

such case, ABT harvested by Panama, Honduras, and Belize and exported prior to the effective date of the removal of import restrictions would continue to be prohibited from entry.

Changes From the Proposed Rule

No changes were made to the proposed rule. NMFS conducted a public hearing on the proposed rule where one oral comment was received. NMFS also received one written comment over the 14-day comment period. The oral comment suggested that the rule would be ineffective at furthering management objectives considering that the United States imports no ABT from the affected countries. NMFS acknowledges that no ABT are imported from these countries; however, it is necessary to close a potential market when other existing markets, such as Japan, are closed. Therefore, it is necessary to take this action. The written comment supported the rule as necessary to encourage other Contracting Parties to do the same.

Relation to Proposed Consolidation

The regulatory amendments contained in this final rule, when proposed, were drafted to be consistent with a proposed rule to consolidate all of the regulations for Atlantic highly migratory species (HMS) fisheries, published on November 6, 1996 (61 FR 57361). The proposed consolidation would group all regulations pertaining to Atlantic HMS under 50 CFR part 630. The final consolidated regulations have not yet been issued. Accordingly, the regulatory amendments contained in this final rule were revised to make the appropriate changes to the existing text at 50 CFR part 285. The regulatory amendments contained in this final rule will eventually be incorporated into the final consolidated regulations at 50 CFR part 630. Copies of the proposed consolidation rule may be obtained by writing (see ADDRESSES) or calling the contact person (see FOR FURTHER INFORMATION CONTACT).

Classification

This rule is published under the authority of the ATCA, 16 U.S.C. 971 *et seq.* The AA has determined that the regulations contained in this rule are necessary to implement the recommendations of ICCAT and are necessary for the conservation and management of the Atlantic tuna fisheries.

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

was proposed, that, if adopted, it would not have a significant economic impact on a substantial number of small entities. No comments were received that would change the basis for that certification and accordingly, a final 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 final rule restates an information collection requirement subject to the PRA that is currently approved under OMB Control Number 0648-0040. The burden to complete and transmit a Bluefin Tuna Statistical Document is estimated at 20 minutes per document.

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

The AA has determined that with respect to the prohibitions on imports by vessels of Belize or Honduras, there is good cause to waive the 30-day delay in the effective date required by 5 U.S.C. 553(d). This rule implements an ICCAT recommendation with respect to these countries that must be implemented as soon as possible after August 4, 1997, the date the ICCAT recommendation entered into force. NMFS will rapidly communicate these dates to tuna importers and trade representatives through the FAX network and a press release. As such, there is good cause to delay the effective date of this rule with respect to those two countries. The effective date with respect to Panama is January 1, 1998.

List of Subjects in 50 CFR Part 285

Fisheries, Fishing, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: August 14, 1997.

Rolland A. Schmitt,
Assistant Administrator for Fisheries,
National Marine Fisheries Services.

For the reasons set out in the preamble, 50 CFR part 285 is amended as follows:

PART 285—ATLANTIC TUNA FISHERIES

1. The authority citation for part 285 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*

2. New § 285.87 is added to subpart D to read as follows:

§ 285.87 Import restrictions for Belize, Honduras, and Panama.

(a) Effective August 20, 1997 all shipments of Atlantic bluefin tuna or Atlantic bluefin tuna products in any form harvested by a vessel of Honduras or Belize will be denied entry into the United States, unless a validated Bluefin Statistical Document required under subpart F of this part, §§ 285.200 through 285.205, shows that a particular shipment of such bluefin tuna was exported prior to August 20, 1997.

(b) Effective January 1, 1998, all shipments of Atlantic bluefin tuna or Atlantic bluefin tuna products in any form harvested by a vessel of Panama will be denied entry into the United States, unless a validated Bluefin Statistical Document required under subpart F of this part, §§ 285.200 through 285.205, shows that a particular shipment of such bluefin tuna was exported prior to January 1, 1998.

3. In § 285.205, paragraphs (k) and (l) are added to read as follows:

§ 285.205 Prohibitions.

* * * * *

(k) Import any Atlantic bluefin tuna or Atlantic bluefin tuna products into the United States from Belize or Honduras after August 20, 1997 unless a validated Bluefin Statistical Document required under this subpart F, §§ 285.200 through 285.205, shows that a particular shipment of such bluefin tuna was exported prior to August 20, 1997.

(l) Import any Atlantic bluefin tuna or Atlantic bluefin tuna products into the United States from Panama after January 1, 1998, unless a validated Bluefin Statistical Document required under this subpart F, §§ 285.200 through 285.205, shows that a particular shipment of such bluefin tuna was exported prior to January 1, 1998.

[FR Doc. 97-21984 Filed 8-20-97; 8:45 am]
BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[I.D. 081597B]

Atlantic Tuna Fisheries; Atlantic Bluefin Tuna Fishery

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

ACTION: Closure.

SUMMARY: NMFS closes the fishery for school Atlantic bluefin tuna (ABT)

conducted by Angling category fishermen in the waters off Delaware and states south. Closure of this fishery is necessary because the annual quota of 51 metric tons (mt) of school ABT allocated for this subcategory in waters off Delaware and states south is projected to be attained by August 18, 1997. The intent of this action is to prevent overharvest of the quota established for this fishery.

DATES: Effective 11:30 p.m. local time on August 18, 1997, through December 31, 1997.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin, 301-713-2347, or Mark Murray-Brown, 508-281-9260.

SUPPLEMENTARY INFORMATION: Regulations promulgated under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) regulating the harvest of ABT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285.

Section 285.22(d)(1) of the regulations provides for an annual quota of 51 mt of school ABT to be harvested from waters off Delaware and states south by individuals in the Angling category. The Assistant Administrator for Fisheries, NOAA (AA), is authorized under § 285.20(b)(1) to monitor the catch and landing statistics and, on the basis of those statistics, to project a date when the catch of ABT will equal any quota under § 285.22. The AA is further authorized under § 285.20(b)(1) to prohibit fishing for, or retention of, Atlantic bluefin tuna by those fishing in the category subject to the quota when the catch of tuna equals the quota established under § 285.22. The AA has determined, based on the reported catch and estimated fishing effort, that the annual quota of school ABT for those fishing in waters off Delaware and states south will be attained by August 18, 1997. Fishing for, catching, possessing, or landing any school ABT (measuring 27 inches to less than 47 inches (69 cm to less than 119 cm)) in the closed area must cease at 11:30 p.m. local time on August 18, 1997.

However, anglers may continue to tag and release ABT of all sizes under the NMFS tag-and-release program (50 CFR 285.27). The southern area Angling category fishery for bluefin tuna in the large school and small medium size classes (47 inches to less than 59 inches (119 cm to less than 150 cm), and 59 inches to less than 73 inches (150 cm to less than 185 cm) curved fork length, respectively) was closed effective July 20, 1997 (62 FR 35447, July 1, 1997). Therefore, the southern area Angling category fishery for school, large school,

and small medium ABT is now closed for the season.

The fishery for school, large school, small medium, and trophy ABT (measuring greater than 73 inches), for the waters off New Jersey and states north is not affected by this closure, and remains open until further notice at a catch limit of one fish per vessel per day.

A small amount of trophy ABT remains in the southern area; pending attainment of the annual quota for trophy fish, large medium or giant ABT (73 inches (185 cm) total curved fork length or greater) may still be landed under the Angling category subject to the trophy fish limit of one per vessel per year. Such large medium or giant ABT must be reported to the nearest NMFS enforcement office as required under § 285.24. In North Carolina, trophy fish must be reported to the Coast Guard at 919-995-6403. Anglers should verify that the trophy category remains open by calling the NMFS 24-hour Information Line at 301-713-1279 prior to each fishing trip.

Classification

This action is taken under 50 CFR 285.20(b) and 50 CFR 285.22 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 *et seq.*

Dated: August 18, 1997.

Gary C. Matlock,

*Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.*

[FR Doc. 97-22258 Filed 8-18-97; 2:48 pm]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 961210346-7035-02; I.D. 081597C]

Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Maryland

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

ACTION: Commercial quota harvest.

SUMMARY: NMFS announces that the summer flounder commercial quota available to the State of Maryland has been harvested. Vessels issued a commercial Federal fisheries permit for the summer flounder fishery may not land summer flounder in Maryland for

the remainder of calendar year 1997, unless additional quota becomes available through a transfer. Regulations governing the summer flounder fishery require publication of this notice to advise the State of Maryland that the quota has been harvested and to advise vessel and dealer permit holders that no commercial quota is available for landing summer flounder in Maryland.

DATES: Effective August 20, 1997, through December 31, 1997.

FOR FURTHER INFORMATION CONTACT: Lucille L. Helvenston, Fishery Management Specialist, 508-281-9347.

SUPPLEMENTARY INFORMATION:

Regulations governing the summer flounder fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state are described in § 648.100.

The initial total commercial quota for summer flounder for the 1997 calendar year was set equal to 11,111,298 lb (5,040,000 kg) (March 7, 1997, 62 FR 10473). The percentage allocated to vessels landing summer flounder in Maryland is 2.03910 percent, or 226,570 lb (102,770 kg).

Section 648.100(d)(2) stipulates that any overages of commercial quota landed in any state be deducted from that state's annual quota for the following year. In the calendar year 1996, a total of 264,886 lb (120,150 kg) were landed in Maryland. The amount allocated for Maryland landings in 1996 was 226,570 lb (102,770 kg), creating a 38,316 lb (17,380 kg) overage that was deducted from the amount allocated for landings in that state during 1997 (July 15, 1997, 62 FR 37741 and as corrected on August 12, 1997, 62 FR 43127). The resulting quota for Maryland is 188,254 lb (85,391 kg).

Section 648.101(b) requires the Administrator, Northeast Region, NMFS (Regional Administrator), to monitor commercial quotas and to determine when a state's commercial quota is harvested. The Regional Administrator is further required to publish a notice in the **Federal Register** advising a state and notifying Federal vessel and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available for landing summer flounder in that state. Because the available information indicates that the State of Maryland has attained its quota for 1997, the Regional Administrator has determined based on dealer reports and other available