

**Applicability:** Model A320 series airplanes; as listed in Airbus Industrie Service Bulletin A320-29-1048, Revision 1, dated December 4, 1992, and Revision 2, dated September 1, 1994; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or

repair remove any airplane from the applicability of this AD.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent deployment of a thrust reverser during flight, which could adversely affect the controllability of the airplane, accomplish the following:

(a) Within 5 months after the effective date of the AD, accomplish the requirements of paragraph (a)(1) or (a)(2) of this AD, as applicable, in accordance with Airbus Industrie Service Bulletin A320-29-1048, Revision 1, dated December 4, 1992, or Revision 2, dated September 1, 1994.

(1) For airplanes equipped with CFM series engines: Replace the Engine 1 and Engine 2 check valves of the thrust reverser in the nacelle with modified valves as specified in the service bulletin.

(2) For airplanes equipped with International Aero Engines (IAE): Replace the Engine 1 and Engine 2 manual control valves of the thrust reverser on the pylon with modified valves as specified in the service bulletin.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The replacements shall be done in accordance with the following Airbus service bulletins, which contain the specified list of effective pages:

| Service bulletin No. and date                     | Page No.                | Revision level shown on page | Date shown on page |
|---|-------------------------|------------------------------|--------------------|
| A320-29-1048, Revision 2, September 1, 1994 ..... | 1-5 .....               | 2 .....                      | September 1, 1994. |
|   | 7-8, 11, .....          | 1 .....                      | December 4, 1992.  |
|   | 6, 9-10, 12-15 .....    | Original .....               | April 7, 1992.     |
| A320-29-1048, Revision 1, December 4, 1992 .....  | 1-3, 5, 7-8, 11, .....  | 1 .....                      | December 4, 1992.  |
|   | 4, 6, 9-10, 12-15 ..... | Original .....               | April 7, 1992.     |

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on December 27, 1995.

Issued in Renton, Washington, on November 15, 1995.

Darrell M. Pederson,

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95-28525 Filed 11-24-95; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**15 CFR Part 902**

**50 CFR Part 670**

[Docket No. 950825218-5263-02; I.D. 073195A]

RIN 0648-AE47

**Coral Reef Resources of Puerto Rico and the U.S. Virgin Islands; Initial Regulations; OMB Control Numbers**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to implement the approved measures of the Fishery Management Plan for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the U.S. Virgin Islands (FMP). This rule restricts the taking of coral reef resources in or from the exclusive economic zone (EEZ) around Puerto Rico and the U.S. Virgin Islands. NMFS disapproved two measures of the FMP that would have adopted state permit and reporting

requirements, because the state permit systems are not yet fully developed, and the state regulations authorizing these permits, where they exist, do not satisfy the requirements of the Administrative Procedure Act, the Magnuson Fishery Conservation and Management Act (Magnuson Act), and other applicable laws. In addition, NMFS informs the public of the approval by the Office of Management and Budget (OMB) of the collection-of-information requirements contained in this rule and publishes the OMB control numbers for these collections. The intended effect of this rule is to protect important marine resources.

**EFFECTIVE DATES:** December 27, 1995, except for § 670.23(b), which becomes effective March 1, 1996.

**ADDRESSES:** Comments regarding the collection-of-information requirements contained in this rule should be sent to Edward E. Burgess, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, and to the Office of Information and Regulatory Affairs, OMB, Washington, DC 20503 (Attention: NOAA Desk Officer).

**FOR FURTHER INFORMATION CONTACT:** Georgia Cranmore, 813-570-5305.

**SUPPLEMENTARY INFORMATION:** The FMP was prepared by the Caribbean Fishery Management Council (Council) under the authority of the Magnuson Act.

The background and rationale for the measures in the FMP, and the rationale for disapproval of two measures that would have adopted state permit and reporting requirements, were included in the proposed rule (60 FR 46806, September 8, 1995) and are not repeated here.

#### Comments and Responses

Comments were received from the U.S. Coast Guard (USCG), the U.S. Fish and Wildlife Service (USFWS), and the Center for Marine Conservation (CMC). The USCG noted that it was involved in the development of the FMP and had no enforcement or safety concerns.

*Comment:* USFWS offered its "strongest possible support for the measures" and recommended that the Commonwealth of Puerto Rico work closely with the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, and the U.S. Customs Service, in its enforcement and implementation of compatible permit and enforcement programs.

*Response:* NMFS agrees with this comment.

*Comment:* USFWS notes that the FMP specifically addresses the aquarium trade in live organisms but does not fully address the collection of coral reef resources for the curio trade. USFWS points out that some mollusks such as triton's trumpet (*Charonia variegata*) and helmet shells (*Cassis* spp.) may become increasingly rare due to commercial shell collecting.

*Response:* Although some coral reef resources are used in local handicrafts, most organisms sold as curios and used in handicrafts in Puerto Rico are imported, primarily from the Philippines. Commercial shell collecting does not appear to be a problem, at least not in Puerto Rico. However, the FMP's restrictions on taking of coral reef resources apply equally to harvest and sale of live organisms and harvest and sale of organisms taken for eventual use in the curio trade.

*Comment:* USFWS recommended that specific information on scientific and other permitting procedures be included as part of the FMP.

*Response:* NMFS agrees and has advised the Council to incorporate this information through an amendment to the FMP once the states have completed the development of their respective permit systems.

*Comment:* CMC supports the rule and further notes the importance of live rock

as fishery habitat. CMC believes that harvest of coral reef resources can threaten local economies that may be dependent on healthy reef systems for fishing and nonconsumptive uses.

*Response:* NMFS agrees with the CMC's comments.

#### Classification

The Regional Director, Southeast Region, NMFS, determined that the FMP is necessary for the conservation and management of coral reef resources of Puerto Rico and the U.S. Virgin Islands and that it is consistent with the Magnuson Act and other applicable law, with the exception of those measures that were previously disapproved. (See the proposed rule (60 FR 46806, September 8, 1995) for a discussion of the disapproved measures.)

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

The Council prepared a final environmental impact statement (FEIS) for the FMP; a notice of availability for public comment was published on August 8, 1995 (60 FR 40340). According to the FEIS, the restrictions in the FMP would benefit the natural environment by prohibiting activities that damage live bottom habitat areas.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities. The reasons were published in the proposed rule (60 FR 46806, September 8, 1995). As a result, a regulatory flexibility analysis was not prepared.

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 rule contains two collection-of-information requirements subject to the PRA. The first is the requirement for vessel identification. The second is a documentation of origin of prohibited species that are for sale in Puerto Rico or the U.S. Virgin Islands. These collections have been approved by OMB under OMB control numbers 0648-0306 and 0303. The public reporting burdens for these collections of information are estimated to average 15 minutes and 45 minutes per response, respectively. This includes 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 this reporting burden estimate, or any other aspect of the collection of information, including suggestions for reducing the burden, to NMFS and OMB (see ADDRESSES).

#### List of Subjects

##### 15 CFR Part 902

Reporting and recordkeeping requirements.

##### 50 CFR Part 670

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: November 20, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 15 CFR chapter IX and 50 CFR chapter VI 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 the left column under 50 CFR, in numerical order, "670.6" and "670.23", and in the right column, in corresponding positions, the control numbers "- 0306." and "-0303."

#### 50 CFR Chapter VI

3. Part 670 is added to read as follows:

#### **PART 670—CORAL REEF RESOURCES OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS**

##### **Subpart A—General Provisions**

###### **Sec.**

- 670.1 Purpose and scope.
- 670.2 Definitions.
- 670.3 Relation to other laws.
- 670.4 Permits. [Reserved]
- 670.5 Recordkeeping and reporting.
- 670.6 Vessel identification.
- 670.7 Prohibitions.
- 670.8 Facilitation of enforcement.
- 670.9 Penalties.

##### **Subpart B—Management Measures**

- 670.20 Fishing year.
- 670.21 Harvest limitations.
- 670.22 Gear restrictions.
- 670.23 Restrictions on sale or purchase.
- 670.24 Specifically authorized activities.

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

**Subpart A—General Provisions****§ 670.1 Purpose and scope.**

(a) The purpose of this part is to implement the Fishery Management Plan for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the U.S. Virgin Islands prepared by the Caribbean Fishery Management Council under the Magnuson Act.

(b) This part governs conservation and management of coral reef resources in or from the EEZ around Puerto Rico and the U.S. Virgin Islands. "EEZ" in this part refers to the EEZ in those geographical areas, unless the context clearly indicates otherwise.

**§ 670.2 Definitions.**

In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meanings:

*Coral reef resource* means one or more of the following, or a part thereof, whether living or dead:

Sponges—Class Demospongiae

*Aphimedon compressa*, Erect rope sponge

*Chondrilla nucula*, Chicken liver sponge

*Cynachirella alloclada*

*Geodia neptuni*, Potato sponge

*Haliclona* sp., Finger sponge

*Myriastria* sp.

*Niphates digitalis*, Pink vase sponge

*N. erecta*, Lavender rope sponge

*Spinoseella polycifera*

*S. vaginalis*

*Tethya crypta*

Hydrocorals—Class Hydrozoa

Hydroids—Order Athecatae

Family Milleporidae

*Millepora* spp., Fire corals

Family Stylasteridae

*Stylaster roseus*, Rose lace corals

Anthozoans—Class Anthozoa

Soft corals—Order Alcyonacea

Family Anthothelidae

*Erythropodium caribaeorum*,

Encrusting gorgonian

*ICiligorgia schrammi*, Deepwater sea fan

Family Briaridae

*Briareum asbestinum*, Corky sea finger

Family Clavulariidae

*Carijoa riisei*

*Telesto* spp.

Gorgonians—Order Gorgonacea

Family Ellisellidae

*Ellisella* spp., Sea whips

Family Gorgoniidae

*Gorgonia flabellum*, Venus sea fan

*G. mariae*, Wide-mesh sea fan  
*G. ventalina*, Common sea fan  
*Pseudopterogorgia acerosa*, Sea plume

*P. albatrossae*

*P. americana*, Slimy sea plume

*P. bipinnata*, Bipinnate plume

*P. rigida*

*Pterogorgia anceps*, Angular sea whip

*P. citrina*, Yellow sea whip

Family Plexauridae

*Eunicea calyculata*, Warty sea rod

*E. clavigera*

*E. fusca*, Doughnut sea rod

*E. knighti*

*E. laciniata*

*E. laxispica*

*E. mammosa*, Swollen-knob

*E. succinea*, Shelf-knob sea rod

*E. touneforti*

*Muricea atlantica*

*M. elongata*, Orange spiny rod

*M. laxa*, Delicate spiny rod

*M. muricata*, Spiny sea fan

*M. pinnata*, Long spine sea fan

*Muriceopsis* sp.

*M. flavida*, Rough sea plume

*M. sulphurea*

*Plexaura flexuosa*, Bent sea rod

*P. homomalla*, Black sea rod

*Plexaurella dichotoma*, Slit-pore sea rod

*P. fusifera*

*P. grandiflora*

*P. grisea*

*P. nutans*, Giant slit-pore

*Pseudoplexaura crucis*

*P. flagellosa*

*P. porosa*, Porous sea rod

*P. wagnaari*

Hard Corals—Order Scleractinia

Family Acroporidae

*Acropora cervicornis*, Staghorn coral

*A. palmata*, Elkhorn coral

*A. prolifera*, Fused staghorn

Family Agaricidae

*Agaricia agaricities*, Lettuce leaf coral

*A. fragilis*, Fragile saucer

*A. lamarcki*, Lamarck's sheet

*A. tenuifolia*, Thin leaf lettuce

*Leptoseris cucullata*, Sunray lettuce

Family Astrocoeniidae

*Stephanocoenia michelinii*, Blushing star

Family Caryophyllidae

*Eusmilia fastigiata*, Flower coral

*Tubastrea aurea*, Cup coral

Family Faviidae

*Cladocora arbuscula*, Tube coral

*Colpophyllia natans*, Boulder coral

*Diploria clivosa*, Knobby brain coral

*D. labyrinthiformis*, Grooved brain

*D. strigosa*, Symmetrical brain

*Favia fragum*, Golfball coral

*Manicina areolata*, Rose coral

*M. mayori*, Tortugas rose coral

*Montastrea annularis*, Boulder star coral

*M. cavernosa*, Great star coral  
*Solenastrea bournoni*, Smooth star coral

Family Meandrinidae

*Dendrogyra cylindrus*, Pillar coral

*Dichocoenia stellaris*, Pancake star

*D. stokesi*, Elliptical star

*Meandrina meandrites*, Maze coral

Family Mussidae

*Isophyllastrea rigida*, Rough star coral

*Isophyllia sinuosa*, Sinuous cactus

*Mussa angulosa*, Large flower coral

*Mycetophyllia aliciae*, Thin fungus coral

*M. danae*, Fat fungus coral

*M. ferox*, Grooved fungus

*M. lamarckiana*, Fungus coral

*Scolymia cubensis*, Artichoke coral

*S. lacera*, Solitary disk

Family Oculinidae

*Oculina diffusa*, Ivory bush coral

Family Pocilloporidae

*Madracis decactis*, Ten-ray star coral

*M. mirabilis*, Yellow pencil

Family Poritidae

*Porites astreoides*, Mustard hill coral

*P. branneri*, Blue crust coral

*P. divaricata*, Small finger coral

*P. porites*, Finger coral

Family Rhizangiidae

*Astrangia solitaria*, Dwarf cup coral

*Phyllangia americana*, Hidden cup coral

Family Siderastreidae

*Siderastrea radians*, Lesser starlet

*S. siderea*, Massive starlet

Black Corals—Order Antipatharia

*Antipathes* spp., Bushy black coral

*Stichopathes* spp., Wire coral

Anemones—Order Actiniaria

*Aiptasia tagetes*, Pale anemone

*Bartholomea annulata*, Corkscrew

anemone

*Condylactis gigantea*, Giant pink-

tipped anemone

*Hereractis lucida*, Knobby anemone

*Lebrunia* spp., Staghorn anemone

*Stichodactyla helianthus*, Sun

anemone

Colonial Anemones—Order Zoanthidea

*Zoanthus* spp., Sea mat

False Corals—Order Corallimorpharia

*Discosoma* spp. (formerly *Rhodactis*),

False coral

*Ricordia florida*, Florida false coral

Polychaetes—Class Polychaeta

Family Sabellidae, Feather duster

worms

*Sabellastarte* spp., Tube worms

*S. magnifica*, Magnificent duster

Family Serpulidae

*Spirobranchus giganteus*, Christmas

tree worm

Gastropods—Class Gastropoda

Family Elysiidae

*Tridachia crispata*, Lettuce sea slug  
Family Olividae  
*Oliva reticularis*, Netted olive  
Family Ovulidae  
*Charonia tritonis*, Atlantic triton  
trumpet  
*Cyphoma gibbosum*, Flamingo tongue  
Family Strombidae, Winged conchs  
*Strombus* spp. (except Queen conch,  
*S. gigas*)  
Bivalves—Class Bivalvia  
Family Limidae  
*Lima* spp., Fileclams  
*L. scabra*, Rough fileclam  
Family Spondylidae  
*Spondylus americanus*, Atlantic  
thorny oyster  
Cephalopods—Class Cephalopoda  
Octopuses—Order Octopoda  
Family Octopodidae  
*Octopus* spp. (except the Common  
octopus, *O. vulgaris*)  
Crustaceans—Class Crustacea  
Decapods—Order Decapoda  
Family Alpheidae  
*Alpheus armatus*, Snapping shrimp  
Family Diogenidae  
*Paguristes* spp., Hermit crabs  
*P. cadenati*, Red reef hermit  
Family Grapsidae  
*Percnon gibbesi*, Nimble spray crab  
Family Hippolytidae  
*Lysmata* spp., Peppermint shrimp  
*Thor amboinensis*, Anemone shrimp  
Family Majidae, Coral crabs  
*Mithrax* spp., Clinging crabs  
*M. cinctimanus*, Banded clinging  
*M. sculptus*, Green clinging  
*Stenorhynchus seticornis*, Yellowline  
arrow  
Family Majidae, Coral crabs  
*Mithrax* spp., Clinging crabs  
*M. cinctimanus*, Banded clinging  
*M. sculptus*, Green clinging  
*Stenorhynchus seticornis*, Yellowline  
arrow  
Family Palaemonida  
*Periclimenes* spp., Cleaner shrimp  
Family Squillidae, Mantis crabs  
*Gonodactylus* spp.  
*Lysiosquilla* spp.  
Family Stenopodidae, Coral shrimp  
*Stenopus hispidus*, Banded shrimp  
*S. scutellatus*, Golden shrimp  
Bryozoans—Phylum Bryozoa  
Starfish—Class Stellerioidea  
*Analcidometra armata*, Swimming  
crinoid  
*Astropecten* spp., Sand stars  
*Astrophyton muricatum*, Giant basket  
star  
*Davidaster* spp., Crinoids  
*Linckia guildingii*, Common comet  
star

*Nemaster* spp., Crinoids  
*Ophiaster guildingii*, Comet star  
*Ophiocoma* spp., Brittlestars  
*Ophioderma* spp., Brittlestars  
*O. rubicundum*, Ruby brittlestar  
*Oreaster reticulatus*, Cushion sea star  
Sea Urchins—Class Echinoidea  
*Diadema antillarum*, Long-spined  
urchin  
*Echinometra* spp., Purple urchin  
*Eucidaris tribuloides*, Pencil urchin  
*Lytechinus* spp., Pin cushion urchin  
*Triploneustes ventricosus*, Sea egg  
Sea Cucumbers—Class Holothuroidea  
*Holothuria* spp., Sea cucumbers  
Tunicates—Subphylum Urochordata  
Green Algae—Phylum Chlorophyta  
*Caulerpa* spp., Green grape algae  
*Halimeda* spp., Watercress algae  
*Penicillus* spp., Neptune's brush  
*Udotea* spp., Mermaid's fan  
*Ventricaria ventricosa*, Sea pearls  
Red Algae—Phylum Rhodophyta  
Sea grasses—Phylum Angiospermae  
*Halodule wrightii*, Shoal grass  
*Halophila* spp., Sea vines  
*Ruppia maritima*, Widgeon grass  
*Syringodium filiforme*, Manatee grass  
*Thalassia testudium*, Turtle grass  
*Gorgonian* means a coral reef resource  
of the Class Anthozoa, Subclass  
Octocorallia, Order Gorgonacea.  
*Live rock* means a coral reef resource  
attached to a hard substrate, including  
dead coral or rock (excluding individual  
mollusk shells).  
*Prohibited species* means a gorgonian,  
a live rock, or a stony coral, or a part  
thereof.  
*Regional Director* means the Director,  
Southeast Region, NMFS, 9721  
Executive Center Drive N., St.  
Petersburg, FL 33702, telephone: 813-  
570-5301; or a designee.  
*Science and Research Director* means  
the Science and Research Director,  
Southeast Fisheries Science Center,  
NMFS, 75 Virginia Beach Drive, Miami,  
FL 33149, telephone 305-361-5761; or a  
designee.  
*Scientific, educational, or restoration  
purpose* means the objective of gaining  
knowledge for the benefit of science,  
humanity, or management of coral reef  
resources or restoring a disturbed  
habitat as closely as possible to its  
original condition.  
*Stony coral* means a coral reef  
resource—  
(1) Of the Class Hydrozoa (fire corals  
and hydrocorals); or  
(2) Of the Class Anthozoa, Subclass  
Hexacorallia, Orders Scleractinia (stony  
corals) and Antipatharia (black corals).

**§ 670.3 Relation to other laws.**

The relation of this part to other laws  
is set forth in § 620.3 of this chapter.

**§ 670.4 Permits. [Reserved]****§ 670.5 Recordkeeping and reporting.**

A person possessing a coral reef  
resource in or from the EEZ is required  
upon request to make such coral reef  
resource available for inspection by the  
Science and Research Director or an  
authorized officer.

**§ 670.6 Vessel identification.**

(a) *Official number*. A vessel that  
fishes for or possesses coral reef  
resources in or from the EEZ must  
display its official number—  
(1) On the port and starboard sides of  
the deckhouse or hull, and on an  
appropriate weather deck, so as to be  
clearly visible from an enforcement  
vessel or aircraft;  
(2) In block arabic numerals in  
contrasting color to the background;  
(3) At least 18 inches (45.7 cm) in  
height for fishing vessels over 65 ft (19.8  
m) in length and at least 10 inches (25.4  
cm) in height for all other vessels; and  
(4) Permanently affixed to or painted  
on the vessel.  
(b) *Duties of operator*. The operator of  
a vessel that fishes for or possesses coral  
reef resources in or from the EEZ must—  
(1) Keep the official number clearly  
legible and in good repair; and  
(2) Ensure that no part of the fishing  
vessel, its rigging, fishing gear, or any  
other material on board obstructs the  
view of the official number from an  
enforcement vessel or aircraft.

**§ 670.7 Prohibitions.**

In addition to the general prohibitions  
specified in § 620.7 of this chapter, it is  
unlawful for any person to do any of the  
following:

- (a) Fail to make a coral reef resource  
in or from the EEZ available for  
inspection, as specified in § 670.5.
- (b) Falsify or fail to display and  
maintain vessel identification, as  
required by § 670.6.
- (c) Fish for or possess a prohibited  
species in or from the EEZ, as specified  
in § 670.21.
- (d) Use an explosive to harvest a coral  
reef resource in the EEZ or possess  
dynamite or a similar explosive  
substance on board a vessel, as specified  
in § 670.22(a).
- (e) Use a chemical, plant, or plant  
derived toxin to harvest a coral reef  
resource in the EEZ, as specified in  
§ 670.22(b).
- (f) Harvest a coral reef resource in the  
EEZ other than as specified in  
§ 670.22(c).
- (g) Purchase, barter, trade, or sell, or  
attempt to purchase, barter, trade, or

sell, a prohibited species harvested in the EEZ, as specified in § 670.23(a).

(h) Make any false statement, oral or written, to an authorized officer concerning the taking, catching, harvesting, landing, purchase, sale, possession, or transfer of a coral reef resource.

(i) Interfere with, obstruct, delay, or prevent by any means an investigation, search, seizure, or disposition of seized property in connection with enforcement of the Magnuson Act.

**§ 670.8 Facilitation of enforcement.**

See § 620.8 of this chapter.

**§ 670.9 Penalties.**

See § 620.9 of this chapter.

**Subpart B—Management Measures**

**§ 670.20 Fishing year.**

The fishing year for coral reef resources begins on January 1 and ends on December 31.

**§ 670.21 Harvest limitations.**

No person may fish for or possess a prohibited species in or from the EEZ. The taking of a prohibited species in the EEZ as incidental catch will not be considered unlawful possession of a prohibited species provided it is returned immediately to the sea in the general area of fishing.

**§ 670.22 Gear restrictions.**

(a) An explosive may not be used to harvest a coral reef resource in the EEZ. Dynamite or a similar explosive substance may not be possessed on board a vessel that possesses a coral reef resource in or from the EEZ.

(b) No person may use a chemical, plant, or plant derived toxin to harvest a coral reef resource in the EEZ.

(c) A coral reef resource in the EEZ may be harvested only with a hand-held dip net or slurp gun, or by hand in a manner that does not injure or destroy a coral reef resource or its habitat. For the purposes of § 670.7(f) and this paragraph (c), a hand-held slurp gun is a device that rapidly draws seawater containing fish into a self-contained chamber.

**§ 670.23 Restrictions on sale or purchase.**

(a) No person may purchase, barter, trade, or sell, or attempt to purchase, barter, trade, or sell, a prohibited species harvested in the EEZ.

(b) Effective March 1, 1996, a prohibited species that is sold or exchanged, or offered for sale or exchange, in Puerto Rico or the U.S. Virgin Islands will be presumed to have been harvested in the EEZ unless it is accompanied by documentation

showing that it was harvested elsewhere. Such documentation must contain:

(1) The information specified in 50 CFR part 246 for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce;

(2) The name and home port of the vessel, or the name and address of the individual, harvesting the prohibited species;

(3) The port and date of landing the prohibited species; and

(4) A statement signed by the person selling or exchanging, or offering for sale or exchange, the prohibited species attesting that, to the best of his or her knowledge, information, and belief, such prohibited species was harvested other than in the EEZ or the waters of Puerto Rico or the U.S. Virgin Islands.

**§ 670.24 Specifically authorized activities.**

The Regional Director may authorize the harvest and possession of a prohibited species in or from the EEZ for a scientific, educational, or restoration purpose and may authorize activities otherwise prohibited by the regulations in this part for the acquisition of information and data.

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**SOCIAL SECURITY ADMINISTRATION**

**20 CFR Part 498**

**RIN 0960-AE33**

**Social Security Programs: Fraud and Abuse; Establishment of New Part 498 to Address Civil Monetary Penalties, Assessments and Exclusions**

**AGENCY:** Office of the Inspector General (OTG), SSA.

**ACTION:** Final rule.

**SUMMARY:** This final rule establishes a new part 498, which will serve as a repository for the Social Security Administration's existing civil monetary penalty authorities and which will reflect and implement new civil monetary penalty authorities provided under the Social Security Independence and Program Improvements Act of 1994. In the first phase of this process, the Social Security Administration in this final rule will relocate its existing regulations for misuse of Social Security program words, letters, symbols, and emblems to part 498. In addition, the existing regulations will be updated in this final rule to reflect nondiscretionary changes made by the Social Security

Independence and Program Improvements Act of 1994.

**EFFECTIVE DATE:** November 27, 1995.

**FOR FURTHER INFORMATION CONTACT:** Judith A. Kidwell, Office of the Inspector General, (410) 965-9750 or Glenn Sklar, Office of the General Counsel, (410) 965-6247.

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 101 of Public Law (Pub. L.) 103-296, the Social Security Independence and Program Improvements Act of 1994 (SSIIPIA), established the Social Security Administration (SSA) as an independent agency in the Executive Branch effective March 31, 1995. Previously, SSA had been a component of the Department of Health and Human Services (HHS).

In creating an independent SSA, the SSIIPIA also established an independent Office of the Inspector General (OIG) within SSA, and authorized the Commissioner of Social Security (Commissioner) to delegate authority to impose certain civil monetary penalties (CMPs). In order to properly reflect its delegated authority with respect to CMPs, the OIG is establishing 20 CFR part 498. This part will: (1) Incorporate existing CMP authorities for misuse of Social Security program words, letters, symbols, and emblems which had previously been located in 42 CFR part 1003; (2) establish a new location for newly designated and future CMP provisions; (3) set forth the basis for any OIG penalty authorities and the factors to be considered in determining penalty amounts; and (4) detail the hearing process to be utilized in the imposition of these CMP provisions.

New Authorities for SSA Inspector General

*Section 1129 of the Social Security Act*

Section 206(b) of the SSIIPIA provided expanded authority for SSA to impose CMPs and assessments against persons who make false statements or representations for use in determining any initial or continuing right to or amount of benefit payments under title II or title XVI of the Social Security Act (the Act), if such person knew or should have known that the statement was false, misleading or omitted a material fact. Section 206(b) of the SSIIPIA added section 1129 to the Act, effective October 1, 1994, and section 108 of the SSIIPIA made additional conforming amendments effective March 31, 1995. This section 1129 authority to impose CMPs, including the authority to issue implementing rules, was delegated to