

as last year's assessment rate. The major budget category for 1994-95 is \$98,360 for administrative, staff and field salaries.

Assessment income for 1994-95 is estimated to total \$110,000 based on anticipated fresh domestic shipments of 11 millions trays or tray equivalents of kiwifruit. The assessment income will have to be augmented by \$57,862 from the Committee's reserves to provide adequate funds to cover budgeted expenses. Funds in the reserve at the end of the 1993-94 fiscal year are estimated to be \$87,138. The reserve fund will be within the maximum permitted by the order of one fiscal year's expenses.

An interim final rule was published in the Federal Register [59 FR 41379, August 12, 1994] and provided a 30-day comment period for interested persons. No comments were received.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

It is found that the specified expenses for the marketing order covered in this rule are reasonable and likely to be incurred and that such expenses and the specified assessment rate to cover such expenses will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register [5 U.S.C. 443] because the Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis. The 1994-95 fiscal year for the program began August 1, 1994. The marketing order requires that the rate of assessment apply to all assessable kiwifruit handled during the fiscal year. In addition, handlers are aware of this action which was recommended by the Committee at a public meeting and published in the Federal Register as an interim final rule.

No comments were received concerning the interim final rule that is adopted in this action as a final rule without change.

List of Subjects in 7 CFR Part 920

Kiwifruit, Marketing agreements, Reporting and recordkeeping requirements.

For the reason set forth in the preamble, 7 CFR Part 920 is amended as follows:

PART 920—KIWIFRUIT GROWN IN CALIFORNIA

Accordingly, the interim final rule amending 7 CFR Part 920 which was published at 59 FR 41379 on August 12, 1994, is adopted as a final rule without change.

Dated: October 18, 1994.

Eric M. Forman,
Acting Director, Fruit and Vegetable Division.
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 940

RIN 0648-AC94

Stellwagen Bank National Marine Sanctuary Regulations

AGENCY: Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce.
ACTION: Notice of effective date.

SUMMARY: This notice announces the effective date for the final rule implementing the Stellwagen Bank National Marine Sanctuary, offshore of the Commonwealth of Massachusetts. The final rule which was published on October 19, 1993 could not become effective until a congressional review period of 45 days of continuous session was completed.

EFFECTIVE DATE: The regulations at 15 CFR Part 940 published on October 19, 1993 (58 FR 53865) are effective March 20, 1994.

FOR FURTHER INFORMATION CONTACT: Mr. R. Randall Schneider, Atlantic/Great Lakes Regional Manager, Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, SSMC-4, Station 12158, 1305 East-West Highway, Silver Spring, MD 20910 (301/713-3132).

SUPPLEMENTARY INFORMATION: On October 19, 1993, the Under Secretary of Commerce for Oceans and Atmosphere transmitted the Notice of Final Rule and Summary of Final Management Plan for the Stellwagen Bank National Marine Sanctuary to Congress. This action

initiated a review period of 45 days of continuous congressional session. Under section 304(b) of the National Marine Sanctuaries Program Amendments Act of 1992, the regulations to implement the Sanctuary designation and regulate the conduct of certain activities shall take effect and become final at the conclusion of the 45-day review period. Thus, the regulations became effective on March 20, 1994.

The Notice of Final Rule and Summary of Final Management Plan was also published in the Federal Register on October 19, 1993 (58 FR 53865). On November 4, 1992, Public Law 102-587 was signed, which, among other matters, provides for designation of the Stellwagen Bank National Marine Sanctuary, as described therein. The designated Sanctuary encompasses a total of approximately 638 square nautical miles (approximately 2181 square kilometers) of ocean waters, and the submerged lands thereunder, over and surrounding the submerged Stellwagen Bank and additional submerged features, offshore of the Commonwealth of Massachusetts.

Stellwagen Bank is a submerged, glacially-deposited primarily sandy feature extending for approximately 20 miles in a southeast-to-northwest direction, in the extreme southwestern Gulf of Maine, between Cape Ann, Massachusetts and the northern end of Cape Cod, Massachusetts, at the eastern edge of Massachusetts Bay. The combination of physical and oceanographic characteristics over an area around the Bank result in two distinct peak productivity periods annually. This productivity supports a large variety of benthic, invertebrate and pelagic fishery resources, which have in turn supported generations of fishermen. The Bank also provides important feeding and nursery grounds for an extraordinary number of large and small cetacean species. Accessibility of the Bank from land has resulted in an extensive commercial whalewatch industry, attracting more than 1.25 million visitors to the Bank annually. The combination of productivity and accessibility also provides the base for high levels of scientific interest in the Stellwagen Bank area.

Federal Domestic Assistance Catalog Number 11.4229

Marine Sanctuary Program

Dated: October 18, 1994.

Frank W. Maloney,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

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