

aggregate; or to private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA 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 the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action, pertaining to the final conditional interim approval of the 15% plan for the Baltimore severe ozone nonattainment area, must be filed in the United States Court of Appeals for the appropriate circuit by December 8, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Ozone.

Dated: September 19, 1997.

A.R. Morris,

Acting Regional Administrator, Region III.

Chapter I, title 40, of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart V—Maryland

2. Section 52.1072 is amended by adding paragraph (c) to read as follows:

§ 52.1072 Conditional approval.

* * * * *

(c) The State of Maryland's July 12, 1995 submittal for the 15 Percent Rate of Progress Plan (15% plan) for the Baltimore ozone nonattainment area, is conditionally approved based on certain contingencies. The conditions for approvability are as follows:

(1) Maryland's 15% plan calculations must reflect the EPA approved 1990 base year emissions inventory in § 52.1075.

(2) Maryland must meet the conditions listed in the October 31, 1996 conditional I/M rulemaking notice, including its commitment to remodel the I/M reductions using the following two EPA guidance memos: "Date by which States Need to Achieve all the Reductions Needed for the 15 Percent Plan from I/M and Guidance for Recalculation," note from John Seitz and Margo Oge dated August 13, 1996, and "Modeling 15% VOC Reductions from I/M in 1999—Supplemental Guidance," from Gay MacGregor and Sally Shaver dated December 23, 1996.

(3) Maryland must remodel to determine affirmatively the creditable reductions from RFG and Tier I in accordance with EPA guidance.

(4) Maryland must submit a SIP revision amending the 15% plan with a determination using appropriate documentation methodologies and credit calculations that the 64.2 TPD reduction, supported through creditable emission measures in the submittal, satisfies Maryland's 15% ROP requirement for the Baltimore area.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[I.D. 100297A]

Atlantic Tuna Fisheries; Atlantic Bluefin Tuna General Category

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS has determined that the 1997 Atlantic bluefin tuna (ABT) October–December period General category subquota will be attained by October 5, 1997. Therefore, the General category fishery for October–December will be closed effective at 11:30 p.m. on October 5, 1997. This action is being taken to prevent overharvest of the adjusted 141 metric tons (mt) subquota for the October–December period.

DATES: Effective 11:30 p.m. local time on October 5, 1997, through December 31, 1997.

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 (ICCAT) among the various domestic fishing categories.

General Category Closure

NMFS is required, under § 285.20(b)(1), to monitor the catch and landing statistics and, on the basis of these statistics, to project a date when the catch of ABT will equal the quota and publish a **Federal Register** announcement to close the applicable fishery.

Implementing regulations for the Atlantic tuna fisheries at 50 CFR 285.22 provide for a subquota of 72 mt of large medium and giant ABT to be harvested from the regulatory area by vessels permitted in the General category during the period beginning October 1 and ending December 31. Due to an overharvest of 1 mt in the September period subquota, and the transfer of 70 mt from other categories (13 mt from the Reserve, 3 mt from the Incidental Longline North quota, and 54 mt from the Incidental Longline South quota) (62 FR 51608, October 2, 1997), the October–December period subquota was adjusted to 141 mt. The October–December subquota is divided into a coastwide subquota of 131 mt and a 10 mt set-aside for the traditional fall New York Bight fishery area, defined as the waters south and west of a straight line originating at a point on the southern shore of Long Island at 72°27' W. long. (Shinnecock Inlet) and running SSE

150° true, and north of 38° 47' N. lat. (Delaware Bay).

Based on reported catch and effort, NMFS projects that the revised coastwide subquota of 131 mt will be reached by October 5, 1997. Therefore, fishing for, retaining, possessing, or landing large medium of giant ABT by vessels in the General category must cease at 11:30 p.m. local time October 5, 1997. If, after tallying the landings following the closure, NMFS determines that a substantial amount of the coastwide quota remains, NMFS may reopen the coastwide General category fishery as necessary to allow full harvest of the coastwide subquota. Then, once

it is determined that the General category catch has reached approximately 10 mt less than the overall October-December subquota (i.e. the coastwide catch totals approximately 131 mt), NMFS will announce (through notice in the **Federal Register** and over the Highly Migratory Species Fax Network and Information Lines) the opening date of the New York Bight fishery. After the opening date of the New York Bight fishery, fishing for, retaining, possessing, or landing large medium or giant ABT by vessels in the General category may occur in the New York Bight are only.

The intent of this closure is to prevent overharvest of the October-December period subquota established for the General category.

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: October 3, 1997.

Gary C. Matlock,

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

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