

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[MM Docket No. 97-154, RM-9116]

Radio Broadcasting Services; Newaygo, MI**AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

SUMMARY: This document requests comments on a petition filed by Robert R. Moore proposing the allotment of Channel 223A to Newaygo, Michigan, as that community's first local broadcast service. There is a site restriction 7.6 kilometers (4.7 miles) southwest of the community at coordinates 43-22-12 and 85-51-49. Canadian concurrence will be requested for the allotment of Channel 223A at Newaygo.

DATES: Comments must be filed on or before September 2, 1997, and reply comments on or before September 17, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Dennis J. Kelly, Law Office of Dennis J. Kelly, Post Office Box 6648, Annapolis, Maryland 21401.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-154, adopted July 3, 1997, and released July 17, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC. 20037, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.
Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97-18824 Filed 7-16-97; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 630**

[Docket No. 970702161-7161-01; I.D. 041097C]

RIN 0648-AJ93

Atlantic Highly Migratory Species Fisheries; Import Restrictions

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

ACTION: Proposed rule; public hearing; request for comments.

SUMMARY: NMFS proposes to amend the regulations governing the Atlantic highly migratory species (HMS) fisheries to prohibit importation of Atlantic bluefin tuna (ABT) and its products in any form harvested by vessels of Panama, Honduras, and Belize. The proposed amendments are necessary to implement International Commission for the Conservation of Atlantic Tunas (ICCAT) recommendations designed to help achieve the conservation and management objectives for ABT fisheries. NMFS will hold a hearing to receive comments from fishery participants and other members of the public regarding these proposed amendments.

DATES: Comments are invited and must be received on or before August 4, 1997. A public hearing will be held on July 29, 1997, from 1-3 p.m.

ADDRESSES: Comments on the proposed rule should be sent to Rebecca Lent, Chief, Highly Migratory Species Management Division, Office of Sustainable Fisheries (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3282. The public hearing will be held at NOAA/NMFS, SSMCIV, 1305 East-West Highway, Room IW611, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: John Kelly, 301-713-2347.

SUPPLEMENTARY INFORMATION: The Atlantic tuna fisheries are managed under the authority of the Atlantic Tunas Convention Act (ATCA). Section 971d(c)(1) of ATCA authorizes the Secretary of Commerce (Secretary) to issue regulations as may be necessary to carry out the recommendations of ICCAT. The authority to issue regulations has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA (AA).

Relation to Proposed Consolidation

The regulatory amendments contained in this proposed rule were written to be consistent with a proposed rule consolidating all regulations pertaining to Atlantic HMS under 50 CFR part 630 (61 FR 57361, November 6, 1996). A final rule consolidating the regulations has not yet been issued. The regulatory amendments contained in this proposed rule, if adopted, would 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**).

Proposed Import Restrictions

In order to conserve and manage ABT, ICCAT adopted two recommendations at its 1996 meeting requiring its Contracting Parties to take the appropriate measures to prohibit the import of ABT and its products in any form from Belize, Honduras, and Panama. With regard to the recommendation on Belize and Honduras, the effective date of import prohibition would be August 4, 1997, concurrent with the entry into force of the ICCAT recommendation. With respect to the recommendation on Panama, ICCAT determined that such import prohibition would begin January 1, 1998, unless ICCAT decides on the basis of documentary evidence, at its 1997 meeting or before, that Panama has brought its fishing practices for ABT into consistency with ICCAT conservation and management measures. The delay in implementation of trade restrictions for Panama recognizes Panama's expressed intent to rectify the improper fishing activities of its vessels.

ICCAT has been concerned about the status of ABT for many years. The most recent scientific stock assessment shows that mid-year spawning biomass (age 8+) of the western management stock in 1995 was estimated to be 13 percent of the 1975 level (which is considered an appropriate proxy for the spawning stock biomass level corresponding to maximum sustainable yield (MSY)).

Eastern ABT is estimated to be at 19 percent of the level that would produce MSY.

Over the years, ICCAT has adopted numerous conservation and management measures aimed at addressing the decline in this resource. These measures have included (1) catch limits and quotas; (2) time and area closures to protect spawning fish; (3) minimum sizes to protect juvenile fish; (4) the Bluefin Tuna Statistical Document (BSD) program to track the trade of bluefin tuna; (5) the Bluefin Tuna Action Plan Resolution that establishes a process to identify non-Contracting Parties whose vessels are fishing in a manner that diminishes the effectiveness of ICCAT's bluefin tuna conservation recommendations, and which, after giving identified countries an opportunity to rectify the activities of their vessels, can lead to a recommendation of trade measures; and (6) measures to enhance Contracting Party compliance with ICCAT's bluefin tuna quotas that can result in quota penalties and, ultimately, trade restrictions.

In making recommendations at its 1996 meeting calling for import prohibitions, ICCAT took into account several factors. ICCAT noted the depleted status of ABT, the need for cooperation by non-Contracting Parties in the successful conservation of this resource and ICCAT's repeated efforts to gain this cooperation, non-Contracting Parties' harvests, and the sacrifices made by ICCAT Contracting Parties in efforts to conserve and manage this resource. ICCAT specifically recognized its repeated but generally unsuccessful efforts to encourage Belize, Honduras, and Panama to cooperate. These efforts included but were not limited to ICCAT's 1995 identification of these countries pursuant to the Bluefin Tuna Action Plan Resolution as nations whose vessels were fishing for bluefin tuna in a manner that diminishes the effectiveness of ICCAT's bluefin tuna conservation measures. Identification was based on trade data and vessel sighting information that indicated that vessels of Belize, Honduras, and Panama were fishing for bluefin tuna in the eastern Atlantic Ocean (in some cases on the Mediterranean spawning grounds during the closed season) but reporting no harvests to ICCAT.

The 1995 identifications began a year of intensified efforts by ICCAT to obtain the cooperation of Belize, Honduras, and Panama. During that year, the three countries were notified that failure to rectify the fishing activities of their vessels could result in the imposition of trade-restrictive measures. Before the

1997 ICCAT meeting, Belize had not responded to any ICCAT requests, and Honduras had provided only a limited response. Panama, on the other hand, responded to ICCAT several times and indicated that it had adopted a national resolution designed to rectify the offending fishing activities of its vessels. At its 1996 meeting, however, ICCAT reviewed additional trade data, vessel sighting information, and port inspection information that indicated that vessels of Belize, Honduras, and Panama continued to fish for bluefin tuna, and ICCAT again determined that these fishing activities were undermining ICCAT conservation efforts.

For the reasons stated above, and under authority of section 971d(c)(1) of ATCA, the United States proposes to prohibit the import of ABT harvested by vessels of Belize, Honduras, and Panama and its products in any form. This action is consistent with the requirement under section 971d(c)(6) of ATCA that NMFS identify those nations whose fishing vessels are fishing, or have fished in the preceding calendar year, in a manner that diminishes the effectiveness of ICCAT conservation recommendations. The effective date for the proposed trade restrictions relating to Belize and Honduras would be August 4, 1997, the date the ICCAT recommendation enters into force. The effective date of import prohibition with respect to Panama would be January 1, 1998. Any ABT harvested by vessels of Panama, Honduras, and Belize and exported after these effective dates would be prohibited from entry into the customs territory of the United States.

Under current regulations, all ABT shipments imported into the United States are required to be accompanied by a BSD. This document identifies the flag nation of the harvesting vessel of the ABT contained in the shipment and would be used to determine compliance with the regulation, if implemented. Using the BSD, U.S. Customs officials would deny entry of shipments of ABT harvested by vessels of Panama, Honduras, and Belize and exported after the effective dates of the trade restrictions. If this proposed rule is implemented, entry would not be denied for any shipment in transit prior to the effective date of trade restrictions.

Upon determination by ICCAT that one or more of these parties (Panama, Honduras, and/or Belize) has brought its fishing practices into consistency with ICCAT conservation and management measures, the Secretary will publish an interim final rule in the **Federal Register** to remove import restrictions for the relevant party. In 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.

Public Hearing

NMFS will hold a public hearing to receive comments from fishery participants and other members of the public regarding these proposed amendments on July 29 from 1–3 p.m. (see **ADDRESSES**). This hearing will be physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Chris Rogers at (301) 713–2347 at least 5 days prior to the hearing date.

Classification

This proposed rule is published under the authority of ATCA, (16 U.S.C. 971 *et seq.*). Preliminarily, the AA has determined that the regulations contained in this proposed rule are necessary to implement the recommendations of ICCAT and are necessary for the conservation and management of the ABT 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 that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities as follows:

The proposed regulatory amendments are necessary to help achieve domestic and international conservation and management objectives. No bluefin tuna were imported by the United States from Belize, Honduras, or Panama during 1979–1996. It is unlikely that any U.S. importers, wholesalers, or freight forwarders have any dependence on bluefin tuna imports from these three countries. Therefore, it is concluded that these proposed amendments, considered separately or in aggregate, would not have a significant impact on a substantial number of small entities. Thus, a regulatory flexibility analysis is not required.

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 proposed rule would not result in any new collections of information subject to the PRA because Bluefin Tuna Statistical Documents, approved under OMB Control Number 0648–0040, are currently required for U.S. imports of bluefin tuna and bluefin tuna products.

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

List of Subjects in 50 CFR Part 630

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: July 11, 1997.

David L. Evans,

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

For the reasons set out in the preamble, 50 CFR part 630 as proposed to be amended at 61 FR 57363, November 6, 1996, is further proposed to be amended as follows:

**PART 630—ATLANTIC HIGHLY
MIGRATORY SPECIES**

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

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

2. In § 630.45, paragraph (d) is added to read as follows:

§ 630.45 Other import restrictions.

* * * * *

(d) *Atlantic bluefin tuna.* (1) Effective August 4, 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 §§ 630.40 through 630.44, shows that a particular shipment of such bluefin tuna was exported prior to [effective date of final rule].

(2) 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 §§ 630.40 through 630.44, shows that a particular shipment of such bluefin tuna was exported prior to January 1, 1998.

[FR Doc. 97-18783 Filed 7-14-97; 9:03 am]

BILLING CODE 3510-22-F