

\* \* \* \* \*  
 6. Section 572.34 is amended by revising paragraph (b) to read as follows:

**§ 572.34 Thorax.**

\* \* \* \* \*  
 (b) When impacted by a test probe conforming to 572.36(a) at 22 fps ± 0.40 fps in accordance with paragraph (c) of this section, the thorax of a complete dummy assembly (78051-218, revision T) with left and right shoes (78051-294 and -295) removed, shall resist with a force of 1242.5 pounds +/- 82.5 pounds measured by the test probe and shall have a sternum displacement measured relative to spine of 2.68 inches ± 0.18 inches. The internal hysteresis on each impact shall be more than 69% but less than 85%. The force measured is the product of pendulum mass and deceleration.  
 \* \* \* \* \*

7. Section 572.36 is amended by revising paragraphs (c), (d), (e), (f), (h), and (i) to read as follows:

**§ 572.36 Test conditions and instrumentation.**

\* \* \* \* \*  
 (c) Head accelerometers shall have dimensions and response characteristics specified in drawing 78051-136, revision A, or its equivalent, and the location of their seismic mass as mounted in the skull are shown in drawing C-1709, revision D.

(d) The six axis neck transducer shall have the dimensions, response characteristics, and sensitive axis locations specified in drawing C-1709, revision D and be mounted for testing as shown in Figures 20 and 21 of § 572.33, and in the assembly drawing 78051-218, revision T.

(e) The chest accelerometers shall have the dimensions, response characteristics, and sensitive mass locations specified in drawing 78051-136, revision A or its equivalent and be mounted as shown with adaptor assembly 78051-116, revision D for assembly into 78051-218, revision T.

(f) The chest deflection transducer shall have the dimensions and response characteristics specified in drawing 78051-342, revision A or its equivalent and be mounted in the chest deflection transducer assembly 78051-317, revision A for assembly into 78051-218, revision T.  
 \* \* \* \* \*

(h) The femur load cell shall have the dimensions, response characteristics, and sensitive axis locations specified in drawing 78051-265 or its equivalent and be mounted in assemblies 78051-46 and -47 for assembly into 78051-218, revision T.

(i) The outputs of acceleration and force-sensing devices installed in the dummy and in the test apparatus specified by this part are recorded in individual data channels that conform to requirements of Society of Automotive Engineers (SAE) Recommended Practice J211 Mar95, Instrumentation for Impact Tests, Parts 1 and 2. SAE J211 Mar95 sets forth the following channel classes:

- (1) Head acceleration—Class 1000
- (2) Neck forces—Class 1000
- (3) Neck moments—Class 600
- (4) Neck pendulum acceleration—Class 60
- (5) Thorax and thorax pendulum acceleration—Class 180
- (6) Thorax deflection—Class 180
- (7) Knee pendulum acceleration—Class 600
- (8) Femur force—Class 1000

\* \* \* \* \*  
 Issued on May 12, 1997.  
**Ricardo Martinez,**  
*Administrator.*  
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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 285**

[Docket No. 960816226-7115-02; I.D. 050797B]

RIN 0648-AJ04

**Atlantic Tuna Fisheries; Regulatory Adjustments**

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

**ACTION:** Interim final rule.

**SUMMARY:** NMFS amends the regulations governing the Atlantic bluefin tuna fisheries to suspend for 1997 only, the deadline for Atlantic Tunas permit category changes. This regulatory amendment is necessary to provide vessel owners the opportunity to consider category changes after the effective date of a final rule currently under review by NMFS. Because comments were received on the proposed rule that indicated that the rule could affect the allowable operations of several fishing categories, it is not possible for vessel owners to make final choices prior to the previously established deadline of May 15.

**DATES:** The interim final rule is effective May 15, 1997.

**ADDRESSES:** Rebecca Lent, Chief, Highly Migratory Species Management Division, Office of Sustainable Fisheries (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3282.

**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). ATCA authorizes the Secretary of Commerce (Secretary) to issue regulations as may be necessary to carry out the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The authority to issue regulations to carry out ICCAT recommendations has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA (AA).

This interim final rule responds to certain comments received in response to a proposed rulemaking (62 FR 9726, March 4, 1997) and proposed quota specifications (62 FR 19296, April 21, 1997). Background information about the need for revisions to Atlantic tunas fishery regulations was provided in the proposed rule and specifications and is not repeated here. Certain aspects of the proposed rule, if implemented, would affect catch limits and gear restrictions in several permit categories. Also, final category quotas will affect fishing opportunities available to each category. NMFS received comment that because current regulations require a vessel owner to obtain a permit in the appropriate gear category and allow changes to permit categories only prior to May 15 each calendar year, it would be impossible to make a rational choice of permit category in 1997 until a final rule and final quotas are issued.

This interim final rule suspends indefinitely the deadline to change Atlantic tunas permit categories for calendar year 1997. This regulatory change will allow vessel owners to weigh any impacts of the final rule, when issued, on the operations and restrictions for each permit category. By allowing vessel owners to choose the most appropriate category, this measure will further the domestic management objectives for the Atlantic tuna fisheries.

NMFS is undertaking this action as an interim final rule because of the immediate need to postpone the deadline. This interim action will be superseded when a deadline for 1997 is specified in a final rule to be published at a later date.

Under NOAA Administrative Order 205-11, 7.01, dated December 17, 1990,

the Under Secretary for Oceans and Atmosphere has delegated authority to sign material for publication in the **Federal Register** to the AA.

#### Classification

This interim final rule is published under the authority of the ATCA, 16 U.S.C. 971 *et seq.* The AA has determined that these regulations are necessary to implement the recommendations of ICCAT and are necessary for management of the Atlantic tuna fisheries.

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 Office of Management and Budget (OMB) Control Number.

This rule involves a collection of information requirement subject to the PRA and approved by OMB under Control Number 0648-0327.

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

NMFS has determined that, under 5 U.S.C. 553(b)(B), there is good cause to waive the requirement for prior notice and an opportunity for public comment on this rule as such procedures would be contrary to the public interest. NMFS has underway rulemakings on this, and other, tuna fishery management issues. Specifically, NMFS published a proposed rule on March 4, 1997 seeking public comment on a variety of tuna issues. Additionally, NMFS published proposed quota specifications on April 21, 1997 seeking public comment on fishing category allocations. However, while the process for these actions remains ongoing, NMFS has received comment that a postponement for 1997 in the deadline to choose a permit category is necessary to allow the public an opportunity to assess the impacts of the pending final rules. As such, given the public interest in affording vessel owners to make a reasoned decision as to fishing category and the fact that NMFS has already received public comment on the subject matter of this rule, further delay in the implementation of this action to provide an opportunity for additional comment is contrary to the public interest.

Further, under 5 U.S.C. 553(d)(1), because this rule relieves a restriction, it is not subject to a 30-day delay in effective date. NMFS has the ability to rapidly communicate the extension of the deadline to fishery participants

through its FAX network and HMS Information Line.

#### List of Subjects in 50 CFR Part 285

Fisheries, Fishing, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: May 14, 1997.

**Nancy Foster,**

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

For the reasons set out in the preamble, 50 CFR part 285, is amended as follows:

#### PART 285—ATLANTIC TUNA FISHERIES

1. The authority citation for part 285 continues to read as follows:

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

2. In § 285.21, paragraph (b)(7) is added to read as follows:

##### § 285.21 Vessel permits.

\* \* \* \* \*

(b) \* \* \*

(7) Except for purse seine vessels for which a permit has been issued under this section, an owner may change the category of the vessel's Atlantic tunas permit to another category a maximum of once per calendar year by application on the appropriate form to NMFS before the specified deadline. After the deadline, the vessel's permit category may not be changed to another category for the remainder of the calendar year, regardless of any change in the vessel's ownership. In years after 1997, the deadline for category changes is May 15.

\* \* \* \* \*

[FR Doc. 97-13139 Filed 5-15-97; 9:41 am]

BILLING CODE 3510-22-F

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 660

[Docket No. 970403076-7114-02; I.D. 030397B]

RIN 0648-A180

##### Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Allocation Among Nontribal Sectors

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

**ACTION:** Final rule.

**SUMMARY:** This rule implements: Allocation of the commercial harvest

guideline of Pacific whiting (whiting) among nontribal sectors of the Pacific groundfish fishery; a framework procedure for annually choosing the starting dates of the primary whiting seasons for the nontribal sectors; and allowing the processing of fish waste at sea when at-sea processing of whiting is otherwise prohibited. This rule also implements starting dates for the 1997 primary seasons under the framework. These actions are intended to provide equitable allocation of the whiting resource and to provide flexibility in harvesting and processing opportunities.

**DATES:** Effective May 14, 1997.

**ADDRESSES:** Comments on the information collection requirements imposed by this rule should be sent to William Stelle, Jr., Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115, and to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Washington DC, 20503.

**FOR FURTHER INFORMATION CONTACT:** William L. Robinson at 206-526-6140.

**SUPPLEMENTARY INFORMATION:** NMFS is issuing this rule to allocate whiting, establish a framework for setting season dates, and to provide for at-sea processing of whiting waste under the authority of the Pacific Coast Groundfish Fishery Management Plan (PCGFMP) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). These actions were recommended by the Pacific Fishery Management Council (Council) at its October 1996 meeting in San Francisco, CA and at meetings of its ad hoc whiting allocation subcommittee that were held in 1996. At the same time, NMFS is announcing the starting dates for the primary whiting seasons in 1997 and addressing several housekeeping measures. These actions were proposed in the **Federal Register** at 62 FR 18572, April 16, 1996. No comments were received during the 20-day public comment period which ended April 30, 1997. This final rule is substantively the same as proposed; the minor changes are explained in this preamble.

The background for these actions appears in the proposed rule and in the environmental assessment/regulatory impact review prepared by the Council for this action. The actions taken are summarized below.

#### Background

##### Whiting allocation

The most recent allocation of whiting among nontribal sectors in the whiting