

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 041400A]

Taking and Importing of Marine Mammals

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

ACTION: Notice of affirmative finding; removal of embargo.

SUMMARY: The Assistant Administrator for Fisheries, NMFS, issued an affirmative finding for the Government of Mexico under the Marine Mammal Protection Act (MMPA) on April 12, 2000. This affirmative finding allows importation into the United States of yellowfin tuna and yellowfin tuna products harvested in the eastern tropical Pacific Ocean (ETP) after March 3, 1999, by Mexican-flag purse seine vessels or vessels operating under Mexican jurisdiction greater than 400 short tons (362.8 mt) carrying capacity. The affirmative finding was based on documentary evidence submitted by the Government of Mexico and obtained from the Inter-American Tropical Tuna Commission (IATTC). This finding remains in effect through March 31, 2001.

DATES: Effective April 12, 2000, through March 31, 2001.

FOR FURTHER INFORMATION CONTACT: Regional Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, California, 90802-4213; Phone 562-980-4000; Fax 562-980-4018.

SUPPLEMENTARY INFORMATION: The MMPA, 16 U.S.C. 1361 et seq, as amended by the International Dolphin Conservation Program Act (IDCPA) (P. L. 105-42), allows the entry into the United States of yellowfin tuna harvested by purse seine vessels in the eastern tropical Pacific Ocean (ETP) under certain conditions. If requested by the harvesting nation, the Assistant Administrator for Fisheries, NOAA, will determine whether to make an affirmative finding based upon documentary evidence provided by the government of the harvesting nation, by the International Dolphin Conservation Program (IDCP), the IATTC, or the Department of State. A finding will remain valid for 1 year (April 1 through March 31) or for such other period as the Assistant Administrator for Fisheries may determine. The harvesting nation must submit an

application directly to the Assistant Administrator for Fisheries for the first affirmative finding. Every 5 years, the government of the harvesting nation, must request an affirmative finding and submit the required documentary evidence directly to the Assistant Administrator for Fisheries. The Assistant Administrator may require the submission of additional supporting documentation or verification of statements made in connection with requests to allow importations. An affirmative finding applies to tuna and tuna products that were harvested in the ETP by purse seine vessels of the nation, and applies to any tuna harvested in the ETP purse seine fishery after March 3, 1999, the effective date of the IDCPA.

The affirmative finding process requires that the harvesting nation meet several conditions related to compliance with the IDCP. To issue an annual affirmative finding, NMFS must receive the following information:

1. A statement requesting an affirmative finding;
2. Evidence of membership in the IATTC;
3. Evidence that a nation is meeting its obligations to the IATTC, including financial obligations;
4. Evidence that a nation is complying with the IDCP. For example, national laws and regulations implementing the Agreement on the IDCP and information that the nation is enforcing those laws and regulations;
5. Evidence of a tuna tracking and verification program comparable to the U.S. tracking and verification regulations at 50 CFR 216.94;
6. Evidence that the national fleet dolphin mortality limits (DMLs) were not exceeded in the previous calendar;
7. Evidence that the national fleet per-stock per-year mortality limits, if they are allocated to countries, were not exceeded in the previous calendar year;
8. Authorization for the IATTC to release to the Assistant Administrator for Fisheries complete, accurate, and timely information necessary to verify and inspect Tuna Tracking Forms; and
9. Authorization for the IATTC to release to the Assistant Administrator for Fisheries information whether a nation is meeting its obligations of membership to the IATTC and whether a nation is meeting its obligations under the IDCP, including managing (not exceeding) its national fleet DMLs or its national fleet per-stock per-year mortality limits. A nation may opt to provide this information directly to NMFS on an annual basis or to authorize the IATTC to release the information to NMFS in years when NMFS will review and consider

whether to issue an affirmative finding determination without an application from the harvesting nation.

An affirmative finding will be terminated, in consultation with the Secretary of State, if the Assistant Administrator for Fisheries determines that the requirements of 50 CFR 216.24(f)(9) are no longer being met or that a nation is consistently failing to take enforcement actions on violations which diminish the effectiveness of the IDCP. Every 5 years, the government of the harvesting nation, must request an affirmative finding and submit the required documentary evidence directly to the Assistant Administrator for Fisheries.

The Assistant Administrator for Fisheries reviewed the application and documentary evidence submitted by the Government of Mexico and determined that the requirements under the MMPA to receive an affirmative finding have been met for the purposes of issuing an affirmative finding for the period April 1—March 31, 2001. On April 12, 2000, after consultation with the Department of State, NMFS issued an affirmative finding that removed the embargo and allows yellowfin tuna and products derived from yellowfin tuna harvested in the ETP by Mexican-flag purse seine vessels or vessels under Mexican jurisdiction greater than 400 short tons (362.8 metric tons) carrying capacity after March 3, 1999, to be imported into the United States. In subsequent years 2001 through 2004, the Assistant Administrator will determine on an annual basis whether the Government of Mexico is meeting the requirements under section 101 (a)(2)(B) and (C) of the MMPA. NMFS will use documentary evidence provided by the IATTC and the Department of State or by the harvesting nation on an annual basis to determine whether the finding should be renewed. If necessary, documentary evidence may also be requested from the Government of Mexico to determine whether the affirmative finding criteria are being met. A new application is due by the Government of Mexico if the affirmative finding lapses or is revoked. If the affirmative finding for the Government of Mexico is renewed after NMFS's annual review in the years 2001 to 2004, the Government of Mexico must submit a new application in early 2005 for an affirmative finding to be effective for the period April 1, 2005, through March 31, 2006, and subsequent years.

Dated: April 19, 2000.

Andrew A. Rosenberg,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 050100A]

New England Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Committee and Advisory Panel, Habitat Committee and Advisory Panel, Enforcement Committee, and Gear Conflict Committee and Advisory Panel in May and June, 2000 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meetings will be held between Wednesday, May 24, 2000 and Friday, June 2, 2000. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held in Peabody and Mansfield, MA. See **SUPPLEMENTARY INFORMATION** for specific locations.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council (978) 465-0492.

SUPPLEMENTARY INFORMATION:

Meeting Dates and Agendas

Wednesday, May 24, 2000, at 9:30 a.m. and Thursday, May 25, 2000, at 8:30 a.m.—Scallop Committee and Scallop Advisory Panel Joint Meeting

Location: Kings Grant Inn, Trask Road, Route 128, Exit 21N, Danvers, MA 01923; telephone: (978) 774-6800; fax: (978) 774-6502.

The committee and advisors will review and finalize the draft management alternatives for Amendment 10 to the fishery

management plan. Part of the meeting on May 24, 2000 will be a joint meeting with the Habitat Committee and its advisors.

Amendment 10 considers new area rotation systems to improve scallop yield, changes to the framework adjustment process and timing, modifications to the crew size limit, and possible trawl gear modifications to improve size selection. The purpose of this meeting will be to evaluate draft Amendment 10 alternatives, identify potential impacts, and recommend modifications to these conceptual alternatives so that the potential impacts are taken into account.

The committee will recommend these draft alternatives to the Council at its June 14-15, 2000 meeting for inclusion and analysis in the Draft Supplemental Environmental Impact Statement.

Wednesday, May 24, 2000, at 9:30 a.m.—Habitat Committee and Habitat Advisory Panel Joint Meeting

Location: Kings Grant Inn, Trask Road, Route 128, Exit 21N, Danvers, MA 01923; telephone: (978) 774-6800; fax: (978) 774-6502.

The committee and advisors will discuss and develop recommendations for Amendment 10 to the Sea Scallop Fishery Management Plan. The purpose of this joint meeting will be to evaluate draft Amendment 10 alternatives, identify potential impacts, and recommend modifications to these conceptual alternatives so that the potential impacts are taken into account. This meeting is being held jointly with the Scallop Oversight Committee meeting announced above.

Thursday, June 1, 2000, at 9:30 a.m.—Joint Scallop Oversight Committee and Enforcement Committee Meeting

Location: Holiday Inn, 31 Hampshire Street, Mansfield, MA 02048; telephone: (508) 339-2200; fax: (508) 339-1040.

The committee will discuss and develop recommendations for Amendment 10 to the Sea Scallop Fishery Management Plan. The purpose of this joint meeting will be to evaluate draft Amendment 10 alternatives, identify potential impacts, and recommend modifications to these conceptual alternatives so that the potential impacts are taken into account. Also, the committee will evaluate enforcement of general category permit gear restrictions and will hear a presentation by the NMFS Office of Law Enforcement on enforcement of day-at-sea and closed area regulations through the Vessel Monitoring System.

Friday, June 2, 2000, at 9:30 a.m.—Joint Scallop Oversight Committee and Gear Conflict Committee Meeting

Location: Holiday Inn, 31 Hampshire Street, Mansfield, MA 02048; telephone: (508) 339-2200; fax: (508) 339-1040.

The committee will discuss and develop recommendations for Amendment 10 to the Sea Scallop Fishery Management Plan. The purpose of this joint meeting will be to evaluate draft Amendment 10 alternatives, identify potential impacts, and recommend modifications to these conceptual alternatives so that the potential impacts are taken into account.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject for formal action during these meetings. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: May 2, 2000.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title and OMB Number: Defense Reutilization and Marketing Service Customer Comment Card; OMB Number 0704-0394.

Type of Request: Extension.

Number of Respondents: 800.

Responses Per Respondent: 1.

Annual Responses: 800.