

designation is not expected to result in a significant increase in the importation of such plants from Canada.

Therefore, the Service has determined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rulemaking will not have a significant effect on a substantial number of small entities, which include certain businesses, organizations, or governmental jurisdictions. This rulemaking was not subject to review by the Office of Management and Budget under Executive Order 12866.

This rulemaking will not have any direct effects on the States, in their relationship with the Federal Government, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rulemaking will not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

The Service has determined and certifies pursuant to the Unfunded Mandates Act (2 U.S.C. 1502 *et seq.*) that this rulemaking will not impose a cost of \$100 million or more in any given year on local or State governments or private entities.

The Department of the Interior has determined that these regulations meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988.

The Service has determined that this rule is categorically excluded from further National Environmental Policy Act requirements. Part 516 of the Departmental Manual, Chapter 6, Appendix I, section 1.4(A)(1), categorically excludes changes or amendments to an approved action when such changes have no potential for causing substantial environmental impact.

Paperwork Reduction Act

The Service has examined this final rule under the Paperwork Reduction Act of 1995, and found it to contain no information collection requirements.

List of Subjects in 50 CFR Part 24

Endangered and threatened species, Exports, Harbors, Imports, Plants.

Accordingly, the Department of the Interior amends Title 50, part 24 of the Code of Federal Regulations as follows:

PART 24—[AMENDED]

1. The authority citation for part 24 continues to read as follows:

Authority: Secs. 9(f)(1), 11(f), Pub. L. 93–205, 87 Stat. 893, 897 (16 U.S.C. 1538(f)(1), 1540(f)).

2. Section 24.12 is amended by:

- a. Removing “Laredo, Texas” from paragraph (a),
- b. Adding the words “and Port Huron” immediately following “Detroit” in paragraph (d), and
- c. Revising paragraph (e) to read as follows:

§ 24.12 Designated ports.

* * * * *

(e) The U.S. Department of Agriculture ports at Mobile, Alabama; Fort Lauderdale (=Port Everglades), Jacksonville, and Panama City, Florida; Savannah, Georgia; Baltimore, Maryland; Gulfport, Mississippi; Wilmington and Morehead City, North Carolina; Portland, Oregon; Philadelphia, Pennsylvania; Charleston, South Carolina; Laredo, Texas; Norfolk, Virginia; and Vancouver, Washington, are designated ports for the importation of logs and lumber from trees which are listed in the appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) or in 50 CFR 17.12 or 23.23 and which are required to be accompanied by documentation under 50 CFR part 17 or 23.

* * * * *

Dated: May 24, 1997.

Donald J. Barry,

Acting Assistant Secretary, Fish and Wildlife and Parks.

[FR Doc. 97–14633 Filed 6–4–97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 630

[Docket No. 960314073–7129–04; I.D. 112696C]

RIN 0648-AI23

Atlantic Swordfish Fishery; Extension of Drift Gillnet Emergency Closure

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

ACTION: Correction and extension of fishery closure.

SUMMARY: On December 5, 1996, NMFS published an emergency rule that closed the drift gillnet fishery for swordfish in the Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, from December 1, 1996, through May 29, 1997, and announced that it had reinitiated consultation under the Endangered Species Act (ESA) for Atlantic swordfish fisheries. On May 29, 1997, NMFS issued a biological opinion

(BO) that concluded that the swordfish, shark, and tuna driftnet fishery segments of the Atlantic pelagic fishery are likely to jeopardize the continued existence of the North Atlantic right whale. Two alternatives that would avoid the likelihood of jeopardy were set forth in the BO, although NMFS has not identified a preferred alternative at this time. This action extends the emergency closure for the swordfish drift gillnet fishery for a second period of 180 days until November 26, 1997, or until a preferred option to avoid the likelihood of jeopardy is identified and implemented. This action also corrects the effective date language of the initial emergency closure that was published on December 5, 1996, because it inadvertently added the codified text of the temporary rule on a permanent basis.

DATES: The correction is effective December 1, 1996. The emergency closure extension and the amendment to part 630 are effective from May 30, 1997, through 2400 hours local time November 26, 1997.

FOR FURTHER INFORMATION CONTACT: John Kelly, 301-713-2347 or Mark Murray-Brown, 508–281–9260.

SUPPLEMENTARY INFORMATION: On September 25, 1996, NMFS reinitiated consultation under section 7(a) of the ESA on the Atlantic swordfish fisheries. While this consultation was underway, an emergency fishery closure covering the semiannual subquota period of December 1, 1996, through May 29, 1997, was published on December 5, 1996 (61 FR 64486), to ensure that no irreversible and irretrievable commitment of resources was made that would have the effect of foreclosing the formulation or implementation of any prudent and reasonable alternative measures while the consultation was pending.

On May 29, 1997, NMFS issued the BO that concluded that the swordfish, tunas, and shark driftnet fishery segments of the Atlantic pelagic fishery are likely to jeopardize the continued existence of the North Atlantic right whale. NMFS has identified two alternatives for these segments of the fishery that would avoid the likelihood of jeopardy:

1. Prohibit the use of driftnet gear in Highly Migratory Species (HMS) fisheries, and

2. Implement actions to allow the restricted use of driftnet gear, including general gear restrictions and/or implementation of the Atlantic large whale and offshore cetacean take reduction plans.

The emergency closure must remain in effect to avoid the likelihood of jeopardy until a preferred option is identified and implemented.

In order to implement one of these options, a rulemaking will have to be initiated. Although NMFS has proposed changes to the shark driftnet segment of the fishery (April 7, 1997, 62 FR 16519), rulemaking has not yet been initiated on the swordfish and tuna driftnet segments. As the original emergency rule only closed the swordfish drift gillnet fishery, this extension will also only apply to the swordfish driftnet component of the fishery. Actions affecting the shark and tuna components of the drift gillnet fishery are being considered separately.

The Atlantic Offshore Cetacean Take Reduction Team (AOCTRT) submitted a draft take reduction plan to NMFS, on November 25, 1996, which included recommended measures to reduce incidental takes of strategic marine mammal stocks to below their Potential Biological Removal level within 6 months of implementation. The AOCTRT's draft plan is complex, requires substantial review, and has significant implications for fishery management actions and the drift gillnet fishery in particular. Final approval and implementation of the AOCTRT plan by NMFS, as well as the pending Large Whale Take Reduction Plan, will provide guidance on necessary drift gillnet modifications to avoid the likelihood of jeopardy.

However, the existing emergency closure for the swordfish drift gillnet fishery expires on May 29, 1997, and final action on the above initiatives will not occur before this date. Therefore, NMFS is extending the emergency closure of the drift gillnet swordfish fishery for a second period of 180 days through 2400 hours November 26, 1997, to ensure that this component of the fishery does not cause jeopardy.

Pursuant to this emergency closure: (1) No one aboard a vessel using or having on board a drift gillnet may fish for swordfish from the North Atlantic swordfish stock; and (2) no more than two swordfish per trip may be possessed on board a vessel using or having on board a drift gillnet in the North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, north of 5° N. lat., or landed in an Atlantic, Gulf of Mexico, or Caribbean coastal state.

A request for comments on the original emergency closure was published in the **Federal Register** on May 14, 1997 (62 FR 26427). Comments and responses are summarized below.

Comments and Responses

Comment: One written and several telephone comments expressed support for implementing the AOCTRT plan to eliminate the drift gillnet derby fishery.

Response: NMFS agrees that rulemaking needs to be undertaken to address these issues and will consider the AOCTRT plan as one of the alternatives for reducing the likelihood of jeopardy.

Comment: One commenter expressed support for an extension of the emergency closure due to the gear's adverse effect on marine mammals and endangered species. Furthermore, the commenter expressed belief that the gear should be retired permanently as it is non-discriminatory and has a bycatch of non-targeted HMS species.

Response: NMFS is extending the emergency closure for an additional 180 days. The management of the drift gillnet segment of the pelagics fishery will be determined following review and implementation of necessary measures to avoid the likelihood of jeopardy.

Correction

This action also corrects the effective date language of the initial emergency closure that was published on December 5, 1996 (61 FR 64486). As published, the rule inadvertently added the codified text of the temporary rule on a permanent basis.

Accordingly, the publication on December 5, 1996, of the emergency closure (I.D. 112696C) that was the subject of FR Doc. 96-30932 is corrected as follows:

On page 64486, in the third column, the **EFFECTIVE DATES** section is corrected to read as follows:

DATES: The closure and the amendments to part 630 will be effective from December 1, 1996, through 2400 hours local time, May 29, 1996.

Classification

This action extends an emergency rule issued under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1855(c). In order to ensure that no irreversible and irretrievable commitment of resources is made that has the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures while consultation under section 7(a) of ESA takes place on this fishery, the Assistant Administrator for Fisheries, NOAA, under authority at 5 U.S.C. 553(d)(3), for good cause found that this rule can be made effective

immediately. This action is exempt from review under E.O. 12866.

Dated: May 30, 1997.

Rolland A. Schmitten,

*Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

For the reasons set forth in the preamble, 50 CFR part 630 is amended as follows:

PART 630—ATLANTIC SWORDFISH FISHERY

1. The authority citation for part 630 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.* and 16 U.S.C. 971 *et seq.*

2. In § 630.7, paragraph (aa) is added to read as follows:

§ 630.7 Prohibitions.

* * * * *

(aa) Notwithstanding any other provision of part 630:

(1) No one aboard a vessel using or having on board a drift gillnet may fish for swordfish from the North Atlantic swordfish stock.

(2) No more than two swordfish per trip may be possessed on board a vessel using or having on board a drift gillnet in the North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, north of 5° N. lat.

(3) No more than two swordfish per trip may be landed from a vessel using or having on board a drift gillnet in an Atlantic, Gulf of Mexico, or Caribbean coastal state.

[FR Doc. 97-14631 Filed 5-30-97; 4:51 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 970403076-7114-02; I.D. 053097A]

Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Mothership Sector

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

ACTION: Fishing restrictions; request for comments.

SUMMARY: NMFS announces the end of the 1997 mothership fishery for whiting at 3 p.m. (local time) June 1, 1997, because the allocation for the mothership sector should be reached by