

## DEPARTMENT OF STATE

[Public Notice 3141]

**Determination by the Department of State Regarding Shrimp Imports From the Spencer Gulf in Southern Australia**

**SUMMARY:** The Department of State has determined that the harvesting of shrimp in the Spencer Gulf of southern Australia does not pose a threat of the incidental taking of sea turtles. Accordingly, the prohibitions on the importation of shrimp set forth in Section 609 of Public Law 101-162 do not apply to shrimp harvested in the Spencer Gulf.

**EFFECTIVE DATE:** October 27, 1999.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Hogan, Office of Marine Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington DC, telephone number (202) 647-2335.

**SUPPLEMENTARY INFORMATION:** Section 609 of Public Law 101-162 ("Section 609") provides that shrimp harvested with commercial fishing technology that may adversely affect certain species of sea turtles may not be imported into the United States. This import prohibition does not apply to certain categories of shrimp harvested in ways that do not harm sea turtle species.

Following the publication by the Department of State of a notice in the **Federal Register** on July 8, 1999 (Public Notice 3086, 64 FR 36946), which revised the guidelines used by the Department in implementing Section 609, the relevant provisions of those guidelines specify that:

**"B. Shrimp Harvested in a Manner Not Harmful to Sea Turtles**

The Department of State has determined that the import prohibitions imposed pursuant to Section 609 do not apply to shrimp or products of shrimp harvested under the following conditions, since such harvesting does not adversely affect sea turtle species:

a. Shrimp harvested in an aquaculture facility in which the shrimp spend at least 30 days in a pond prior to being harvested.

b. Shrimp harvested by commercial shrimp trawl vessels using TEDs comparable in effectiveness to those required in the United States.

c. Shrimp harvested exclusively by means that do not involve the retrieval of fishing nets by mechanical devices, such as winches, pulleys, power blocks or other devices providing mechanical advantage, or by vessels using gear that,

in accordance with the U.S. program described above, would not require TEDs.

*d. Shrimp harvested in any other manner or under any other circumstances that the Department of State may determine, following consultation with the National Marine Fisheries Service, does not pose a threat of the incidental taking of sea turtles. The Department of State shall publish any such determinations in the Federal Register and shall notify affected foreign governments and other interested parties directly." (emphasis added.)*

The Department of State hereby determines, following consultation with the National Marine Fisheries Service, that the harvesting of shrimp in the Spencer Gulf in southern Australia does not pose a threat of the incidental taking of sea turtles.

In requesting such a determination, the Government of Australia submitted information, including a report compiled by the South Australian Research and Development Institute, which contained evidence, described below, that commercial shrimp trawling operations in the Spencer Gulf do not pose a threat to sea turtles. This information, which was reviewed by the Office of Marine Conservation of the Department of State and the Office of Protected Resources of the National Marine Fisheries Service, includes a wide range of scientific, biological and commercial data.

In particular, the information submitted by the Government of Australia reflects diverse sources of data from long-term surveys—fishery dependent and independent observer records, logbooks and records of sea turtle strandings. The data on sea turtle distribution and migrations are based on the credible research of scientists. The lack of nesting sites along the entire coast of southern Australia, as well as the near absence of stranded sea turtles, near-shore sea turtle sightings, and trawl-captured sea turtles since 1968 indicate that sea turtle abundance in the area is extremely low.

Accordingly, shrimp harvested in the Spencer Gulf are not subject to the import prohibitions imposed pursuant to Section 609. The Department of State has notified the U.S. Customs Service and other interested parties of this determination.

Dated: October 20, 1999.

**R. Tucker Scully,**  
*Deputy Assistant Secretary for Oceans, Fisheries and Space.*

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

**Aviation Rulemaking Advisory Committee; Transport Airplane and Engine Issues—New Task**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of new task assignment for the Aviation Rulemaking Advisory Committee (ARAC).

**SUMMARY:** Notice is given of a new task assigned to and accepted by the Aviation Rulemaking Advisory Committee (ARAC). This notice informs the public of the activities of ARAC.

**FOR FURTHER INFORMATION CONTACT:** Dorenda Baker, Transport Airplane Directorate, Aircraft Certification Service (ANM-110), 1601 Lind Avenue, SW., Renton, WA 98055; phone (425) 227-2109; fax (425) 227-1320.

**SUPPLEMENTARY INFORMATION:****Background**

The FAA has established an Aviation Rulemaking Advisory Committee to provide advice and recommendations to the FAA Administrator, through the Associate Administrator for Regulation and Certification, on the full range of the FAA's rulemaking activities with respect to aviation-related issues. This includes obtaining advice and recommendations on the FAA's commitment to harmonize its Federal Aviation Regulations (FAR) and practices with its trading partners in Europe and Canada.

One area ARAC deals with is transport airplane and engine issues. These issues involve the airworthiness standards for transport category airplanes and engines in 14 CFR parts 25, 33, and 35 and parallel provisions in 14 CFR parts 121 and 135.

**The Task**

This notice is to inform the public that the FAA has asked ARAC to provide advice and recommendation on the following harmonization task:

*Task: Implementation of International Civil Aviation Organization (ICAO) Rules From Amendment 97 to Annex 8 Concerning Design for Security*

ICAO provisions for annex 8 "Airworthiness of Aircraft" concerning design for security were submitted to states for comment in 1994. The following were adopted by the ICAO Air Navigation Council by Amendment 97 on March 12, 1997 and will be effective on March 12, 2000.

- Survivability of systems