise specified.

³ 61 FR 19869 (May 3, 1996).

⁴ 61 FR 3492 (Jan. 23, 1998).