Advocacy of the Small Business Administration.

V. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the Agency has submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office prior to publication of this rule in today's **Federal Register**. This is not a major rule as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous materials, Recordkeeping and reporting requirements.

Dated: September 24, 1997.

Charles M. Auer,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

Therefore, 40 CFR part 721 is amended as follows:

PART 721—[AMENDED]

1. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

§§ 721.325, 721.370, 721.390, 721.400, 721.415, 721.460, 721.470, 721.490, 721.1175, 721.1575, 721.2050, 721.2170, 721.2650, 721.2750, 721.2930, 721.3028, 721.3120, 721.3640, 721.3870, 721.4020, 721.4220, 721.4400, 721.4780, 721.4790, 721.4800, 721.5705, 721.5910, 721.6500, 721.6580, 721.6640, 721.6700, 721.6720, 721.6740, 721.6760, 721.6780, 721.6840, 721.6880, 721.6940, 721.6960, 721.7040, 721.7080, 721.7100, 721.7140, 721.7180, 721.7240, 721.7300, 721.7320, 721.7340, 721.7370, 721.7400, 721.7420, 721.7460, 721.7540, 721.7560, 721.7580, 721.7660, 721.7680, 721.7740, 721.7760, 721.8075, 721.8265, 721.8275, 721.8290, 721.8300, 721.8325, 721.8335, 721.8375, 721.8400, 721.8425, 721.8475, 721.8525, 721.8550, 721.8575, 721.8600, 721.8650, 721.9240, 721.9320, 721.9360, 721.9420, 721.9510, 721.9525, 721.9870, 721.9940, 721.9975 [Removed]

2. By removing §§ 721.325, 721.370, 721.390, 721.400, 721.415, 721.460, 721.470, 721.490, 721.1175, 721.1575, 721.2050, 721.2170, 721.2650, 721.2750, 721.2930, 721.3028, 721.3120, 721.3640, 721.3870, 721.4020, 721.4220, 721.4400, 721.4780, 721.4790, 721.4800, 721.5705, 721.5910, 721.6500, 721.6580, 721.6640, 721.6700, 721.6720, 721.6740, 721.6760, 721.6780, 721.6840, 721.6880, 721.6940, 721.6960, 721.7040, 721.7080, 721.7100, 721.7140, 721.7180, 721.7240, 721.7300, 721.7320, 721.7340, 721.7370, 721.7400, 721.7420, 721.7460, 721.7540, 721.7560, 721.7580, 721.7660, 721.7680, 721.7740, 721.7760, 721.8075, 721.8265, 721.8275, 721.8290, 721.8300, 721.8325, 721.8335, 721.8375, 721.8400, 721.8425, 721.8475, 721.8525, 721.8550, 721.8575, 721.8600, 721.8650, 721.9240, 721.9320, 721.9360, 721.9420, 721.9510, 721.9525, 721.9870, 721.9940, and 721.9975.

[FR Doc. 97–26189 Filed 10–1–97; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[I.D. 092697C]

Atlantic Tuna Fisheries; Adjustments

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

ACTION: Catch limit adjustment; inseason transfer.

SUMMARY: NMFS adjusts the October-December subquota for the General category Atlantic bluefin tuna (ABT) fishery by transferring 13 mt from the Reserve, 3 mt from the Incidental Longline North quota, and 54 mt from the Incidental Longline South quota, for a revised General category subquota of 141 mt for October-December. In addition, NMFS adjusts the General category effort control schedule for October. These actions are being taken to extend scientific data collection on several size classes of ABT while preventing overharvest of the adjusted subquotas for the affected fishing categories, and to ensure maximum utilization of the quota while maintaining a fair distribution of fishing opportunities. The daily catch limit for large medium and giant ABT for vessels fishing under the General category quota is reduced to zero for one day only, Wednesday October 1, effectively delaying the start of the General category October fishery, at one fish per day, until October 2, 1997.

DATES: Effective October 1, 1997, 00:01 a.m. until 11:59 p.m. EST for bag limit adjustment; effective October 1, 1997, until December 31, 1997, or until the effective date of the closure, which will be published in the **Federal Register**, for the inseason transfer.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin, 301-713-2347, or Pat Scida, 508-281-9260.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 et seq.) governing the harvest of ABT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285. Section 285.22 subdivides the U.S. quota recommended by the International Commission for the Conservation of Atlantic Tunas among the various domestic fishing categories.

Under the implementing regulations at 50 CFR 285.22(f), the Assistant Administrator for Fisheries, NOAA (AA), has the authority to make adjustments to quotas involving transfers between categories after considering certain factors. The AA is authorized to make adjustments to quotas involving transfers between categories if, during a single year quota period, it is determined, based on landing statistics, present year catch rates, effort, and other available information, that any category, is not likely to take its entire quota as previously allocated for that year.

Given that determination, the AA may transfer inseason any portion of the quota of any fishing category to any other fishing category or to the reserve after considering the following factors: (1) The usefulness of information obtained from catches of the particular category of the fishery for biological sampling and monitoring the status of the stock, (2) the catches of the particular gear segment to date and the likelihood of closure of that segment of the fishery if no allocation is made, (3) the projected ability of the particular gear segment to harvest the additional amount of Atlantic bluefin tuna before the anticipated end of the fishing season, and (4) the estimated amounts by which quotas established for other gear segments of the fishery might be exceeded.

General Category Quota Adjustment

Implementing regulations for the Atlantic tuna fisheries at § . 285.22 provide for a quota of 633 mt of large medium and giant ABT to be harvested from the regulatory area by vessels fishing under the General category quota during calendar year 1997. The General category ABT quota is further subdivided into time period subquotas to provide for broad temporal and geographic distribution of scientific data collection and fishing opportunities. Approximately 71 metric tons remain available for the October-December General category fishery, including a 10 mt set aside for the traditional fall New York Bight fishery. After considering the previously cited factors for making

transfers between categories, the AA has determined that 13 mt of the Inseason Reserve of 33 mt should be transferred to the General category. In addition, the AA has determined that 3 mt of the remaining Incidental Longline North quota of approximately 9 mt, and 54 mt of the remaining Incidental Longline South quota of approximately 59 mt should be transferred to the General category. Thus, the October-December General category quota is set at 141 mt, including 10 mt reserved for the New York Bight fishery.

Once the General category quota for October - December time period has been attained, the fishery will be closed. The announcement of the closure will be filed with the Office of the Federal Register, stating the effective date of closure, and further communicated through the Highly Migratory Species (HMS) Fax Network, the HMS Information Line, NOAA weather radio, and Coast Guard Notice to Mariners. Although notification of closure will be provided as far in advance as possible, fishermen are encouraged to call the HMS Information Line to check the status of the fishery before leaving for a fishing trip. The phone numbers for the HMS Information Line are (301) 713-1279 and (508) 281-9305. Information regarding the Atlantic tuna fisheries is also available through Nextlink Interactive, Inc., at (888) USA-TUNA.

General Category Reopening

Implementing regulations for the Atlantic tuna fisheries at § 285.24 provide the AA with authority to adjust the catch limit for the General category to effect restricted fishing days. Such effort controls allow maximum utilization of the quota while maintaining a fair distribution of fishing opportunities. In the final rule that dealt with General category effort controls filed earlier this year (62 FR 38939, July 21, 1997), NMFS established restricted-fishing days reflecting days mutually agreed upon by associations representing General category fishermen and dealers. These days included Wednesdays from Mid-July through September to correspond to market closure days in Japan, the primary market for ABT. In order to ensure maximum utilization of the quota while maintaining a fair distribution of fishing opportunities, the daily catch limit of large medium and giant ABT for the General category is reduced to zero for one day only, Wednesday October 1, effectively delaying the start of the General category October fishery, at one fish per day, until October 2, 1997.

Classification

This action is taken under 50 CFR 285.22 and 50 CFR 285.24 and is exempt from review under E.O. 12866.

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

Dated: September 26, 1997.

Gary C. Matlock,

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

[FR Doc. 97–26103 Filed 9–29–97; 12:39 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 961107312–7021–02; I.D. 092697A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands

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

ACTION: Reallocation.

SUMMARY: NMFS is reallocating the projected unused amount of Pacific cod from trawl catcher/processors to trawl catcher vessels in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to allow the 1997 total allowable catch (TAC) of Pacific cod to be harvested.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 29, 1997, until 2400 hrs, A.l.t., December 31, 1997.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907–586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The Administrator, Alaska Region, NMFS, has determined that trawl catcher/processors will not be able to harvest 2,000 metric tons (mt) of Pacific cod allocated to those vessels under § 679.20(a)(7)(i)(B).

Therefore, in accordance with § 679.20(a)(7)(ii)(A), NMFS is apportioning the projected unused amount, 2,000 mt, of Pacific cod from trawl catcher/processors to trawl catcher vessels in the BSAI.

Classification

All closures remain in full force and effect. This action responds to the best available information recently obtained from the fishery. It must be implemented immediately in order to allow full utilization of the Pacific cod TAC. A delay in the effective date is impracticable and contrary to the public interest. Further delay would only disrupt the FMP's objective of providing a portion of the Pacific cod TAC for trawl catcher vessels in the BSAI. NMFS finds for good cause that the implementation of this action can not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is taken under 50 CFR 679.20, and is exempt from OMB review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 26, 1997.

Bruce C. Morehead,

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

[FR Doc. 97–26149 Filed 9-29-97; 11:44 am]

BILLING CODE 3510–22–F