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Washington, DC 20402.

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SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAP's. The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20 of the Federal Aviation Regulation (FAR). The applicable FAA Forms are identified as FAA Form 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAP's, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. The SIAP's contained in this amendment are based on the criteria contained in the United States Standard for Terminal Instrument Approach Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports.

The FAA has determined through testing that current non-localizer type, non-precision instrument approaches developed using the TERPS criteria can be flown by aircraft equipped with a Global Positioning System (GPS) and or Flight Management System (FMS) equipment. In consideration of the above, the applicable SIAP's will be altered to include "or GPS or FMS" in the title without otherwise reviewing or

modifying the procedure. (Once a stand alone GPS or FMS procedure is developed, the procedure title will be altered to remove "or GPS or FMS" from these non-localizer, non-precision instrument approach procedure titles.)

The FAA has determined through extensive analysis that current SIAP's intended for use by Area Navigation (RNAV) equipped aircraft can be flown by aircraft utilizing various other types of navigational equipment. In consideration of the above, those SIAP's currently designated as "RNAV" will be redesignated as "VOR/DME RNAV" without otherwise reviewing or modifying the SIAP's.

Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAP's are, impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports,
Navigation (air).

Issued in Washington, DC on January 2, 1998.

Quentin J. Smith, Jr.,

Acting Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113-40114, 40120, 44502, 44514, 44701, 44719, 44721-44722.

2. Amend 97.23, 97.27, 97.33 and 97.35, as appropriate, by adding, revising, or removing the following SIAP's, effective at 0901 UTC on the dates specified:

Effective on Publication

New York, NY, John F. Kennedy Intl, VOR
or GPS RWY 13L/13R, Amdt 18 Cancelled
New York, NY, John F. Kennedy Intl, VOR
or FMS or GPS RWY 13L/13R, Amdt 18
[FR Doc. 98-322 Filed 1-6-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 285

[Docket No. 971231320-7320-01; I.D. 121697B]

RIN 0648-AK63

Atlantic Tuna Fisheries; Archival Tag Recovery

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

ACTION: Interim final rule; request for comments

SUMMARY: NMFS issues this interim final rule to allow the retention, possession, and landing of Atlantic bluefin tunas (ABTs) in which an archival tag has been implanted. Data recovery from archival tags requires that fish be harvested and the tag removed. In the event a fish with an archival tag is captured, applicable regulations could require its immediate release under certain conditions, such as the closure of the ABT season for a permit category. In order to provide for maximum likelihood of data recovery, NMFS exempts the harvest of fish with archival tags from applicable release requirements provided NMFS is notified prior to, or at the time of, landing and, as instructed, the tag is removed and returned to NMFS or the fish is made available so that it may be inspected and the tag recovered.

DATES: The interim final rule is effective December 31, 1997. Comments must be received on or before January 30, 1998.

ADDRESSES: Comments on the interim final 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. Comments regarding

the burden-hour estimates or other aspects of the collection-of-information requirements contained in this interim final rule should be sent to Rebecca Lent and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Chris Rogers, 301-713-2347; Buck Sutter, 813-570-5447; or Mark Murray-Brown, 978-281-9260.

SUPPLEMENTARY INFORMATION: Under the Atlantic Tunas Convention Act of 1975 (ATCA) (16 U.S.C. 971 *et seq.*), the Secretary of Commerce (Secretary) is authorized to promulgate regulations to implement recommendations adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT). The authority to issue such regulations has been delegated from the Secretary to the Assistant Administrator for Fisheries (AA), NOAA. Section 971d(c)(3) of title 16, United States Code, provides the statutory authority to require the collection of information necessary to implement the recommendations of ICCAT.

As a member nation of ICCAT, the United States is required to take part in the collection of biological statistics for research purposes. In addition to this requirement, the United States, as a member nation fishing for ABT in the Atlantic Ocean, must abide by the specific quota assigned to it by ICCAT. Through quota management, ICCAT is furthering its goal of recovering the ABT stock to maximum sustainable yield level.

The National Research Council (National Academy of Sciences) recommended to NMFS that migratory patterns of bluefin tuna be further investigated and that "a tagging program be undertaken, with an appropriate combination of conventional, [passive integrated transponder], acoustic, and archival tags * * *." In response, NMFS has worked with fishermen and researchers in a cooperative effort to implant archival tags in ABT. Archival tags are miniature data loggers that offer a powerful tool for discerning the movements, geolocation and behavior of individual highly migratory species (HMS). The recovery of only a few tags would greatly increase knowledge of migratory patterns and spawning site fidelity and provide data that are vital to the international management of ABT.

Through cooperative research programs, about 170 archival tags were implanted in ABT during 1996 and 1997. Additional tags will be implanted

in 1998. ABTs equipped with archival tags can be identified not only by a light sensor extending outside the body cavity (in the area of the stomach) but also by uniquely colored fluorescent green conventional streamer tags placed externally on each side of the shoulder. It is estimated that about 6 to 10 ABT with archival tags will be recovered annually. It is imperative that each tag be returned to NMFS to ensure that the most comprehensive data are collected to establish migratory patterns of HMS. Based on information obtained from conventional tag recoveries, the greatest likelihood for recovery of those archival tags already deployed will occur in the 1998 winter fishery off North Carolina.

Data recovery from archival tags requires that fish be harvested. In the event a fish with an archival tag is captured, current regulations could require its immediate release under certain conditions, such as the closure of the ABT season for a permit category. In order to provide for maximum likelihood of data recovery, NMFS, by this interim final rule, exempts the harvest of fish with archival tags from any applicable release requirement provided NMFS enforcement is notified prior to, or at the time of, landing and, as instructed, the tag is removed and returned to NMFS or the fish is made available so that a NMFS scientist or enforcement agent may inspect the fish and recover the archival tag. Although this provision was not part of any proposed rule, the concept and proposed text were presented at public hearings on consolidation of HMS regulations (61 FR 57361, November 6, 1996) and at other public meetings. All comments received were supportive of archival tag research and commenters recognized the need for recovery. Additionally, this rule would relieve restrictions in the case of archivally tagged fish. For these reasons, NMFS issues this interim final rule with further opportunity for public comment.

Recognizing that archival tag implantation poses a mortality risk to fish, NMFS also requests specific comment on the need for persons conducting archival tag research to register and report on activities. Under such a requirement, any person affixing or implanting an archival tag into a regulated species would provide written notification to the Director of the proposed activity in advance of commencing the activity and, upon completion of the activity, would provide a written report to the Director indicating the type and number of tags, the species and approximate size of fish, and the location and method of capture of the fish. Such a requirement would

assist NMFS in evaluating the effectiveness of archival tag research, help researchers coordinate activities, and provide a source for researchers to access release and recovery information.

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 the regulations contained in this rule are necessary to implement the recommendations of ICCAT and are necessary for management of the Atlantic tuna fisheries.

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

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 final rule implements a new collection-of-information requirement subject to OMB review under the PRA. Reporting requirements for Archival tag recoveries require that the harvester notify NMFS upon landing the fish, prepare or process the fish as instructed, and provide information about the time and place of capture. Public reporting burden for this collection of information is estimated to average 30 minutes per response. This reporting requirement has been approved by OMB under control number 0648-0338.

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 as such procedures would be contrary to the public interest. NMFS presented the concept and proposed regulatory text for this exemption while conducting public hearings on a proposed rule on consolidation of highly migratory species regulations. NMFS had intended to incorporate the archival tag exemption into the final consolidation rule. However, while that process remains ongoing, NMFS has received information that the greatest likelihood of recovery will be in the North Carolina winter ABT fishery starting on January 1, 1998. If fish are caught and must be released, live or dead, information will be irretrievably lost. As such, given the need for scientific data from throughout the species' range, 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.

To the extent that a fish that would otherwise have to be released may be retained under this rule, this rule relieves a restriction and under 5 U.S.C. 553(d)(1) is not subject to a delay in effective date. To the extent that this rule imposes certain reporting and other requirements associated with such retention, the AA, under 5 U.S.C. 553(d)(3), has determined that there is good cause, as explained above, to waive the otherwise required 30-day delay in effective date. NMFS will rapidly communicate the new regulations to fishery participants through its FAX network, HMS Information Line, and NOAA weather radio.

List of Subjects in 50 CFR Part 285

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

Dated: December 31, 1997.

Gary C. Matlock,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 15 CFR chapter IX and 50 CFR chapter II are amended as follows:

15 CFR Chapter IX

PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT: OMB CONTROL NUMBERS

1. The authority citation for part 902 continues to read as follows:

Authority: 44 U.S.C. 3501 *et seq.*

2. In § 902.1, paragraph (b), the table, is amended by adding, in numerical order, the following entry to read as follows:

§ 902.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *

(b) * * *

CFR part or section where the information collection requirement is located

* * * * *

50 CFR

* * * * *

285.9

Current OMB Control number (all numbers begin with 0648)

–0338

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50 CFR Chapter II

PART 285—ATLANTIC TUNA FISHERIES

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

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

4. In § 285.2, a definition for “archival tag” is inserted in alphabetical order to read as follows:

§ 285.2 Definitions.

* * * * *

Archival tag means an electronic recording device that is implanted or affixed to a fish that is released alive back into the ocean to allow collection of scientific information about the migratory behavior of that fish.

* * * * *

5. In § 285.3, paragraph (a) is revised to read as follows:

§ 285.3 Prohibitions.

* * * * *

(a) For any person or for any fishing vessel subject to the jurisdiction of the United States to engage in fishing or to land any Atlantic tuna in violation of these rules, except that fish implanted or affixed with archival tags may be possessed, retained and landed under the provisions of § 285.9.

* * * * *

6. Section 285.9 is added to read as follows:

§ 285.9 Archival tags.

(a) *Reserved.*

(b) *Landing.* Notwithstanding other provisions of this part, any person may catch, possess, retain, and land any regulated species in which an archival tag has been affixed or implanted, provided that person complies with all requirements of paragraph (c) of this section.

(c) *Landing report.* The person possessing, retaining, or landing, under the authority of paragraph (b) of this section, a regulated species in which an archival tag has been affixed or implanted must contact the NMFS, Southeast Science Center (1–800–437–3936) or any NMFS enforcement office (a list of local NMFS enforcement offices can be obtained from the Director) prior to, or at the time of landing, furnish all requested information regarding the location and method of capture, and, as instructed, remove the tag and return it to NMFS or make the fish available so that a NMFS scientist, enforcement agent, or other person designated in writing by the Director may inspect the fish and recover the tag.

(d) *Quota monitoring.* If a regulated species landed under the authority of paragraph (b) of this section is subject to a quota, the fish shall be counted against the applicable quota category consistent with the fishing gear and activity which resulted in the catch. In the event such fishing gear or activity is otherwise prohibited under applicable provisions of this part, the fish shall be counted against the scientific reserve quota established for that species.

7. In § 285.31, paragraph (a)(22) is revised to read as follows:

§ 285.31 Prohibitions.

(a) * * *

(22) Fail to report the catching of any Atlantic bluefin tuna to which a plastic tag has been affixed under a tag and release program conducted by NMFS or any other scientific organization or in which an archival tag has been affixed or implanted;

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[FR Doc. 97–34242 Filed 12–31–97; 4:24 pm]
BILLING CODE 3510–22–F

DEPARTMENT OF STATE

22 CFR Parts 40 and 41

[Public Notice 2665]

Bureau of Consular Affairs; Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended—Place of Application

AGENCY: Bureau of Consular Affairs, DOS.

ACTION: Interim rule with request for comments.

SUMMARY: This rule results from a change in the law. A recent amendment stated that, if a nonimmigrant stays in the United States longer than permitted, the visa of that person is no longer valid. Only a new nonimmigrant visa issued in the country of that person’s nationality will be valid for further entry into the United States. If the Secretary of State has determined that extraordinary circumstances exist, however, issuance of a new nonimmigrant visa in another country will be acceptable. This rule, therefore, amends the regulation pertaining to place of application to require such a person to apply in the country of his or her nationality, sets forth some exceptions based on extraordinary circumstances and defines the conditions for determining “extraordinary circumstances.”

DATES: This interim rule is effective January 7, 1998. Written comments are invited