

RSPA agrees with Petitioner that natural gas transmission lines operated by distribution operators in connection with their distribution systems should be exempt from the requirement to have procedures that address abnormal operations. This was the intent of the final rule. The preamble to the final rule stated that "[d]istribution system operators are not required to prepare a manual for abnormal conditions because they normally operate distribution pipelines at lower pressures than transmission pipelines * * * due to the dangers involved in operating in populated areas, most unusual operating conditions would be considered by the distribution system operator to be an emergency until the condition is resolved or corrected." (59 FR 6582; February 11, 1994.) Accordingly, RSPA is amending the final rule to clarify that an operator of a high-pressure or low-pressure distribution system, as defined in 49 CFR 192.3, is exempt from the requirement to prepare a manual for abnormal operations.

Rulemaking Analyses

Executive Order 12866 and DOT Regulatory Policies and Procedures

This rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, is not subject to review by the Office of Management and Budget. The rule is not considered significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11034; February 26, 1979) because it merely clarifies the content of a final rule and does not materially affect the substance of the final rule.

Federalism Assessment

This rule will not have substantial direct effects on the relationship between the federal government and the states, or on the distribution of power and responsibilities among the various levels of government. This rule only makes minor editorial changes to a previously issued rule. Therefore, in accordance with Executive Order 12612 (52 FR 41685, October 30, 1987) RSPA has determined that this final rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Regulatory Flexibility Act

There are very few small entities that operate pipelines affected by this rulemaking. To the extent that any small entity is affected, the affect is minimal because it does not impose additional requirements. Based on this

fact, I certify under Section 605 of the Regulatory Flexibility Act (5 U.S.C. 605; September 19, 1980) that this rule does not have a significant economic impact on a substantial number of small entities.

List of Subjects in 49 CFR Part 192

Pipeline safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, part 192 is amended to read as follows:

PART 192—[AMENDED]

1. The authority citation for part 192 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60110, 60113, 60118; 49 CFR 1.53.

2. In § 192.605, the introductory text of paragraph (b) is revised to read as follows:

§ 192.605 Procedural manual for operations, maintenance, and emergencies.

* * * * *

(b) *Maintenance and normal operations.* The manual required by paragraph (a) of this section must include procedures for the following, if applicable, to provide safety during maintenance and operations.

* * * * *

3. In § 192.605, paragraph (c)(1)(v) is revised, and a new paragraph (c)(5) is added to read as follows:

§ 192.605 Procedural manual for operations, maintenance and emergencies.

* * * * *

(c) * * *

(1) * * *

(v) Any other foreseeable malfunction of a component, deviation from normal operation, or personnel error, which may result in a hazard to persons or property.

* * * * *

(5) The requirements of this paragraph (c) do not apply to natural gas distribution operators that are operating transmission lines in connection with their distribution system.

D.K. Sharma,

Administrator, Research and Special Programs Administration.

[FR Doc. 95-6363 Filed 3-16-95; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 280 and 285

[Docket No. 950124026-5026-01; I.D. 100893B]

RIN 0648-AF74

Bluefin Tuna Fisheries; Bluefin Tuna Statistical Document

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to revise the regulations governing the bluefin tuna fisheries to: Require an appropriately completed, approved Bluefin Tuna Statistical Document (BSD) as a condition for import, export, or re-export of bluefin tuna into or from the United States; require a Federal permit for all dealers that import or export Pacific bluefin tuna; require preparation and submission of a biweekly report on imports and exports of Pacific bluefin tuna by permitted dealers; revise specifications determining size classes of Atlantic bluefin tuna; and make minor amendments to clarify the regulations. This action is necessary to implement recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT), to improve management and monitoring of the U.S. bluefin tuna fisheries, to facilitate enforcement, and to enhance collection of data in order to improve assessment of the environmental and economic impacts of the fisheries.

EFFECTIVE DATE: April 17, 1995.

ADDRESSES: Copies of the Final Environmental Assessment/ Regulatory Impact Review, are available from Richard H. Schaefer, Director, Office of Fisheries Conservation and Management (F/CM), NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments regarding the burden-hour estimate or any other aspect of the collection-of-information requirement contained in this rule should be sent to Richard H. Schaefer and to the Office of Management and Budget (OMB), Paperwork Reduction Project (0648-0040; 0648-0148; 0648-0202; 0648-0239), Attention: NOAA Desk Officer, Washington, DC 20503.

Copies of the ICCAT BSD and revised Fisheries Certificate of Origin (FCO) are also available from the Director, F/CM.

FOR FURTHER INFORMATION CONTACT:
Richard B. Stone, 301-713-2347.

SUPPLEMENTARY INFORMATION: The Atlantic tuna fisheries are managed under regulations at 50 CFR part 285 implementing the recommendations of ICCAT and issued under the authority of the Atlantic Tunas Convention Act (ATCA), 16 U.S.C. 971 *et seq.* The ATCA authorizes the Secretary to implement regulations as may be necessary to carry out the recommendations of ICCAT. The authority to implement the ICCAT recommendations is delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA (AA). The Pacific tuna fisheries are managed under regulations at 50 CFR part 280 implementing the recommendations of the Inter-American Tropical Tuna Commission. The AA has determined that provisions of this final rule applicable to Pacific bluefin tuna are necessary to implement the recommendations of ICCAT due to similarity of appearance to Atlantic bluefin tuna.

Purpose of Current Action

Background information about the need for the ICCAT Bluefin Statistical Tuna Document program was provided in the notice of proposed rulemaking (59 FR 30896, June 16, 1994) and is not repeated here.

Management Measures

These regulatory changes will improve NMFS' ability to implement the ICCAT recommendations and further the management objectives for the domestic tuna fisheries:

1. Bluefin Tuna Statistical Document

This final rule requires an original completed, approved BSD as a condition for the import, export, or re-export of all bluefin tuna shipments into or from the United States. The BSD is required for all bluefin tuna products that are exported from or imported into the United States and identified by Harmonized Tariff Schedule (HTS) numbers for fresh or chilled bluefin tuna, excluding fillets and other fish meat—0302.39.00.20; frozen bluefin tuna, excluding fillets—0303.49.00.20; and any other product form not identified by bluefin-specific HTS numbers. In order to be considered appropriately completed, the approved BSD accompanying each shipment must provide all of the required information indicated at 50 CFR 285.202 and be certified by the exporter, importer, and government official, as appropriate.

2. Pacific Bluefin Dealer Permits

Dealers importing Pacific bluefin tuna, or purchasing or receiving for export Pacific bluefin tuna first landed in the United States, are required to possess a valid bluefin tuna dealer permit and comply with all applicable recordkeeping and reporting requirements.

3. Pacific Bluefin Reporting Requirements

Pacific bluefin tuna dealers are required to submit biweekly reports to the Regional Director on imports and exports of bluefin tuna. The report must be postmarked and mailed within 10 days after the end of each 2-week reporting period in which Pacific bluefin tuna were imported or exported. The biweekly reporting periods are defined as the first day through the 14th day of each month and the 15th day through the last day of the month. Each report must specify accurately and completely for each tuna or each shipment of bulk-frozen tuna exported: Date of landing or import, any tag number (if so tagged), and weight in kilograms (specify if round or dressed).

4. Atlantic Tuna Curved Length Measure

The regulatory text is amended to specify Atlantic bluefin tuna size classes relative to curved length measure. The curved length measure is a more feasible measurement method to apply to a bluefin tuna on a vessel or at the dock. Specification of size classes according to the curved measurement method will enable fishermen, dealers, and NMFS enforcement agents to consistently assign individual fish to one of the regulatory size classes for the purposes of compliance with daily bag and boat limits and the prohibition on sale of small fish.

5. Atlantic Tuna Technical Amendments

Technical amendments to the regulations at 50 CFR part 285 are made to delete references to metal tags to account for non-metallic tail tags now issued to dealers, and to clarify a prohibition on the reuse of tail tags issued to permitted dealers for the purpose of identifying individual Atlantic bluefin tuna. These changes will not affect the conduct of the tuna fisheries except to facilitate enforcement. Without such changes, the fisheries cannot be monitored or enforced with maximum effectiveness.

Comments and Responses

1. Bluefin Tuna Statistical Document

Comment: Fisheries officials from other ICCAT member nations, including Spain, Canada, and Japan, commented that combining the ICCAT BSD with the U.S. FCO (NOAA Form 370) could lead to confusion and potential problems in implementing the ICCAT bluefin tuna statistical program. This could have deleterious effects on multilateral management of bluefin tuna. These officials noted that ICCAT has invested a considerable amount of effort over several years in designing a form and an information-collection system that would be acceptable to all ICCAT members. By using a form containing information-collection requirements extraneous to the ICCAT bluefin statistical program, the United States could impede expeditious transport of a highly perishable product.

Additionally, U.S. bluefin dealers objected to the proposed combined form on the grounds that importing countries (e.g., Japan) would not accept it as the agreed ICCAT document, and dealers would have to complete both the U.S. form and the ICCAT form, resulting in unnecessary duplication of effort. Due to Japanese import requirements implemented on June 1, 1994, U.S. dealers have been using the ICCAT-style form supplied to them by Japanese importers. Many dealers commented that introduction of a new form would lead to confusion on the part of customs brokers in Japan and could possibly result in delayed or rejected shipments.

Response: NMFS concurs in general with the comments and is issuing a separate BSD according to the ICCAT format. While use of a separate BSD will avoid confusion in implementing the ICCAT program, it does not exempt U.S. dealers from complying with FCO requirements. However, due to FCO exemptions for fresh fish, there would be few situations (e.g., frozen bluefin) where foreign exporters and U.S. importers would need to complete both documents. Trade statistics indicate that only 1,400 lb (635 kg) of frozen bluefin were imported into the United States in 1993. Thus, the majority of bluefin imports would be exempt from FCO requirements and the overall reporting burden would not be significantly changed by issuing separate BSD and FCO forms.

2. Pacific Bluefin Tagging Requirements

Comment: Dealers of Pacific bluefin tuna commented that, relative to Atlantic bluefin, export shipments of Pacific bluefin generally comprise smaller fish, in greater numbers.

Tagging of individual Pacific bluefin is, therefore, cost-prohibitive and poses an extreme economic burden on West Coast fish dealers.

Response: NMFS agrees that the labor costs involved in tagging large numbers of small Pacific bluefin tuna affect competitive pricing and would reduce, or even preclude, the profitability of exports. NMFS, therefore, has withdrawn the proposed requirement to tag all Pacific bluefin tuna. However, dealers may continue to tag Pacific bluefin provided the tag numbers are recorded on the BSD and are reported to NMFS on the biweekly report. Voluntary tagging of Pacific bluefin tuna will relieve dealers of the responsibility to have documents validated by government officials or, if authorized, by non-government officials.

3. Pacific Bluefin Validation Requirements

Comment: Pacific bluefin tuna dealers have commented that NMFS can independently verify information on the BSD by cross-referencing state landings tickets and biweekly reports, thus eliminating delays in packing fish caused by waiting for government validation. Given the need for expeditious handling to export bluefin for the fresh market in Japan, dealers perceive the validation requirement as an excessive burden providing no additional benefit to the information retrieval system.

Response: NMFS agrees that biweekly reports, taken together with the completed BSDs and required supporting documentation, provide the information needed to report as specified in the ICCAT recommendation. However, the United States is bound to comply with validation requirements as specified by ICCAT. Pending future clarification by ICCAT's Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures, validation requirements by exporting countries may be subject to change. Currently, the ICCAT resolution on validation requires that imports of untagged bluefin tuna from the United States be validated. NMFS recommends that Pacific bluefin dealers tag individual fish when feasible to gain exemption from validation requirements. With this final rule, NMFS establishes procedures for non-government validation of BSDs in the event validation is necessary. Validation by authorized non-government parties will reduce the compliance burden.

4. Pacific Bluefin Reporting Requirements

Comment: The biweekly report was first developed for Atlantic bluefin tuna, and it needs to be modified if it is to reflect Pacific bluefin tuna shipping practices. Specifically, the sections to record tag numbers and individual weights should be deleted.

Response: Rather than issue a combined form for both Atlantic and Pacific bluefin tuna reports, NMFS has decided to issue a separate form modified for the specific biweekly reporting requirements of Pacific bluefin shipments.

5. Use of Metric Equivalent

Comment: The U.S. fishing industry records weights in pounds and the biweekly reports and BSDs should reflect this.

Response: Weights specified in kilograms will facilitate international trade in bluefin tuna. Specification of weights in kilograms on completed BSDs will reduce problems in reviewing and verifying information at customs offices abroad.

6. Import Requirements

Comment: According to the ICCAT recommendation, all bluefin tuna, regardless of product form, must be accompanied by a completed BSD to be eligible for lawful entry.

Response: In the final rule NMFS has amended the requirements for documentation to include bluefin tuna in any product form, not just fresh or frozen as identified by bluefin-specific HTS codes.

Comment: According to the general interpretation of the ICCAT recommendation, improperly documented bluefin would not be refused, but suspended and subject to administrative sanctions if documentation could not be produced. The proposed rule would only allow entry under bond without documentation.

Response: Due to the perishable nature of the product, the interpretation of the ICCAT recommendation is such that entry of bluefin tuna without documentation would be suspended, pending receipt of a properly completed document, or the entry would be allowed subject to administrative sanctions. Since the U.S. Customs Service now uses an automated broker interface for electronic filing of entry documents, refusal of improperly documented bluefin is impractical. Therefore, allowance for entry under bond has been eliminated and import of undocumented bluefin would, in most

cases, be subject to civil penalties under NMFS and U.S. Customs Service regulations rather than seizure.

Changes From the Proposed Rule

After consideration of public comment, NMFS is issuing a separate form for use as an ICCAT BSD and will not combine the BSD with the FCO (NOAA Form 370). For copies of the ICCAT BSD and revised FCO, contact NMFS (see ADDRESSES). Though NMFS will not issue a combined form, U.S. tuna dealers must be aware that for import and export of tuna products, in some situations, both forms are required.

Under the Marine Mammal Protection Act and its implementing regulations, only dolphin-safe tuna may be purchased, sold, transported, or shipped in the United States after June 1, 1994 (16 U.S.C. 1417). In certain cases, imports of tuna and tuna products, except fresh tuna, form must be accompanied by an appropriately completed FCO (NOAA Form 370). The majority of bluefin tuna imports to the United States are in fresh form, for which an FCO is not required. However, an appropriately completed BSD is required for all bluefin tuna, fresh or frozen, that enters or exits the United States. Therefore, dealers should note that bluefin tuna imported in forms other than fresh product, are subject to the requirements of both the BSD and FCO.

Other changes from the proposed rule involve the tagging and validation requirements for Pacific bluefin tuna exported from the United States. After considering public comment on packaging and shipping practices for Pacific bluefin, NMFS has eliminated the proposed requirement that Pacific bluefin tuna be tagged prior to export. However, the ICCAT resolution on validation currently requires that imports of untagged Atlantic or Pacific bluefin tuna from the United States to other ICCAT-member countries be validated by government officials. NMFS recommends that Pacific bluefin tuna dealers tag individual fish when feasible, to gain exemption from validation requirements. In the event validation is necessary, NMFS has established procedures for non-government validation of BSDs to reduce the compliance burden.

NMFS has changed the requirements for dealer permits to include both dealers importing and exporting Pacific bluefin tuna. This is necessary to ensure accurate reporting of import statistics and collection of BSDs accompanying Pacific bluefin tuna that are imported into the United States for domestic

consumption. It is expected that most, if not all, dealers importing Pacific bluefin tuna will also export on occasion, and thus require a permit in any case.

NMFS has also changed the retention period for copies of BSDs and biweekly dealer reports on Pacific bluefin tuna exports from 6 months to 2 years. This was done to make the recordkeeping requirements consistent with those already in effect for Atlantic bluefin tuna reports.

NMFS has changed the requirements for lawful entry of Atlantic and Pacific bluefin tuna imports to include all product forms and to eliminate requirements for entry under bond. This is necessary to comply with general interpretations of the ICCAT recommendation and subsequent resolutions concerning the BSD.

NMFS has revised the format of certain amendments to the regulatory text in that dealer permitting, reporting and recordkeeping requirements applicable to Pacific bluefin tuna are placed at 50 CFR part 280, rather than at 50 CFR part 285. This organizational change was made to reduce fragmentation of the regulatory text applicable to Pacific tuna fisheries.

In addition to the above changes, the following adjustments to the regulations, though not part of the proposed rule, are implemented by this rule to assist in quota monitoring, to increase the effectiveness of enforcement, and to ensure the accuracy of bluefin statistical documents:

In § 285.26, size classes are defined relative only to the curved length measurement method. Public support for this change was expressed following a request for comments issued during rulemaking for the 1994 Atlantic bluefin tuna season (59 FR 2813, January 19, 1994). Landings data also support this change, since 88 percent of Atlantic bluefin tuna purchased by dealers from 1991 through 1993 were reported with curved length measures. NMFS enforcement officials concur that specification of size classes by the curved method is more consistent with the way length measurements are taken in the field and reduces confusion between legal and illegal size fish relative to the daily bag limits and the prohibition on sale of Atlantic bluefin below the large medium size class. Accordingly, this rule establishes curved measure as the sole criterion for determination of size classes of Atlantic bluefin tuna.

In § 285.29(a), language is added to instruct permitted dealers purchasing or receiving Atlantic bluefin tuna to verify, by visual inspection of the vessel permit, that the required permit

information is correctly recorded on the dealer landing card. This is necessary to ensure that records of bluefin tuna landings are assigned to the correct vessel permit number.

Another technical change is that specific language is added at § 280.52, § 280.53(f), § 285.30(e), and § 285.31(a)(38) to prohibit the reuse of bluefin tuna identification tags. While instructions to dealers have indicated proper use of tags, the regulatory text was not clear regarding reuse. Clarifying the regulatory text will assist quota monitoring and ensure the accuracy of export documentation as recorded on the BSD.

Finally, all references to metal tail tags in the regulatory text have been deleted, since NMFs now issues non-metallic tail tags to dealers for the purpose of identifying individual bluefin tuna available for sale.

Classification

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

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Small Business Administration that the proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities because the recordkeeping and reporting requirements impose minimal costs. Accordingly, an Initial Regulatory Flexibility Analysis was not prepared. The changes from the proposed rule reduce the compliance burden on bluefin tuna dealers by eliminating mandatory tagging of Pacific bluefin and by allowing dealer associations, if authorized, to validate BSDs.

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

This rule contains new and revised collection-of-information requirements subject to review under the Paperwork Reduction Act. It modifies and renews requirements that were approved by OMB under control numbers 0648-0040, 0648-0148, 0648-0202 and 0648-0239. The public reporting burden for completing an application for a Federal permit for dealers that export or re-export Pacific bluefin tuna is estimated at 0.08 hours (5 minutes) per response. The public reporting burden for these dealers for collection of information on dealer reports is estimated at 0.25 hours (15 minutes) per response for the biweekly dealer reports and affixing

tags, and 0.33 hours (20 minutes) per response for all bluefin tuna dealers for completing a BSD. The public reporting burden for maintaining a daily log of fishing activities for Pacific bluefin tuna is estimated at 0.10 hours (6 minutes) per response. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these burden estimates or any other aspects of these collections of information, including suggestions for reducing the burden, to NMFS and OMB (see ADDRESSES).

List of Subjects

50 CFR Part 280

Fisheries, Reporting and recordkeeping requirements, Treaties.

50 CFR Part 285

Fisheries, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: March 10, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 280 and 285 are amended as follows:

PART 280—PACIFIC TUNA FISHERIES

1. The authority citation for part 280 is revised to read as follows:

Authority: 16 U.S.C. 951–961 and 971 *et seq.*

2. A heading for subpart A is added to read as follows:

Subpart A—General

3. Sections 280.1 and 280.2 are transferred to subpart A.

4. Section 280.1 is revised to read as follows:

§ 280.1 Purpose and scope.

The regulations in this part implement the IATTC recommendations for the conservation of yellowfin tuna and the ICCAT recommendations for the conservation of bluefin tuna so far as they affect vessels and persons subject to the jurisdiction of the United States.

5. In § 280.2, the definition for “Authorized officer” is amended by redesignating paragraphs (a) through (d) as paragraphs (1) through (4), respectively, and the definition for “Mingled species” is amended by redesignating paragraphs (a) and (b) as paragraphs (1) and (2), respectively; the definition for “Commission” is removed; and the definitions of

“Atlantic bluefin tuna”, “Bluefin tuna”, “IATTC”, “ICCAT”, “Pacific bluefin tuna”, “Regional Director”, and “Tag” are added in alphabetical order to read as follows:

§ 280.2 Definitions.

* * * * *

Atlantic bluefin tuna means the subspecies of bluefin tuna *Thunnus thynnus thynnus* that is found in the Atlantic Ocean.

* * * * *

Bluefin tuna means the fish species *Thunnus thynnus* that is found in any ocean area.

* * * * *

IATTC means the Inter-American Tropical Tuna Commission established pursuant to the Convention for the Establishment of an Inter-American Tropical Tuna Commission.

ICCAT means the International Commission for the Conservation of Atlantic Tunas established pursuant to the International Convention for the Conservation of Atlantic Tunas.

Pacific bluefin tuna means the subspecies of bluefin tuna *Thunnus thynnus orientalis* that is found in the Pacific Ocean.

Regional Director means

(1) For the purposes of Atlantic bluefin dealers, the Director, Northeast Region, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930-3799; and

(2) For the purposes of Pacific bluefin dealers, the Director, Southwest Region, National Marine Fisheries Service, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

Tag means the flexible, self-locking ribbon issued by the NMFS for the identification of bluefin tuna under § 280.52 or § 285.30 of this chapter.

* * * * *

6. A heading for subpart B is added to read as follows:

Subpart B—Yellowfin Tuna (*Thunnus albacares*)

7. Sections 280.3 and 280.4 are redesignated as §§ 280.10 and 280.11, respectively, and are transferred to subpart B.

8. Newly redesignated § 280.10 is revised to read as follows:

§ 280.10 Recordkeeping and written reports.

(a) The master or other person in charge of a fishing vessel or a person authorized in writing to serve as the agent for either person must keep an accurate log of all operations conducted from the fishing vessel, entering for each day the date, noon position (stated in

latitude and longitude or in relation to known physical features), and the tonnage of fish aboard, by species. The record and bridge log maintained at the request of the IATTC shall be sufficient to comply with this paragraph, provided the items of information specified are accurately entered in the log.

(b) Any authorized officer has the power to inspect, without warrant or other process, at any reasonable time, the records and logs of any fishing vessel that are required by paragraph (a) of this section.

9. In newly redesignated paragraph 280.11(a), the word “Commission” is replaced with the word “IATTC”.

10. A new Subpart C is added to read as follows:

Subpart C—Pacific Bluefin Tuna (*Thunnus thynnus orientalis*)

280.50 Dealer permits.

280.51 Dealer recordkeeping and reporting.

280.52 Tags.

280.53 Documentation requirements.

280.54 Prohibitions.

Subpart C—Pacific Bluefin Tuna (*Thunnus thynnus orientalis*)

§ 280.50 Dealer permits.

(a) *General.* A dealer importing Pacific bluefin tuna or purchasing, or receiving, for export Pacific bluefin tuna first landed in the United States, must have a valid permit issued under this section.

(b) *Application.* A dealer must apply for a permit in writing on an appropriate form obtained from the Regional Director. The application must be signed by the dealer and be submitted to the Regional Director at least 30 days before the date upon which the dealer desires to have the permit made effective. The application must contain the following information: Company name, principal place of business, owner or owners’ names, applicant’s name (if different from owner or owners) and mailing address and telephone number, and any other information required by the Regional Director.

(c) *Issuance.* (1) Except as provided in subpart D of 15 CFR part 904, the Regional Director will issue a permit within 30 days of receipt of a completed application.

(2) The Regional Director will notify the applicant of any deficiency in the application. If the applicant fails to correct the deficiency within 15 days following the date of notification, the application will be considered abandoned.

(d) *Duration.* Any permit issued under this section is valid until

December 31 of the year for which it is issued, unless suspended or revoked.

(e) *Alteration.* Any permit that is substantially altered, erased, or mutilated is invalid.

(f) *Replacement.* The Regional Director may issue replacement permits. An application for a replacement permit is not considered a new application.

(g) *Transfer.* A permit issued under this section is not transferable or assignable; it is valid only for the dealer to whom it is issued.

(h) *Inspection.* The dealer must keep the permit issued under this section at his/her principal place of business. The permit must be displayed for inspection upon request of any authorized officer, or any employee of NMFS designated by the Regional Director for such purpose.

(i) *Sanctions.* The Assistant Administrator may suspend, revoke, modify, or deny a permit issued or sought under this section. Procedures governing permit sanctions and denials are found at subpart D of 15 CFR part 904.

(j) *Fees.* The Regional Director may charge a fee to recover the administrative expenses of permit issuance. The amount of the fee is calculated, at least annually, in accordance with the procedures of the NOAA Finance Handbook for determining administrative costs of each special product or service. The fee may not exceed such costs and is specified on each application form. The appropriate fee must accompany each application. Failure to pay the fee will preclude issuance of the permit. Payment by a commercial instrument later determined to be insufficiently funded shall invalidate any permit.

(k) *Change in application information.* Within 15 days after any change in the information contained in an application submitted under this section, the dealer issued a permit must report the change to the Regional Director in writing. The permit is void if any change in information is not reported within 15 days.

§ 280.51 Dealer recordkeeping and reporting.

Any person issued a dealer permit under § 280.50:

(a) Must submit to the Regional Director a biweekly report on bluefin imports and exports on forms supplied by NMFS.

(1) The report required by this paragraph (a) must be postmarked and mailed at the dealer’s expense within 10 days after the end of each 2-week reporting period in which Pacific bluefin tuna were exported. The biweekly reporting periods are defined

as the first day to the 14th day of each month and the 15th day to the last day of the month.

(2) Each report must specify accurately and completely for each tuna or each shipment of bulk-frozen tuna exported: Date of landing or import; any tag number (if so tagged); weight in kilograms (specify if round or dressed); and any other information required by the Regional Director. At the top of each form, the company's name, license number, and the name of the person filling out the report must be specified. In addition, the beginning and ending dates of the 2-week reporting period must be specified by the dealer and noted at the top of the form.

(b) Must allow an authorized officer, or any employee of NMFS designated by the Regional Director for this purpose, to inspect and copy any records of transfers, purchases, or receipts of Pacific bluefin tuna.

(c) Must retain at his/her principal place of business a copy of each biweekly report for a period of 2 years from the date on which it was submitted to the Regional Director.

§ 280.52 Tags.

(a) *Issuance of tags.* The Regional Director will issue numbered tags to each person receiving a dealer's permit under § 280.50.

(b) *Transfer of tags.* Tail tags issued under this section are not transferable and are usable only by the permitted dealer to whom they are issued.

(c) *Affixing tags.* At the discretion of dealers permitted under § 280.50, a tag issued under paragraph (a) of this section may be affixed to each Pacific bluefin tuna purchased or received by the dealer. If so tagged, the tag must be affixed to the tuna between the fifth dorsal finlet and the keel and tag numbers must be recorded on NMFS reports required by § 280.51(a) and any documents accompanying the shipment of Pacific bluefin tuna for domestic commercial use or export.

(d) *Removal of tags.* A NMFS-issued tag affixed to any Pacific bluefin tuna at the option of any permitted dealer under paragraph (c) of this section or any tag affixed to any Pacific bluefin tuna to meet the requirements of § 285.202(a)(6)(v) of this chapter must remain on the tuna until the tuna is cut into portions. If the tuna or tuna parts subsequently are packaged for transport for domestic commercial use or for export, the tag number must be written legibly and indelibly on the outside of any package or container.

(e) *Reuse of tags.* Tags issued under this section are separately numbered and may be used only once, one tail tag

per fish, to distinguish the purchase of one Pacific bluefin tuna. Once affixed to a tuna or recorded on any package, container or report, a tail tag and associated number may not be reused.

§ 280.53 Documentation requirements.

Bluefin tuna imported into, or exported or re-exported from the customs territory of the United States is subject to the documentation requirements specified in 50 CFR part 285, subpart F of this chapter.

§ 280.54 Prohibitions.

It is unlawful for any person or vessel subject to the jurisdiction of the United States to:

(a) Import Pacific bluefin tuna or purchase or receive for export Pacific bluefin tuna first landed in the United States without a valid dealer permit issued under § 280.50;

(b) Remove any NMFS-issued tag affixed to any Pacific bluefin tuna at the option of any permitted dealer or any tag affixed to a Pacific bluefin tuna to meet the requirements of § 285.202(a)(6)(v) of this chapter, before removal is allowed under § 280.52, or fail to write the tag number on the shipping package or container as specified in § 280.52;

(c) Falsify or fail to make, keep, maintain, or submit any reports or other record required by this subpart;

(d) Refuse to allow an authorized officer or employee of NMFS designated by the Regional Director to make inspections for the purpose of checking any records relating to the catching, harvesting, landing, purchase, or sale of any Pacific bluefin tuna required of this subpart;

(e) Make any false statement, oral or written, to an authorized officer or employee of NMFS designated by the Regional Director to make inspections concerning the catching, harvesting, landing, purchase, sale, or transfer of any Pacific bluefin tuna;

(f) Reuse any NMFS-issued tag affixed to a Pacific bluefin tuna at the option of a permitted dealer or any tag affixed to a Pacific bluefin tuna to meet the requirements of § 285.202(a)(6)(v) of this chapter or reuse any tag number previously written on a shipping package or container as prescribed by § 280.52.

PART 285—ATLANTIC TUNA FISHERIES

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

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

12. In § 285.2, the definition of "Metal tag" is removed; the definitions of

"Bluefin tuna", "Intermediate country", "Pacific bluefin tuna", and "Tag" are added in alphabetical order; the definition of "Atlantic bluefin tuna" is revised; in the definition of "owner", paragraphs (a) through (c) are redesignated paragraphs (1) through (3), respectively; and in the definition of "Regional Director", paragraphs (a) and (b) are redesignated as paragraphs (1) and (2), respectively, and are revised to read as follows:

§ 285.2 Definitions.

* * * * *

Atlantic bluefin tuna means the subspecies of bluefin tuna *Thunnus thynnus thynnus* that is found in the Atlantic Ocean. Size classes for Atlantic bluefin tuna are defined in § 285.26.

* * * * *

Bluefin tuna means the fish species *Thunnus thynnus* that is found in any ocean area.

* * * * *

Intermediate country means a country from which bluefin tuna or bluefin tuna products that were previously imported by that nation are exported to the United States. Shipments of bluefin tuna or bluefin tuna products through a country on a through bill of lading or in another manner that does not enter the shipments into that country as an importation do not make that country an intermediate country under this definition.

* * * * *

Pacific bluefin tuna means the subspecies of bluefin tuna *Thunnus thynnus orientalis* that is found in the Pacific Ocean.

* * * * *

Regional Director means (1) For the purposes of Atlantic bluefin dealers, the Director, Northeast Region, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930-3799; and for the purposes of Pacific bluefin dealers, the Director, Southwest Region, National Marine Fisheries Service, 501 W. Ocean Blvd. Suite 4200, Long Beach, CA 90802-4213; and

(2) For purposes of yellowfin tuna, bigeye tuna, skipjack tuna, and albacore, the Regional Director, Southeast Region, National Marine Fisheries Service, 9721 Executive Center Drive, St. Petersburg, FL 33702-2432.

* * * * *

Tag means the flexible, self-locking ribbon issued by NMFS for the identification of Atlantic bluefin tuna under § 285.30.

* * * * *

13. In § 285.23, paragraph (d) is revised to read as follows:

§ 285.23 Incidental catch.

* * * * *

(d) *Rod and reel.* Subject to the quotas in § 285.22, any person operating a vessel issued a permit for the Angling category and possessing an Incidental Catch permit issued under § 285.21 may catch and retain annually one large medium or giant Atlantic bluefin tuna as an incidental catch. The permit holder must report to the nearest NMFS enforcement office within 24 hours of landing any large medium or giant Atlantic bluefin tuna, and must make the tuna available for inspection and attachment of a tail tag. No such Atlantic bluefin tuna may be sold or transferred to any person for a

commercial purpose except for taxidermic purposes.

* * * * *

14. Section 285.26 is revised to read as follows:

§ 285.26 Size classes.

Total curved fork length will be the sole criterion for determining the size class of whole (head on) Atlantic bluefin tuna. For this purpose, all measurements must be taken in a line tracing the contour of the body along the middle of the lateral surface from the tip of the snout to the fork of the tail. For any Atlantic bluefin tuna found with the head removed, it is deemed, for purposes of this subpart, that the tuna,

when caught, fell into a size class in accordance with the following formula: Total curved fork length equals pectoral fin curved fork length multiplied by a factor of 1.35. The pectoral fin curved fork length will be the sole criterion for determining the size class of a beheaded Atlantic bluefin tuna. For this purpose, all measurements must be taken in a line tracing the contour of the body along the middle of the lateral surface from the dorsal insertion of the pectoral fin of the beheaded fish to the fork of the tail (see Figure 1). Atlantic bluefin tuna are deemed to fall into a size class according to the following table; approximate round weights are given for illustrative purposes only.

Size category	Total curved fork length	Pectoral fin curved fork length	Approx. round weight
Young School	Less than 27 inches	Less than 20 inches	Less than 14 lb.
School	Less than 69 cm	Less than 51 cm	less than 6.4 kg.
	27 to <47 inches	20 to <35 inches	14 to <66 lb.
	69 to <119 cm	51 to <89 cm	6.4 to <30 kg.
Large School	47 to <59 inches	35 to <44 inches	66 to <135 lb.
	119 to <150 cm	89 to <112 cm	30 to <61 kg.
Small Medium	59 to <73 inches	44 to <54 inches	135 to <235 lb.
	150 to <185 cm	112 to <137 cm	61 to <107 kg.
Large Medium	73 to <81 inches	54 to <60 inches	235 to <310 lb.
	185 to <206 cm	137 to <152 cm	107 to <141 kg.
Giant	81 inches or greater	60 inches or greater	310 lb or greater.
	206 cm or greater	152 cm or greater	141 kg or greater.

15. In § 285.29, paragraphs (a) and (b)(1) are revised to read as follows:

§ 285.29 Dealer recordkeeping and reporting.

* * * * *

(a) Must submit to the Regional Director via both electronic facsimile (FAX) and the U.S. postal system a daily report on a reporting card provided by NMFS, within 24 hours of the purchase or receipt of each Atlantic bluefin tuna from the person or vessel that harvested the fish. A FAX of said card must be received at the NMFS NE Regional Office (FAX 508-281-9340) within 24 hours of the purchase or receipt of each Atlantic bluefin tuna. Additionally, said card must be postmarked and mailed at the dealer's expense within 24 hours of the purchase or receipt of each Atlantic bluefin tuna. At the offloading of the fish, each reporting card must be signed by the vessel permit holder or vessel operator to verify the name of the vessel that landed the fish and must show the Atlantic bluefin tuna vessel permit number and expiration date, tail tag number affixed to the fish by the dealer or assigned by an authorized officer, the date landed, the port where landed, the round and/or dressed weight (indicating which weight(s) measured), the total or pectoral fin curved fork length, gear

used, and area where the fish was caught. The dealer purchasing or receiving the Atlantic bluefin tuna must inspect the vessel permit and verify that the required permit information is correctly recorded on the dealer landing card.

(b) * * *

(1) Said report must be postmarked and mailed, at the dealer's expense, within 10 days after the end of each 2-week reporting period in which Atlantic bluefin tuna were purchased, received, or imported. The biweekly reporting periods are defined as the first day through the 14th day of each month and the 15th day through the last day of the month. Each report must specify accurately and completely for each tuna purchased or received: Date of landing or import, vessel Atlantic Bluefin Tuna permit number (if applicable), tail tag number, weight in pounds or kilograms (specify if round or dressed), nature of the sale (dockside or consignment), price per pound or kilogram (round or dressed weight), and destination of the fish (domestic or export). In addition, dealers may indicate the quality rating of their bluefin tuna: (A, B, or C) for four attributes (freshness, fat, color, and shape).

* * * * *

16. Section 285.30 is revised to read as follows:

§ 285.30 Tags.

(a) *Issuance of tags.* The Regional Director will issue numbered tail tags to each person receiving a dealer's permit under § 285.28.

(b) *Transfer of tags.* Tail tags issued under this section are not transferable and are usable only by the permitted dealer to whom they are issued.

(c) *Affixing tags.* (1) A dealer or agent must affix a tail tag to each Atlantic bluefin tuna purchased or received, immediately upon its offloading from a vessel. The tail tag must be affixed to the tuna between the fifth dorsal finlet and the keel.

(2) Any person who catches a large medium or giant Atlantic bluefin tuna and does not transfer it to a permitted dealer must contact the nearest NMFS enforcement office at the time of landing said Atlantic bluefin tuna and make the tuna available so that a NMFS enforcement agent may inspect the fish and attach a tail tag to it. A list of local NMFS enforcement offices can be obtained by contacting regional offices in Gloucester, MA (508-281-9261) and St. Petersburg, FL (813-570-5344). The Regional Director may designate a person other than a NMFS agent to

inspect and tag the fish. Such designation will be made in writing.

(d) *Removal of tags.* A tag affixed to any Atlantic bluefin tuna under paragraph (c)(1) of this section or under § 285.202(a)(6)(v) must remain on the tuna until the tuna is cut into portions. If the tuna or tuna parts subsequently are packaged for transport for domestic commercial use or for export, the tag number must be written legibly and indelibly on the outside of any package or container. Tag numbers must be recorded on any document accompanying shipment of bluefin tuna for commercial use or export.

(e) *Reuse of tags.* Tags issued under this section are separately numbered and may be used only once, one tail tag per fish, to distinguish the purchase of one Atlantic bluefin tuna. Once affixed to a tuna or recorded on any package, container or report, a tail tag and associated number may not be reused.

17. In § 285.31, the word "transfer" in paragraph (a)(14) is revised to read "transfer"; the periods at the end of paragraphs (a)(10), (a)(29), and (a)(32) are replaced with semicolons; and paragraphs (a)(18), (a)(19), (a)(31), (a)(36) and (a)(37) are revised to read as follows:

§ 285.31 Prohibitions.

(a) * * *

(18) Fail to inspect any vessel's permit or fail to affix immediately to any large medium or giant Atlantic bluefin tuna, between the fifth dorsal finlet and the keel, an individually numbered tail tag when the tuna has been received for a commercial purpose or purchased by that dealer from any person or vessel having caught such tuna;

(19) Remove any tag affixed to an Atlantic bluefin tuna under § 285.30(c)(1) or under § 285.202(a)(6)(v), before removal is allowed under § 285.30(d), or fail to write the tag number on the shipping package or container as prescribed by that section;

* * * * *

(31) Fish for, catch, retain, possess or land Atlantic bluefin tuna with a gear type or in a manner other than specified in §§ 285.22, 285.23, and 285.25, or other than authorized under an experimental fishing exemption issued pursuant to the requirements of § 285.7;

* * * * *

(36) Reuse any tail tag previously affixed to an Atlantic bluefin tuna under § 285.30 or reuse any tail tag number previously written on a shipping package or container as prescribed by that section; or

(37) Fish for, catch, retain, possess or land any Atlantic bluefin tuna less than

185 cm (73 inches) total curved fork length from a vessel other than one issued an Angling Category permit under § 285.21, or a Purse Seine category permit and operating under § 285.23(e).

18. A new subpart F is added to part 285 to read as follows:

Subpart F—Bluefin Tuna Statistical Documentation

285.200 Species subject to documentation requirements.

285.201 Documentation requirements.

285.202 Contents of documentation.

285.203 Validation requirements.

285.204 Ports of entry.

285.205 Prohibitions.

Subpart F—Bluefin Tuna Statistical Documentation

§ 285.200 Species subject to documentation requirements.

Imports into the United States and exports or re-exports from the United States of all bluefin tuna or bluefin tuna products regardless of ocean area of catch are subject to the documentation requirements of this subpart.

(a) Documentation is required for bluefin tuna identified by the following item numbers from the Harmonized Tariff Schedule:

(1) Fresh or chilled bluefin tuna, excluding fillets and other fish meat, No. 0302.39.00.20.

(2) Frozen bluefin tuna, excluding fillets, No. 0303.49.00.20.

(b) In addition, bluefin tuna products in other forms (e.g., chunks, fillets, canned) listed under any other item numbers from the Harmonized Tariff Schedule are subject to the documentation requirements of this subpart, except that fish parts other than meat (i.e., heads, eyes, roe, guts, tails) may be allowed entry without said statistical documentation.

§ 285.201 Documentation requirements.

(a) *Bluefin imports.* (1) Imports of all bluefin tuna products into the United States must be accompanied at the time of entry by an original completed approved Bluefin Tuna Statistical Document with the information and exporter's certification specified in § 285.202(a)(1) through (7). Such information must be validated as specified in § 285.202(a)(8) by a responsible government official of the country whose flag vessel caught the tuna (regardless of where the fish are first landed), unless the Assistant Administrator has waived validation requirements for the country pursuant to § 285.203.

(2) Bluefin tuna imported into the United States from a country requiring

a tag on all such tuna available for sale must be accompanied by the appropriate tag issued by that country, and said tag must remain on any tuna until it reaches its final import destination. If the final import destination is the United States, the tag must remain on the tuna until it is cut into portions. If the tuna portions are subsequently packaged for domestic commercial use or export, the tag number and the issuing country must be written legibly and indelibly on the outside of the package.

(3) Dealers selling bluefin tuna that was previously imported into the United States for domestic commercial use must provide on the original Bluefin Tuna Statistical Document that accompanied the import shipment the correct information and importer's certification specified in § 285.202(a)(9). The original of the completed Bluefin Tuna Statistical Document must be postmarked and mailed by said dealer to the Regional Director within 24 hours of the time the tuna was imported into the United States.

(b) *Bluefin exports.* (1) Dealers exporting bluefin tuna that was harvested by U.S. vessels and first landed in the United States must complete an original numbered Bluefin Tuna Statistical Document issued to that dealer by the Regional Director. Such an individually numbered document is not transferable or reusable and may be used only once by the dealer to which it was issued to report on a specific export shipment. Dealers must provide on the Bluefin Tuna Statistical Document the correct information and exporter certification specified in § 285.202(a)(1) through (7). As required under § 285.203, the Bluefin Tuna Statistical Document must be validated as specified in § 285.202(a)(8) by an official of the U.S. Government or, if authorized by NMFS, an official of an accredited institution. A list of such officials may be obtained by contacting the Office of Fisheries Conservation and Management, NMFS, Silver Spring, MD (301-713-2347), or the nearest NMFS Enforcement Office. A list of local NMFS enforcement offices can be obtained by contacting regional offices in Gloucester, MA (508-281-9261), St. Petersburg, FL (813-570-5344) and Long Beach, CA (310-980-4050). Dealers requesting government validation for exports should notify NMFS as soon as possible after arrival of the vessel to avoid delays in inspection and validation of the export shipment.

(2) Dealers re-exporting bluefin tuna that was previously imported into the United States must provide on the

original Bluefin Tuna Statistical Document that accompanied the import shipment the correct information and intermediate importer's certification specified in § 285.202(a)(9).

(3) Dealers must submit the original of the completed Bluefin Tuna Statistical Document to accompany the shipment of bluefin tuna to its export or re-export destination. A copy of the Bluefin Tuna Statistical Document completed as specified under paragraph (b)(1) or (2) of this section must be postmarked and mailed by said dealer to the Regional Director within 24 hours of the time the tuna was exported or re-exported from the United States.

(c) *Recordkeeping.* Dealers must retain at their principal place of business a copy of each Bluefin Tuna Statistical Document required to be submitted to the Regional Director pursuant to this section for a period of 2 years from the date on which it was submitted to the Regional Director.

§ 285.202 Contents of documentation.

(a) A Bluefin Tuna Statistical Document, to be deemed complete, must:

(1) Have a document number assigned as prescribed by the country issuing the document;

(2) State the name of the country issuing the document, which is the country whose flag vessel harvested the bluefin tuna, regardless of where the tuna is first landed;

(3) State the name of the vessel that caught the fish and the vessel's registration number, if applicable;

(4) State the name of the owner of the trap that caught the fish, if applicable;

(5) State the point of export, which is the city, state or province, and country from which the bluefin tuna is first exported;

(6) State the following specified information about the shipment:

(i) The product type (fresh or frozen) and product form (round, gilled and gutted, dressed, fillet or other);

(ii) The method of fishing used to harvest the fish (purse seine, trap, rod and reel, etc.);

(iii) The ocean area from which the fish was harvested (western Atlantic, eastern Atlantic, Mediterranean, or Pacific);

(iv) The weight of each fish (in kilograms for the same product form previously specified);

(v) The identifying tag number, if landed by vessels from countries with tagging programs;

(7) State the name and license number of, and be signed and dated in the exporter's certification block by, the exporter;

(8) If applicable, state the name and title of, and be signed and dated in the validation block by, a responsible government official of the country whose flag vessel caught the tuna (regardless of where the tuna are first landed) or by an official of an institution accredited by said government, with official government or accredited institution seal affixed, thus validating the information on the Bluefin Tuna Statistical Document; and

(9) As applicable, state the name(s) and address(es), including the name of the city and state or province of import, and the name(s) of the intermediate country(ies) or the name of the country of final destination, and license number(s) of, and be signed and dated in the importer's certification block by, each intermediate and the final importer.

(b) An approved Bluefin Tuna Statistical Document may be obtained from the Regional Director to accompany exports of bluefin tuna from the United States. Bluefin tuna dealers in countries that do not provide an approved Bluefin Tuna Statistical Document to exporters may obtain an approved Bluefin Tuna Statistical Document from the Regional Director to accompany exports to the United States.

(c) Dealers from a country exporting bluefin tuna to the United States may use the approved Bluefin Tuna Statistical Document obtainable from the Regional Director or documents developed by the dealer's country, if that country submits a copy, through the ICCAT Executive Secretariat, to the Assistant Administrator, and the Assistant Administrator concurs with the ICCAT Secretariat's determination that the document meets the information requirements of the ICCAT recommendation. In such case, the Assistant Administrator shall provide a list of countries for which Bluefin Tuna Statistical Documents are approved, together with examples of such documents to the appropriate official of the U.S. Customs Service. Effective upon the date indicated in such notice to the U.S. Customs Service, shipments of bluefin tuna or bluefin tuna products offered for importation from said country(ies) may be accompanied by either that country's approved Bluefin Tuna Statistical Document or by the Bluefin Tuna Statistical Document provided to the foreign country exporter by the Regional Director.

§ 285.203 Validation requirements.

(a) *Imports.* The approved Bluefin Tuna Statistical Document accompanying any import of bluefin tuna, whether or not the issuing country

is a member of ICCAT, must be validated by a government official from the issuing country, unless the Assistant Administrator waives the government validation requirement for that country following a recommendation to do so by the Executive Secretary of ICCAT. The Assistant Administrator shall furnish a list of countries for which government validation requirements are waived to the appropriate official of the U.S. Customs Service. Said list shall indicate the circumstances of exemption for each issuing country and the non-government institutions, if any, accredited to validate Bluefin Statistical Documents for that country.

(b) *Exports.* The approved Bluefin Tuna Statistical Document accompanying any export of bluefin tuna from the United States must be validated by a U.S. government official, except under circumstances of waiver, if any, specified on the form and accompanying instructions, or in a letter to permitted dealers from the Regional Director. Such circumstances of waiver of government validation shall be consistent with ICCAT recommendations concerning validation of Bluefin Tuna Statistical Documents. If authorized, such waiver of government validation may include:

(1) Exemptions from government validation for fish with individual tags affixed pursuant to § 280.52 or § 285.30 of this chapter, or;

(2) Validation by non-government officials authorized to do so by the Regional Director under paragraph (c) of this section.

(c) *Authorization for non-government validation.* Institutions, or associations seeking authorization to validate Bluefin Tuna Statistical Documents accompanying exports from the United States, must apply in writing to the Regional Director. A letter of application must indicate the procedures to be used for verification of information to be validated, must list the names, addresses, and telephone/fax numbers of individuals to perform validation, and must provide an example of the stamp or seal to be applied to the Bluefin Tuna Statistical Document. Upon finding the institution or association capable of verifying the information required on the Bluefin Tuna Statistical Document, the Regional Director will issue, within 30 days, a letter specifying the duration of effectiveness and conditions of authority to validate Bluefin Tuna Statistical Documents accompanying exports from the United States. The effectiveness of such authorization will be delayed as necessary for the Assistant Administrator to notify the ICCAT

Secretariat of non-government institutions and associations authorized to validate Bluefin Tuna Statistical Documents.

§ 285.204 Ports of entry.

The Assistant Administrator shall monitor the importation of bluefin tuna into the United States. If the Assistant Administrator determines that the diversity of handling practices at certain ports at which bluefin tuna is being imported into the United States allow for circumvention of the Bluefin Tuna Statistical Document requirement, he/she may designate, after consultation with the U.S. Customs Service, those ports at which Pacific or Atlantic bluefin tuna may be imported into the United States. The Assistant Administrator shall announce in the **Federal Register** the names of ports so designated and the effective dates of entry restrictions.

§ 285.205 Prohibitions.

It is unlawful for any person to do any of the following:

(a) Import or attempt to import any bluefin tuna into the United States without an accompanying original form of an approved Bluefin Tuna Statistical Document correctly completed with the appropriate certification and government validation.

(b) Import any bluefin tuna into the United States from a country that requires all such tuna to be tagged, without said tag accompanying the bluefin tuna.

(c) Remove a tag from any bluefin tuna imported into the United States accompanied by a tag, prior to its being cut into portions for a destination in the United States or for export.

(d) Fail to write legibly and indelibly the tag number and the issuing country on the outside of any package containing a part or parts of a bluefin tuna that was imported into the United States accompanied by said tag.

(e) Export or re-export from the United States any bluefin tuna without an accompanying original approved Bluefin Tuna Statistical Document correctly completed with the appropriate certification and, if applicable, validated by a designated official of the United States government or an official of an institution authorized by the Regional Director pursuant to § 285.203(c) to validate such documents.

(f) Fail to provide in a timely manner any originals or copies of Bluefin Tuna Statistical Documents required to be submitted to the Regional Director pursuant to § 285.201.

(g) Write false information on or modify any information previously written on any Bluefin Tuna Statistical Document required by this subpart or to validate such document if not authorized to do so by the Regional Director.

(h) Fail to maintain copies of completed Bluefin Tuna Statistical Documents as required under § 285.201.

(i) Import any bluefin tuna in a manner inconsistent with any ports of entry designated by the Assistant Administrator pursuant to § 285.204.

(j) Reuse, or transfer to another dealer, any numbered Bluefin Tuna Statistical Document issued to a dealer under this subpart.

[FR Doc. 95-6454 Filed 3-16-95; 8:45 am]

BILLING CODE 3510-22-P

50 CFR Part 672

[Docket No. 950206041-5041-01; I.D. 031095E]

Groundfish of the Gulf of Alaska; Pacific Cod in the Central Regulatory Area

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

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for Pacific cod by vessels catching Pacific cod for processing by the offshore component in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the allocation of Pacific cod for the offshore component in this area.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), March 13, 1995, until 12 midnight, A.l.t., December 31, 1995.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 672.

In accordance with § 672.20(c)(1)(ii)(B), the allocation of Pacific cod for the offshore component in the Central Regulatory Area was established by the final groundfish

specifications (60 FR 8470, February 14, 1995), as 4,565 metric tons (mt).

The Director, Alaska Region, NMFS (Regional Director), has determined, in accordance with § 672.20(c)(2)(ii), that the allocation of Pacific cod total allowable catch for the offshore component in the Central Regulatory Area soon will be reached. The Regional Director established a directed fishing allowance of 3,565 mt, with consideration that 1,000 mt will be taken as incidental catch in directed fishing for other species in the Central Regulatory Area. The Regional Director has determined that the directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by operators of vessels catching Pacific cod for processing by the offshore component in the Central Regulatory Area.

Directed fishing standards for applicable gear types may be found in the regulations at § 672.20(g).

Classification

This action is taken under 50 CFR 672.20 and is exempt from review under E.O. 12866.

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

Dated: March 13, 1995.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95-6549 Filed 3-13-95; 4:33 pm]

BILLING CODE 3510-22-F

50 CFR Part 675

[Docket No. 950206040-5040-01; I.D. 031095F]

Groundfish of the Bering Sea and Aleutian Islands Area; Offshore Component Pollock in the Aleutian Islands Subarea

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the offshore component in the Aleutian Islands subarea (AI) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the "A" season allowance of pollock for the offshore component in the Aleutian Islands subarea.