

private sector, of more than \$100 million annually. Since this final rule will not have a \$100 million effect, no Unfunded Mandates assessment has been prepared.

List of Subjects in 49 CFR Part 555

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, 49 CFR part 555 is amended as follows:

PART 555—TEMPORARY EXEMPTION FROM MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 555 continues to read as follows:

Authority: 49 U.S.C. 30113; delegation of authority at 49 CFR 1.50.

§ 555.1 [Amended]

2. Section 555.1 is amended by removing "section 123 of the National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1410" and adding in its place "49 U.S.C. 30113."

3. New § 555.5(b)(6)(i) and (ii) are added to read as follows:

§ 555.5 Petition for exemption.

* * * * *

(b) * * *

(6) * * *

(i) The information and data which petitioner requests be withheld from public disclosure must be submitted in accordance with § 512.4 *Asserting a claim for confidential information of this chapter.*

(ii) The petitioner's request for withholding from public disclosure must be accompanied by a certification in support as set forth in appendix A to part 512 of this chapter.

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4. a. Section 555.6(a)(1)(vi) is revised to read as follows:

b. Section 555.6(a)(2)(iii) and (iv) are redesignated as (a)(2)(iv) and (v) respectively; and

c. New § 555.6(a)(2)(iii) is added to read as follows:

§ 555.6 Basis for petition.

(a) * * *

(1) * * *

(vi) A discussion of any other hardships (e.g., loss of market, difficulty of obtaining goods and services for compliance) that the petitioner desires the agency to consider.

(2) * * *

(iii) A discussion of any other factors (e.g., the resources available to the petitioner, inability to procure goods and services necessary for compliance following a timely request) that the petitioner desires the NHTSA to

consider in deciding whether the petitioner tried in good faith to comply with the standard;

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§ 555.10 [Amended]

5. The first sentence of § 555.10(a) is amended by removing "Docket Section, Room 5109, National Highway Traffic Safety Administration," and by adding in its place "Docket Management, Room PL-401."

6. Section 555.10(b) is amended by removing "sections 112, 113, and 158 of the Act (15 U.S.C. 1401, 1402, and 1418)" and adding in its place "49 U.S.C. 30166 and 30167."

Issued on: August 11, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 980320071-8128-02; I.D. 080698A]

Atlantic Tuna Fisheries; Atlantic Bluefin Tuna Fishery; Inseason Adjustment; Closure

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

ACTION: Adjustment of 1998 Atlantic bluefin tuna (BFT) Angling category quotas; closure.

SUMMARY: NMFS announces that the domestic western Atlantic bluefin tuna (BFT) category quotas for the Angling category are being adjusted due to revised estimates of landings in 1997 and due to a transfer from the Reserve to the Angling category. This adjustment results in a revised 1998 Angling category quota breakdown as follows: School size BFT—92 metric tons (mt) and large school/small medium size BFT—151 mt. The quota for the trophy size class remains at 8 mt. Furthermore, NMFS closes the southern area fishery (Delaware and states south) for school size BFT only. Closure of this fishery is necessary because the revised southern area subquota has been attained. The intent of these actions is to prevent exceeding the quota established for the Angling category fishery.

DATES: Effective 11:30 p.m. local time on August 13, 1998, through December 31, 1998.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin, 301-713-2347, or Pat Scida, 978-281-9260.

SUPPLEMENTARY INFORMATION:

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

If a quota in any category or, as appropriate, subcategory has been exceeded or has not been reached, the Assistant Administrator for Fisheries, NOAA (AA), is required under § 285.22(h) to subtract the excess from, or add the remainder to, that quota category for the following year, provided that the total of the adjusted quotas and the Reserve is consistent with a recommendation of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The AA is further required to publish in the **Federal Register** any amounts to be subtracted or added and the basis for the quota reductions or increases.

On May 21, 1998 (63 FR 27862), the final quota specifications were published, effective May 15, 1998, notifying the public that 4 mt remained unharvested in the Angling category at the end of 1997. New information indicates the actual Angling category harvest to be different than those reported. The difference is enough to warrant a readjustment of the Angling category quota.

In the final specifications, the adjusted 1998 Angling category quota of 269 mt was subdivided as follows: 108 mt of school BFT (consistent with the ICCAT limitation on annual catch of school BFT to 8 percent by weight of the total annual domestic quota, i.e., 1,344 mt), with 57 mt to the northern area and 51 mt to the southern area; 153 mt of large school/small medium BFT, with 81 mt to the northern area and 72 mt to the southern area; and 8 mt of large medium/giant BFT, with 3 mt to the northern area and 5 mt to the southern area. Revised 1997 Large Pelagic Survey landings estimates indicate that the 151 mt quota for large school and small medium size BFT was exceeded by 19 mt and that the 108 mt quota of school size BFT was exceeded by 16 mt.

Given these revised landings in 1997, equivalent reductions for school and large school/small medium size BFT are necessary for the final Angling category quotas in 1998. In addition, NMFS is transferring 19 mt from the Reserve category to the large school/small

medium size class, in accordance with 50 CFR 285.22(f). The 1997 excess landings in the large school/small medium BFT size class are thus compensated for by allocating 19 mt from the Reserve. The school size BFT quota is limited to eight percent of the overall BFT quota for the season, which was allocated at the beginning of the season. Therefore, the 1997 excess landings will be compensated for by deducting 16 mt from the 1998 subquota for school size BFT. The revised 1998 quota for school size BFT is 92 mt and the revised 1998 quota for large school/small medium size BFT is 151 mt.

The AA is authorized under § 285.20(b)(1) to monitor the catch and landing statistics, including catch and landings statistics from previous years and projections based on those statistics. On the basis of these statistics, the AA will project a date when the catch of BFT will equal any quota under § 285.22. The AA is further authorized under § 285.20(b)(1) to prohibit fishing for, or retention of, BFT by those fishing in the category subject to the quota when the catch of tuna equals the quota established under § 285.22.

On July 16, 1998 (63 FR 38340), NMFS adjusted the catch limit for school size BFT to zero coastwide, pending evaluation of 1998 catch data. Implementing regulations for the

Atlantic tuna fisheries at § 285.24 allow for adjustments to the daily catch limits in order to provide for maximum utilization of the quota spread over the longest possible period of time. Due to adjustment of the quota and evaluation of current catch data, NMFS has determined that the revised southern area subquota for school size BFT has been attained. Therefore, NMFS closes the southern area fishery (Delaware and states south) for school size BFT only (measuring 27 inches to less than 47 inches) effective 11:30 p.m. local time on August 13, 1998, through December 31, 1998. Some school size BFT quota remains for the northern area (New Jersey and states north), and NMFS may announce a catch limit adjustment for school size BFT in the northern area in the future.

The catch limit for the large school/small medium size class remains at one BFT per vessel per day for all areas and the catch limit for the trophy size class remains at one BFT per vessel per year for all areas.

Subsequent inseason adjustments, if any, shall be announced through publication in the **Federal Register**. In addition, anglers may call the Atlantic Tunas Information Line at 888-USA-TUNA (888-872-8862), 301-713-1279, or 978-281-9305 for updates on quota monitoring and catch limit adjustments.

Anglers aboard Charter/Headboat vessels, when engaged in recreational fishing for school, large school, and small medium BFT, are subject to the same rules as anglers aboard Angling category vessels. All BFT landed under the Angling category quota must be reported within 24 hours of landing to the NMFS Automated Catch Reporting System by phoning 888-USA-TUNA (888-872-8862), or in North Carolina, to a reporting station. For information about the North Carolina Harvest Tagging Program, including reporting station locations, call 800-338-7804.

Anglers may continue to tag and release BFT of all sizes under the NMFS tag-and-release program (50 CFR 285.27).

Classification

This action is taken under 50 CFR 285.20(b), 50 CFR 285.22, and 50 CFR 285.24(d) and is exempt from review under E.O. 12866.

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

Dated: August 12, 1998.

Gary Matlock,

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

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