

The Corporation may also require that individuals provide minimal identifying data such as full name, date and place of birth, or other personal information necessary to ensure proper identity before processing requests for records.

§ 310.6 [Amended]

6. Section 310.6 is amended by adding the phrase "for release to the patient" at the end of the second sentence.

7. In § 310.9, paragraph (d) is redesignated as paragraph (e) and a new paragraph (d) is added to read as follows:

§ 310.9 Appeal of adverse initial agency determination on access or amendment.

* * * * *

(d) Any statement of disagreement with the Corporation's refusal to amend, filed with the Corporation by an individual pursuant to § 310.9(c), will be included in the disclosure of any records under the authority of § 310.10(b). The Corporation may in its discretion also include a copy of a concise statement of its reasons for not making the requested amendment.

* * * * *

8. Section 310.10 is amended by revising paragraphs (b)(6) and (b)(10); adding a new paragraph (b)(12); removing paragraph (c); redesignating paragraphs (d) and (e) as paragraphs (c) and (d), respectively; amending newly designated paragraph (c) by removing "paragraphs (b)(3) through (b)(11)" and adding in its place "paragraphs (b)(3) through (b)(12)"; and amending newly designated paragraph (d) by removing "paragraph (d)(1)" and adding in its place "paragraph (c)(1)" as follows:

§ 310.10 Disclosure of record to person other than the individual to whom it pertains.

* * * * *

(b) * * *

(6) To the National Archives and Records Administration as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Archivist of the United States or his or her designee to determine whether the record has such value;

* * * * *

(10) To the Comptroller General, or any of his or her authorized representatives, in the course of the performance of the duties of the General Accounting Office;

* * * * *

(12) To a consumer reporting agency in accordance with section 3711(f) of Title 31.

* * * * *

§ 310.11 [Amended]

9. Section 310.11(b) is amended by removing "\$2" and adding in its place "\$10".

§ 310.13 [Amended]

10. Section 310.13 is amended by removing "§ 310.10(d)(2)" each place it appears and adding in its place "§ 310.10(c)(2)".

By order of the Board of Directors.
Dated at Washington, DC, this 13th day of August, 1996.
Federal Deposit Insurance Corporation.
Jerry L. Langley,
Executive Secretary.

[FR Doc. 96-21545 Filed 8-22-96; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 648

[Docket No. 960520141-6221-02; I.D. 042696A]

RIN 0648-AH05

Fisheries of the Northeastern United States; Summer Flounder and Scup Fisheries; Amendment 8

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 provisions of Amendment 8 to the Fishery Management Plan (FMP) for the Summer Flounder and Scup Fisheries. Amendment 8 implements management measures for the scup fishery in order to reduce fishing mortality and to allow the stock to rebuild.

EFFECTIVE DATE: September 23, 1996.

ADDRESSES: Copies of Amendment 8, the final environmental impact statement (FEIS), the regulatory impact review, and other supporting documents are available upon request from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901-6790.

Comments regarding burden-hour estimates for collection-of-information

requirements contained in this final rule should be sent to Dr. Andrew A. Rosenberg, Regional Director, 1 Blackburn Drive, Gloucester, MA 01930 and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC, 20503 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Regina L. Spallone, Fishery Policy Analyst, 508-281-9221.

SUPPLEMENTARY INFORMATION:

Background

This final rule implements approved measures contained in Amendment 8 to the FMP, which was approved by NMFS on behalf of the Secretary of Commerce (Secretary) on July 29, 1996. Amendment 8 was prepared by the Mid-Atlantic Fishery Management Council (Council) in consultation with the Atlantic States Marine Fisheries Commission (ASMFC) and the New England and South Atlantic Fishery Management Councils. Background concerning the development of Amendment 8 was provided in the notice of proposed rulemaking (61 FR 27851, June 3, 1996), and is not repeated here. Amendment 8 revises the summer flounder (*Paralichthys dentatus*) FMP to include management measures for the scup (*Stenotomus chrysops*) fishery pursuant to the Magnuson Fishery Conservation and Management Act, as amended (Magnuson Act). The management unit for the scup fishery covered by this amendment is U.S. waters of the western Atlantic Ocean from 35°15.3' N. lat., the latitude of Cape Hatteras Light, NC, northward to the United States-Canada border.

NMFS, on behalf of the Secretary, disapproved six measures proposed in Amendment 8 upon preliminary evaluation of the amendment as authorized by section 304(a)(1)(A)(ii) of the Magnuson Act. A revision of three of those disapproved measures was submitted by the Council (referred to as the revised portion of Amendment 8). A notice of availability of the revised portion of Amendment 8 was published on August 6, 1996 (61 FR 40180), and the proposed rule to implement the revised portion of Amendment 8 will be published shortly. A decision on approval or disapproval of the revised portion of Amendment 8 is pending.

This rule implements measures in Amendment 8 that are expected to reduce the fishing mortality rate for scup and allow the stock to rebuild. The proposed rule for this action would have amended 50 CFR part 625, at that time the regulations implementing the

Fishery Management Plan for the Summer Flounder Fishery. However, as part of the President's Regulatory Reintervention Initiative, regulations implementing all fishery management plans for the marine fisheries of the Northeast region were consolidated into one CFR part, 50 CFR part 648, published July 3, 1996 (61 FR 34966). Therefore, this rule implements final scup measures by amending 50 CFR part 648.

Incorporation of Emergency Measures Into the Final Rule

On March 27, 1996 (61 FR 13452), NMFS published an emergency rule that imposed management measures for scup, effective through June 25, 1996, and, subsequently, extended through September 23, 1996 (61 FR 33382, June 27, 1996). The emergency rule established minimum fish sizes for both the commercial and recreational fisheries, and a minimum codend mesh size for commercial fishing vessels possessing more than the threshold level of scup on board in the exclusive economic zone (EEZ). This final rule implements permanently those measures that were contained in both the emergency rule and the proposed rule for Amendment 8.

Amendment 8 Measures

This final rule implements a moratorium on new entrants into the commercial scup fishery, implements restrictions on the size of vessels allowed as a replacement for a moratorium eligible vessel, requires charter/party vessel, dealer, and operator permits, and establishes reporting and recordkeeping requirements. This rule also implements the following measures, which may be adjusted annually through the review process specified in Amendment 8: Minimum fish sizes; a minimum mesh size for otter trawl vessels possessing a specified threshold catch level, which is initially specified at 4,000 lb or more (1,814 kg or more) of scup; a maximum roller size; pot and trap gear requirements; and a requirement that scup pots and traps have hinges and fasteners on one panel or door made of degradable materials. Gear-specific seasonal and area closures, modifications to the recreational season, possession limit, and minimum size may also be implemented if the Council deems them necessary in its annual review process. A coastwide harvest limit will be specified in the second year of the FMP at a level that will reduce the exploitation rate to the level specified in the rebuilding schedule. This harvest limit will be allocated 78

percent to the commercial fishery, via a coastwide commercial quota, and 22 percent to the recreational fishery, via a recreational harvest limit. The coastwide harvest limit will be set annually following the annual review process set forth in this rule.

The Council and the ASMFC may, in the future, alter the system to distribute and manage the annual commercial quota. Coastwide, regional, and state-by-state quotas may be considered in combination with different fractions of the fishing year.

Comments and Responses

Written comments from the Commonwealth of Massachusetts, Division of Marine Fisheries (MADMF), U.S. Coast Guard (USCG), Council, and the U.S. Small Business Administration, Office of Advocacy (SBA), and one member of the public, were received during the public comment period.

Comment: MADMF commented that the amendment lacks restrictions such as trip limits to slow the catch, and questioned whether the quota strategy complies with national standard 4 of the Magnuson Act. MADMF believes that this strategy could result in the entire EEZ's being closed to the harvest of scup by April, precluding the Massachusetts inshore scup fishery from being prosecuted. MADMF also commented that, although the Council currently contemplates drafting a regulatory amendment to revise the quota management system, it will not be implemented in time for setting the 1997 quota.

Response: NMFS recognizes that no mechanism exists in the current rule to establish trip limits to regulate further the scup catch in 1997 under a coastwide quota system. However, provisions do exist in this rule that will control fishing (e.g., season and area closures). Restrictions on gear, and season and area closures are measures that the Council may adopt during the annual review process. The Council is aware of the time frame necessary to implement any changes to the quota system. Although time is short, a revision could still be in effect by January 1, 1997, if the Council and the ASMFC are able to agree on an acceptable alternative to the coastwide quota system.

Comment: MADMF recommended that NMFS postpone a decision on the quota management approach until details are finalized.

Response: NMFS, on behalf of the Secretary, may only approve or disapprove measures included in a proposed amendment. Disapproval must be based upon inconsistency with the

national standards or other applicable law. The current quota strategy in Amendment 8 has been determined to be consistent with the national standards of the Magnuson Act, and other applicable law. Further, to postpone the implementation of the quota, and hence to implement a FMP without any mechanism in place by which to reduce overfishing or reach the exploitation rate goals established in the FMP, would raise serious questions with this FMP's compliance with national standard 1. Despite the concerns that MADMF has raised, the scup stock is in serious need of management at this time, and the coastwide quota is one of the primary mechanisms by which that management will be achieved.

Comment: MADMF questioned how NMFS would enforce a quota since state waters would be open to commercial fishing, and most scup harvesters in the state do not have federally permitted vessels.

Response: The FMP is a joint plan authored by both the Council and ASMFC. As a joint plan, it is expected that states will assist in the implementation of the management strategy by enforcing closures of the state waters scup fishery when the quota is harvested. If states do not do that, the stock rebuilding strategy will be severely compromised. While some harvesters fish exclusively in state waters, those who intend to fish for scup in the EEZ north of 35°15.3' N. lat. will, as a result of the implementation of this rule, be required to obtain a Federal moratorium permit in 1997. As a condition of that permit, they must agree that the vessel and its fishing activity, catch and pertinent gear (without regard to whether such fishing occurs in the EEZ or landward of the EEZ and without regard to where such fish or gear are possessed, taken, or landed) are subject to all the requirements of that permit, unless specifically exempted. Further, owners or operators of vessels issued a Federal moratorium scup permit also must agree, as a condition of that permit, not to land scup after the effective date of the notification published in the Federal Register stating that the commercial quota had been harvested.

Comment: The USCG questioned NMFS' disapproval of the provision requiring boxing at sea. The USCG noted that the exact weight is almost impossible to determine at sea; boxing the catch, allows a relatively accurate catch estimate to be made. The lack of a boxing requirement also presents problems for fishing vessels with a refrigerated sea water (RSW) hold, as the

USCG cannot verify the amount of fish on board a vessel using such a system.

Response: The provision that would have required fishing vessels using small mesh to box scup catches of less than 4,000 lb (1,814 kg) in standard 100-lb (45.4-kg) totes to facilitate enforcement of the mesh provisions was disapproved during a preliminary review of Amendment 8. A vessel could have been required to have up to 40 of these containers on board. Boxing and storing up to 40 totes could prove infeasible for small vessels. As there is nothing in the administrative record regarding the impact of this measure on the industry, this measure was disapproved as being arbitrary and capricious, and, therefore, in violation of the Administrative Procedure Act (APA).

NMFS recognizes the USCG's desire to enhance the enforcement of the minimum mesh requirement. The regulations that require a vessel possessing less than the threshold level of scup on board to have the scup stored separately and kept readily available for inspection, will aid at-sea enforcement of the measure.

Comment: The USCG stated their preference for one mesh on board and for mesh size restrictions to be effective throughout the net. The USCG noted that requiring a minimum mesh size throughout the entire net eliminates the practice of choking off the codend and fishing with the smaller, legal mesh forward of the codend.

Response: NMFS recognizes that the inclusion of a multiple mesh on board provision increases the difficulty of enforcing the mesh restrictions. However, the minimum fish size will significantly decrease the incentive to circumvent mesh restrictions. Further, prohibiting vessels from carrying multiple mesh nets would preclude them from fishing lawfully in the traditional mixed trawl fisheries in this area. Multiple mesh nets on board is currently authorized in all of the mixed trawl fisheries in the Southern New England/Mid-Atlantic area for this reason.

To address the concerns raised by the USCG, the Council and Commission have committed to reevaluating the codend mesh requirements. This final rule includes a provision that would allow the Scup Monitoring Committee to, each year, determine the allowable levels of fishing and other restrictions necessary to achieve the exploitation rates specified in the rebuilding schedule. This provision would allow for changes in the minimum mesh requirements, including the requirement

that minimum mesh apply throughout the net.

Comment: The Council submitted a comment to clarify the language in the proposed rule regarding "equivalent" rectangular escape vents in scup pots. "Equivalent" the comment reads, "refers to the size of the scup that would be retained by a rectangular vent * * * An equivalent rectangular vent would allow the same size scup (i.e., less than 9.0") to escape from the trap."

Response: As no studies have been done with regard to the width of a scup's body, and consequently no data exist to sufficiently calculate appropriate equivalent rectangular vents (square vents require only the height of the scup to calculate), NMFS interprets this to mean that rectangular vents may not have sides less than the side specified by the Council for a square vent, i.e., less than 2.25 inches (5.7 cm).

Comment: The SBA questioned the adequacy of the certification that this rule will not have a significant impact on a substantial number of small entities, especially in light of the fact that the Council's Amendment 8 had concluded that, because of the cost of some participants in this fishery of purchasing new roller gear or codends to comply with the proposed regulations, a substantial number of small entities would be impacted, some significantly.

Response: Contrary to the initial determination of the Council, this rule will not have a significant economic impact on a substantial number of small entities. As the Council indicated, compliance with this rule may reduce gross revenues by more than 5 percent for some small entity participants, or increase operating costs by more than 5 percent for some small entity participants who have to purchase new gear (rollers, \$1,200–1,500; codends, \$700). However, based on the analysis in the amendment, NMFS believes that a substantial number of small entities will not be impacted. Amendment 8 presents data demonstrating that the participants in this fishery rely on a mixed species fishery involving squid, summer flounder, Atlantic mackerel, silver hake and other species in addition to scup. When compared to the other species, scup is a relatively low-value species for participants in the mixed trawl fishery. The amendment presents data showing that 82 percent of the scup harvested in the period 1983–92 were landed in the States of Rhode Island, New Jersey and New York, with scup landings in those states representing only 2.0 percent, 2.3 percent, and 2.1 percent, respectively, of the total commercial value of all other species

landed. If the costs of new gear forced these harvesters to forego all of their scup landings, NMFS believe that it is unlikely that the impact on their gross revenues would exceed 5 percent for more than a few individuals. In addition, because the minimum mesh requirement is not triggered until a harvester reaches the threshold catch level (4,000 lbs) (1,814 kg), even entities that are unable to purchase a codend of the required mesh size would not be required to forego all of their scup catch. NMFS also notes that at some time or another, harvesters must replace codends and rollers as a routine cost of doing business, so not all of the costs should be attributed to the gear requirements.

Comment: One member of the public commented that in his opinion the minimum mesh size of 4 inches (10.2 cm) for trawl gear is incompatible with the commercial minimum fish size of 9 inches (22.9 cm). He states that the minimum mesh size should be larger to prevent discards of sublegal fish.

Response: The Council adopted the 4 inch (10.2 cm) codend mesh size restriction based on industry comments stating that the mesh was the appropriate size for a 9 inch (22.9 cm) scup. NMFS has approved the mesh size, which has been in effect for the fishery under emergency regulations since March 22, 1996. If information is brought forth to indicate that it is warranted, the minimum mesh size, and other gear restrictions, can be modified through the Council's annual review process.

Changes From the Proposed Rule

This final rule implements the provisions of Amendment 8 by amending 50 CFR part 648, Fisheries of the Northeastern United States. The proposed rule would have amended 50 CFR part 625, the Summer Flounder Fishery, which as part of the President's Regulatory Reinvention Initiative was consolidated into part 648. As a result of this regulatory consolidation, and to clarify the intent of this rule, the final rule does not use the same regulatory language as the proposed rule, but the measures are substantively the same. In some cases, fisheries other than scup managed under part 648 may be referenced in the regulatory language. The regulations governing these other fisheries have not been amended here, and their mention in the regulatory language is merely to reduce confusion for the reader. In addition, regulatory text concerning the maximum size of otter trawl roller gear, which was inadvertently omitted from the proposed rule, is added (the proposed

rule contained a prohibition and a discussion on roller gear in the preamble). The changes from the proposed rule are as follows:

Section 625.31 was consolidated with § 648.1(a) to add "scup" to the Fishery Management Plan for the Summer Flounder Fishery as "the summer flounder and scup fishery (Summer Flounder and Scup FMP)".

Section 625.32 was consolidated with § 648.2, which already included most of the required definitions. "Scup Monitoring Committee," and "Total Length," were added, and the definition of "Council" was revised.

Section 625.33 is already included in § 648.3.

Section 625.34 was consolidated with § 648.4 to include vessel permit requirements for scup.

Section 625.35 was consolidated with § 648.5, to add operators of scup vessels to the list of fisheries in paragraph (a) requiring such permits.

Section 625.36 was consolidated with § 648.6, to add dealers/processors of scup to the list of fisheries in paragraph (a) requiring such permits.

Section 625.37 was consolidated with § 648.7, to include recordkeeping and reporting requirements for fishing vessels and dealer/processors in the scup fishery.

Section 625.38 is already included in § 648.8.

Section 625.39 was consolidated with § 648.14 to include prohibitions for the scup fishery by revising paragraph (a) to add paragraphs (80) through (88); (k) to add paragraphs (1) through (11); and (l) to add paragraphs (1) through (4); and by adding paragraph (u)(6).

Sections 625.40 and 625.41 are already included in §§ 648.15 and 648.16, respectively.

Section 625.50 was added to subpart H as § 648.120.

Section 625.51 was added to subpart H as § 648.121. Non-substantive changes were made to the text of this section to clarify the process and to reflect more accurately the Council's intent.

Section 625.52 was added to subpart H as § 648.122. Non-substantive changes were made to the text of this section to clarify the process and to reflect more accurately the Council's intent.

Section 625.53 was added to subpart H as § 648.123. Non-substantive changes were made to the text of this section to clarify the process and to reflect more accurately the Council's intent.

Section 625.54 was added to subpart H as § 648.124. Non-substantive changes were made to the text of this section to clarify the process and to more accurately reflect the Council's intent.

Section 625.55 was added to subpart H as § 648.125. Non-substantive changes

were made to the text of this section to clarify the process and to reflect more accurately the Council's intent.

Section 625.56 was consolidated with § 648.11, revising paragraphs (a) and (e) to include sea sampler/observer coverage in the scup fishery.

Section 625.57 was consolidated with § 648.12 and revised to include experimental exemptions in the scup fishery under subpart H.

Section 625.58 was added in subpart H as § 648.126.

Under NOAA Administrative Order 205-11, 7.01, dated December 17, 1990, the Under Secretary for Oceans and Atmosphere has delegated authority to sign material for publication in the Federal Register to the Assistant Administrator for Fisheries, NOAA.

Classification

The Director, Northeast Region, NMFS, determined that Amendment 8 is necessary for the conservation and management of the scup fishery and that it is consistent with the Magnuson Act and other applicable law.

The Council prepared an FEIS for Amendment 8; a notice of availability was published on June 7, 1996 (61 FR 29094). The Assistant Administrator for Fisheries, NOAA (AA) determined, upon review of the FEIS and public comments, that the rule is environmentally preferable to the status quo. This rule would reduce exploitation, increase long-term yields, and thus reduce the risk of stock collapse for the scup fishery.

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

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB control number.

This rule contains new collection-of-information requirements subject to the PRA. These collection-of-information requirements have been approved by OMB, and the OMB control numbers and public reporting burden are listed as follows:

1. Dealer employment data (6 minutes per response), under OMB # 0648-0018.

2. Operator permits, (1 hour per response), vessel moratorium permits (30 minutes per response), moratorium permit appeals (30 minutes per response), party and charter boat permits (30 minutes per response), dealer/processor permits (5 minutes per response), under OMB # 0648-0202.

3. Vessel/party/charter boat logbooks (5 minutes per response) under OMB # 0648-0212.

4. Dealer reporting responses (2 minutes per response) under OMB # 0648-0229.

The estimated response times include the time needed for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection-of-information. Send comments regarding burden estimates, or any other aspect of these data collections, including suggestions for reducing the burden, to NMFS and OMB (see ADDRESSES).

A reinitiation of a section 7 consultation under the Endangered Species Act was completed on February 29, 1996, on the summer flounder, scup, and black sea bass fisheries. The opinion concludes that the effects of the three fisheries, along with associated NMFS management actions, may adversely affect listed or proposed species, but are not likely to jeopardize their continued existence and will not result in the destruction or adverse modification of designated critical habitat.

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. As a result, a Regulatory Flexibility Analysis was not prepared. Compliance with Amendment 8, as indicated by the Council, may reduce gross revenues by more than 5 percent, or increase operating costs by more than 5 percent for some small entities who have to purchase new gear (rollers or codends). However, based on an analysis of Amendment 8, it is unlikely that these purchases would be required by more than 20 percent of the small entities, specifically, otter trawl vessels, engaged in this fishery. Additionally, harvesters must replace codends and rollers as a routine cost of doing business, so not all costs can be attributed to the gear requirements. Thus, NMFS determined, despite the initial determination of the Council, that this rule would not have a significant impact on a substantial number of small entities.

List of Subjects

50 CFR Part 902

Reporting and recordkeeping requirements.

50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: August 19, 1996.

C. Karnella,

Acting Program Management Officer,
National Marine Fisheries Service, National
Oceanic and Atmospheric Administration.

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, in paragraph (b), the table, the following entries are added to read as follows:

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

CFR part section where the information collection requirement is located	Current OMB control number (all numbers begin with 0648—)
* * *	
50 CFR	
648.4	-0202
648.5	-0202
648.6	-0202
648.7	-0018, -0202, -0212, and -0229
* * *	

50 CFR CHAPTER VI

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

3. The authority citation for part 648 continues to read as follows:

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

4. In § 648.1, paragraph (a) is revised to read as follows:

§ 648.1 Purpose and scope.

(a) This part implements the fishery management plans (FMP) for the Atlantic mackerel, squid, and butterfish fisheries (Atlantic Mackerel, Squid, and Butterfish FMP); Atlantic salmon (Atlantic Salmon FMP); the Atlantic sea scallop fishery (Atlantic Sea Scallop FMP (Scallop FMP)); the Atlantic surf clam and ocean quahog fisheries (Atlantic Surf Clam and Ocean Quahog

FMP); the Northeast multispecies fishery (NE Multispecies FMP); and the summer flounder and scup fisheries (Summer Flounder and Scup FMP). These FMPs and the regulations in this part govern the conservation and management of the above named fisheries.

* * * * *

5. In § 648.2, the definitions for “Scup Monitoring Committee” and “Total Length” are added, in alphabetical order, and the definition for “Council” is revised to read as follows:

§ 648.2 Definitions.

* * * * *

Council means the New England Fishery Management Council (NEFMC) for the Atlantic sea scallop and the Northeast multispecies fisheries, or the Mid-Atlantic Fishery Management Council (MAFMC) for the Atlantic mackerel, squid, and butterfish; the Atlantic surf clam and ocean quahog; and the summer flounder and scup fisheries.

* * * * *

Scup Monitoring Committee means a committee made up of staff representative of the MAFMC, NEFMC, South Atlantic Fishery Management Council, the NMFS Northeast Regional Office, the NEFSC, and the Commission. The MAFMC Executive Director or a designee chairs the committee.

* * * * *

Total Length (TL) means the straight-line distance from the tip of the snout to the end of the tail (caudal fin) while the fish is lying on its side.

* * * * *

6. In § 648.4, paragraph (a)(6) is added and paragraph (b) is revised to read as follows:

§ 648.4 Vessel permits.

(a) * * *

(6) *Scup vessels.* Beginning on January 1, 1997, and subject to the eligibility requirements specified in paragraphs (a)(6)(i) and (a)(6)(ii) of this section, the owner of a vessel of the United States, including a party or charter vessel, must obtain a permit issued under this part to fish for or retain scup for sale, barter or trade, in or from the EEZ north of 35°15.3' N. lat. Any vessel, other than a party or charter boat, that observes the possession limit restrictions established pursuant to, and the prohibition on sale specified in, § 648.125 is exempt from the permit requirement.

(i) *Moratorium permit—(A) Eligibility.* A vessel is eligible for a moratorium permit to fish for and retain scup for sale if it meets any of the following criteria:

(1) The vessel landed and sold scup between January 26, 1988, and January 26, 1993; or

(2) The vessel is replacing such a vessel and meets the requirements of paragraph (a)(3)(i)(C) of this section.

(B) *Application/renewal restrictions.*

(1) No one may apply for an initial scup moratorium permit after August 25, 1997.

(2) No one may apply for a scup moratorium permit after the owner retires the vessel from the fishery.

(C) *Replacement vessels.* See paragraph (a)(3)(i)(C) of this section.

(D) *Appeal of denial of permit.* (1)

Any applicant denied a scup moratorium permit may appeal to the Regional Director within 30 days of the notice of denial. Any such appeal shall be in writing. The only ground for appeal is that the Regional Director erred in concluding that the vessel did not meet the criteria in paragraph (a)(6)(i)(A)(1) of this section. The appeal shall set forth the basis for the applicant's belief that the Regional Director's decision was made in error.

(2) The appeal may be presented, at the option of the applicant, at a hearing before an officer appointed by the Regional Director.

(3) The hearing officer shall make a recommendation to the Regional Director.

(4) The decision on the appeal by the Regional Director is the final decision of the Department of Commerce.

(ii) *Party and charter boat permit.*

Any party or charter boat is eligible for a permit to fish for scup, other than a scup moratorium permit, if it is carrying passengers for hire. Such vessel must observe the possession limits established pursuant to, and the prohibitions on sale specified in, § 648.125.

(b) *Permit conditions.* Vessel owners who apply for a fishing vessel permit under this section must agree as a condition of the permit that the vessel and the vessel's fishing activity, catch, and pertinent gear (without regard to whether such fishing occurs in the EEZ or landward of the EEZ, and without regard to where such fish or gear are possessed, taken or landed), are subject to all requirements of this part, unless exempted from such requirements under this part. All such fishing activities, catch, and gear will remain subject to all applicable state requirements. Except as otherwise provided in this part, if a requirement of this part and a management measure required by a state or local law differ, any vessel owner permitted to fish in the EEZ for any species managed under this part must comply with the more

restrictive requirement. Owners and operators of vessels fishing under the terms of a summer flounder moratorium permit must also agree not to land summer flounder in any state after the Regional Director has published a notification in the Federal Register stating that the commercial quota for that state has been harvested, and that no commercial quota is available. A state not receiving an allocation of summer flounder is deemed to have no commercial quota available. Owners and operators of vessels fishing under the terms of a scup moratorium permit must also agree not to land scup after the Regional Director has published a notification in the Federal Register stating that the commercial quota has been harvested. Owners or operators fishing for surf clams and ocean quahogs within waters under the jurisdiction of any state that requires cage tags are not subject to any conflicting Federal minimum size or tagging requirements. If a surf clam and ocean quahog requirement of this part differs from a surf clam and ocean quahog management measure required by a state that does not require cage tagging, any vessel owners or operator permitted to fish in the EEZ for surf clams and ocean quahogs must comply with the more restrictive requirement while fishing in state waters. However, surrender of a surf clam and ocean quahog vessel permit by the owner by certified mail addressed to the Regional Director allows an individual to comply with the less restrictive state minimum size requirement, so long as fishing is conducted exclusively within state waters.

7. In § 648.5, the first sentence of paragraph (a) is revised to read as follows:

§ 648.5 Operator permits.

(a) *General.* Any operator of a vessel fishing for or possessing sea scallops in excess of 40 lb (18.1 kg), NE multispecies, and, as of January 1, 1997, mackerel, squid or butterflyfish, or scup, harvested in or from the EEZ, or issued a permit for these species under this part, must have and carry on board a valid operator's permit issued under this section.

8. In § 648.6, paragraph (a) is revised to read as follows:

§ 648.6 Dealer/processor permits.

(a) *General.* All NE multispecies, sea scallop, summer flounder, surf clam and ocean quahog dealers, and surf clam and ocean quahog processors must have been issued and have in their

possession a permit for such species issued under this section. As of January 1, 1997, all mackerel, squid, or butterflyfish dealers and all scup dealers must have been issued and have in their possession a valid dealers permit for those species.

9. In § 648.7, the first sentence in each of paragraphs (a)(1)(i), (a)(2)(i), (b)(1)(i), and (b)(1)(iii), and paragraph (f)(3) are revised to read as follows:

§ 648.7 Recordkeeping and reporting requirements.

(a) * * *
 (1) * * *
 (i) Summer flounder, scallop, NE multispecies, and, as of January 1, 1997, mackerel, squid or butterflyfish, and scup dealers must provide: Name and mailing address of dealer, dealer number, name and permit number of the vessels from which fish are landed or received, dates of purchases, pounds by species, price by species, and port landed.

(2) * * *
 (i) Summer flounder, scallop, NE multispecies, and, as of January 1, 1997, mackerel, squid, or butterflyfish, and scup dealers must complete the "Employment Data" section of the Annual Processed Products Reports; completion of the other sections of that form is voluntary.

(b) * * *
 (1) * * *
 (i) *Owners of vessels issued a moratorium permit for summer flounder, mackerel, squid, or butterflyfish, or scup, or a permit for sea scallops, or NE multispecies,* must maintain on board the vessel, and submit, an accurate daily fishing log report for all fishing trips, regardless of species fished for or taken, on forms supplied by or approved by the Regional Director.

(iii) *Owners of party and charter boats.* The owner of any party or charter boat issued a summer flounder or scup permit other than a moratorium permit and carrying passengers for hire shall maintain on board the vessel, and submit, an accurate daily fishing log report for each charter or party fishing trip that lands summer flounder or scup, unless such a vessel is also issued a moratorium permit for summer flounder, a permit for sea scallops or

multispecies, or, as of January 1, 1997, a moratorium permit for mackerel, squid, or butterflyfish, or scup, in which case a fishing log report is required for each trip regardless of species retained.

(f) * * *
 (3) *At-sea purchasers, receivers, or processors.* All persons purchasing, receiving, or processing any summer flounder, or, as of January 1, 1997, mackerel, squid, or butterflyfish, or scup, at sea for landing at any port of the United States must submit information identical to that required by paragraph (a)(1) or (a)(2) of this section, as applicable, and provide those reports to the Regional Director or a designee on the same frequency basis.

10. In § 648.11, the first sentence of paragraph (a), paragraph (e) introductory text, paragraphs (e)(1) and (e)(2) are revised to read as follows:

§ 648.11 At-sea sea sampler/observer coverage.

(a) The Regional Director may request any vessel holding a permit for sea scallop or NE multispecies; or a moratorium permit for summer flounder; or, as of January 1, 1997, a mackerel, squid, or butterflyfish, or scup permit to carry a NMFS-approved sea sampler/observer.

(e) The owner or operator of a vessel issued a summer flounder or scup moratorium permit, if requested by the sea sampler/observer also must:

(1) Notify the sea sampler/observer of any sea turtles, marine mammals, summer flounder or scup, or other specimens taken by the vessel.

(2) Provide the sea sampler/observer with sea turtles, marine mammals, summer flounder or scup, or other specimens taken by the vessel.

11. In § 648.12 the introductory text is revised to read as follows:

§ 648.12 Experimental fishing.

The Regional Director may exempt any person or vessel from the requirements of subparts B (Atlantic mackerel, squid, and butterflyfish), D (sea scallop), E (surf clam and ocean quahog), F (NE multispecies), G (summer flounder), or H (scup), of this part for the conduct of experimental fishing beneficial to the management of the resources or fishery managed under that subpart. The Regional Director shall consult with the Executive Director of the MAFMC regarding such exemptions for the mackerel, squid, or butterflyfish, summer flounder and scup fisheries.

12. In § 648.14, paragraph (t) is redesignated as paragraph (u) and a new paragraph (t) is added and reserved, paragraphs (a)(80) through (a)(88), and paragraph (u)(6) are added, and paragraphs (k) and (l) are revised to read as follows:

§ 648.14 Prohibitions.

(a) * * *

(80) Possess scup in or harvested from the EEZ north of 35°15.3' N. lat. in an area closed, or before or after a season established pursuant to § 648.122.

(81) To purchase or otherwise receive for a commercial purpose scup harvested from the EEZ north of 35°15.3' N. lat., or from a vessel issued a scup moratorium permit after the effective date of the notification published in the Federal Register stating that the commercial quota has been harvested.

(82) Land scup harvested in or from the EEZ north of 35°15.3' N. lat. after the effective date of the notification published in the Federal Register stating that the commercial quota has been harvested.

(83) Possess scup harvested in or from the EEZ north of 35°15.3' N. lat. that do not meet the minimum fish size specified in § 648.124.

(84) Fish for, catch, or retain scup in excess of 4,000 lb (1,814 kg) in or from the EEZ north of 35°15.3' N. lat. unless the vessel meets the gear restrictions in § 648.123.

(85) Fish for, catch, or retain scup in or from the EEZ north of 35°15.3' N. lat. for sale, barter, or trade, after January 1, 1997, unless the vessel has been issued a valid moratorium permit pursuant to § 648.4(a)(6).

(86) Sell or transfer scup harvested in or from the EEZ north of 35°15.3' N. lat. after January 1, 1998, unless the vessel has been issued a valid moratorium permit pursuant to § 648.4(a)(6).

(87) Fish for, catch, or retain scup in or from the EEZ north of 35°15.3' N. lat. on board a party or charter boat after January 1, 1997, unless the vessel has been issued a valid party or charter boat permit pursuant to § 648.4(a)(6)(ii).

(88) Fish with or possess scup pots or traps in the EEZ north of 35°15.3' N. lat. that have a rectangular escape vent, any side of which is less than 2.25 inches (5.7 cm) in length.

* * * * *

(k) In addition to the general prohibitions specified in § 600.725 of this chapter and in paragraph (a) of this section, it is unlawful for any person owning or operating a vessel issued a scup permit (including a moratorium permit) to do any of the following:

(1) Possess scup in excess of the threshold amount specified in § 648.123, unless the vessel meets the minimum mesh-size restrictions specified in § 648.123.

(2) Fail to keep scup separate from other species if fishing with nets having mesh that does not meet the minimum mesh-size restrictions specified in § 648.123(a).

(3) Land scup for sale after the effective date of the notification published in the Federal Register stating that the commercial quota has been harvested.

(4) Possess nets or netting that do not meet the minimum mesh restrictions or that are modified, obstructed or constricted, if subject to the minimum mesh requirements specified in § 648.123(a), unless the nets or netting are stowed in accordance with § 648.23(b).

(5) Fish with nets or netting that do not meet the minimum mesh restriction or that are modified, obstructed or constricted while in possession of scup in excess of the threshold amount specified in § 648.123.

(6) As of January 1, 1997, sell or transfer to another person for a commercial purpose, other than transport on land, any scup, unless the transferee has a dealer permit issued under § 648.6.

(7) Carry passengers for hire, or carry more than three crew members for a charter boat or five crew members for a party boat, while fishing for scup under the terms of a moratorium permit issued pursuant to § 648.4(a)(6).

(8) Use a scup pot or trap that does not have the hinges and fasteners made of degradable materials as specified in § 648.123.

(9) Use a scup trap or pot that does not have a minimum escape vent of the size specified in § 648.123.

(10) Use roller rig trawl gear equipped with rollers greater than the size specified in § 648.123.

(11) Possess scup in, or harvested from, the EEZ in an area closed, or before or after a season established pursuant to § 648.122.

(l) In addition to the general prohibitions specified in § 600.725 of this chapter and in paragraph (a) of this section, it is unlawful for the owner or operator of a party or charter boat issued a scup permit (including a moratorium permit), when the boat is carrying passengers for hire or carrying more than three crew members if a charter boat or more than five members if a party boat, to:

(1) Possess scup in excess of the possession limit established pursuant to § 648.125.

(2) Fish for scup other than during a season established pursuant to § 648.122.

(3) Sell scup or transfer scup to another person for a commercial purpose.

(4) Possess scup that do not meet the minimum fish size specified in § 648.124(b).

* * * * *

(u) * * *

(6) *Scup.* All scup possessed on board a party or charter boat issued a permit under § 648.4 are deemed to have been harvested from the EEZ.

13. Subpart H is revised to read as follows:

Subpart H—Management Measures for the Scup Fishery

Sec.

648.120	Catch quotas and other restrictions.
648.121	Closure.
648.122	Season and area restrictions.
648.123	Gear restrictions.
648.124	Minimum fish sizes.
648.125	Possession limit.
648.126	Protection of threatened and endangered sea turtles.

Subpart H—Management Measures for the Scup Fishery

§ 648.120 Catch quotas and other restrictions.

(a) *Annual review.* The Scup Monitoring Committee shall review the following data, subject to availability, on or before August 15 of each year. This review will be conducted to determine the allowable levels of fishing and other restrictions necessary to achieve an exploitation rate of 47 percent in 1997, 1998, and 1999, 33 percent in 2000 and 2001, and 19 percent in 2002 and thereafter: Commercial and recreational catch data; current estimates of fishing mortality; stock status; recent estimates of recruitment; virtual population analysis results; levels of noncompliance by fishermen or individual states; impact of size/mesh regulations; impact of gear on the mortality of scup; and any other relevant information.

(b) *Recommended measures.* Based on this review, the Scup Monitoring Committee shall recommend the following measures to the Demersal Species Committee of the MAFMC and the Commission to assure that the exploitation rate specified in paragraph (a) of this section will not be exceeded:

- (1) The coastwide commercial quota will be set from a range of 0 to the maximum allowed to achieve the specified exploitation rate.
- (2) Commercial minimum fish size.
- (3) Minimum mesh size.

(4) Recreational possession limit set from a range of 0 to 50 scup to achieve the specified exploitation rate.

(5) Recreational minimum fish size set from a range of 7 inches (17.8 cm) TL to 10 inches (25.4 cm) TL.

(6) Recreational season.

(7) Restrictions on gear.

(8) Season and area closures in the commercial fishery.

(c) *Annual fishing measures.* The Demersal Species Committee shall review the recommendations of the Scup Monitoring Committee. Based on these recommendations and any public comment, the Demersal Species Committee shall recommend to the MAFMC measures necessary to assure that the specified exploitation rate will not be exceeded. The MAFMC shall review these recommendations, and based on these recommendations and any public comment, recommend to the Regional Director measures necessary to assure that the specified exploitation rate will not be exceeded. The MAFMC's recommendation must include supporting documentation, as appropriate, concerning the environmental and economic impacts of the recommendations. The Regional Director shall review these recommendations and any recommendations of the Commission. After such review, the Regional Director will publish a proposed rule in the Federal Register by October 15 to implement a coastwide commercial quota and recreational harvest limit and additional management measures for the commercial fishery, and will publish a proposed rule in the Federal Register by February 15 to implement additional management measures for the recreational fishery, if he or she determines that such measures are necessary to assure that the specified exploitation rate will not be exceeded. After considering public comment, the Regional Director will publish a final rule in the Federal Register to implement the annual measures.

(d) *Additional quota measures.* The commercial quota will be implemented as a coastwide quota, applicable to that area of the EEZ from 35°15.3' N. lat. to the United States/Canada border. The MAFMC and Commission may revise the coastwide quota system to distribute and manage the annual commercial quota allocation in accordance with the procedures set forth in this section. Vessel trip limits, as well as coastwide, regional and state-by-state quotas may be considered in combination with different fractions of the fishing year. Any modification to the coastwide quota system shall be published as a proposed rule in the Federal Register

with a 45-day public comment period. After considering public comment on the proposed rule, a final rule shall be published in the Federal Register to implement the appropriate modification.

§ 648.121 Closure.

The Regional Director will monitor the harvest of commercial quota based on dealer reports, state data, and other available information and shall determine the date when the commercial quota will be harvested. The Regional Director shall close the EEZ to fishing for scup by commercial vessels for the remainder of the calendar year by publishing notification in the Federal Register advising that, effective upon a specific date, the commercial quota has been harvested, and notifying vessel and dealer permit holders that no commercial quota is available for landing scup.

§ 648.122 Season and area restrictions.

If the MAFMC determines through its annual review process that seasonal restrictions or area closures are necessary for the commercial or recreational sectors to assure that the exploitation rate is not exceeded, or to attain other FMP objectives, such measures will be enacted through the procedure specified in § 648.120.

§ 648.123 Gear restrictions.

(a) *Trawl vessel gear restrictions—(1) Minimum mesh size.* The owners or operators of otter trawlers issued a scup moratorium permit, and that possess 4,000 lb or more (1,814 kg or more) of scup, must fish with nets that have a minimum mesh size of 4 inches (10.2 cm) diamond mesh applied throughout the codend for at least 75 continuous meshes forward of the terminus of the net, or, for codends with less than 75 meshes, the minimum-mesh-size codend must be a minimum of one-third of the net, measured from the terminus of the codend to the head rope, excluding any turtle excluder device extension. Scup on board these vessels shall be stored separately and kept readily available for inspection.

(2) *Mesh-size measurement.* Mesh sizes will be measured according to the procedure specified in § 648.104(a)(2).

(3) *Net modification.* The owner or operator of a fishing vessel subject to the minimum mesh requirement in paragraph (a)(1) of this section shall not use any device, gear, or material, including, but not limited to, nets, net strengtheners, ropes, lines, or chafing gear, on the top of the regulated portion of a trawl net. However, one splitting strap and one bull rope (if present),

consisting of line or rope no more than 3 inches (7.2 cm) in diameter, may be used if such splitting strap and/or bull rope does not constrict in any manner the top of the regulated portion of the net, and one rope no greater than 0.75 inches (1.9 cm) in diameter extending the length of the net from the belly to the terminus of the codend along the top, bottom, and each side of the net. "Top of the regulated portion of the net" means the 50 percent of the entire regulated portion of the net that (in a hypothetical situation) will not be in contact with the ocean bottom during a tow if the regulated portion of the net were laid flat on the ocean floor. For the purpose of this paragraph (a)(3), head ropes are not considered part of the top of the regulated portion of a trawl net.

(4) *Mesh obstruction or constriction.*

(i) The owner or operator of a fishing vessel subject to the minimum mesh restriction in paragraph (a)(1) of this section shall not use any mesh construction, mesh configuration, or other means on or in the top of the regulated portion of the net, as defined in paragraph (a)(3) of this section, if it obstructs the meshes of the net in any manner.

(ii) The owner or operator of a fishing vessel subject to the minimum mesh requirement in paragraph (a)(1) of this section may not use a net capable of catching scup if the bars entering or exiting the knots twist around each other.

(5) *Stowage of nets.* The owner or operator of an otter trawl vessel retaining 4,000 lb or more (1,814 kg or more) of scup and subject to the minimum mesh requirement in paragraph (a)(1) of this section, may not have available for immediate use any net, or any piece of net, not meeting the minimum mesh size requirement, or mesh that is rigged in a manner that is inconsistent with the minimum mesh size. A net that conforms to one of the methods specified in § 648.23(b) and that can be shown not to have been in recent use is considered to be not "available for immediate use."

(6) *Roller gear.* The owner or operator of an otter trawl vessel issued a moratorium permit pursuant to § 648.4(a)(6) shall not use roller rig trawl gear equipped with rollers greater than 18 inches (45.7 cm) in diameter.

(7) *Procedures for changes.* The minimum net mesh and the threshold catch level at which it is required set forth in paragraph (a)(1) of this section, and the maximum roller diameter set forth in paragraph (a)(6) of this section, may be changed following the procedures in § 648.120.

(b) *Pot and trap gear restrictions.* Owners or operators of vessels subject to this part must fish with scup pots or traps that comply with the following:

(1) *Degradable hinges.* A scup pot or trap must have degradable hinges and fasteners made of one of the following degradable materials:

(i) Untreated hemp, jute, or cotton string of $\frac{3}{16}$ inches (4.8 mm) diameter or smaller;

(ii) Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners; or

(iii) Ungalvanized or uncoated iron wire of 0.094 inches (2.4 mm) diameter or smaller.

(2) *Escape vents.* (i) All scup pots or traps that have a circular escape vent with a minimum of 3.1 inches (7.9 cm) in diameter, or a square escape vent with a minimum of 2.25 inches (5.7 cm) for each side, or an equivalent rectangular escape vent.

(ii) The minimum escape vent size set forth in paragraph (b)(2)(i) of this section may be revised following the procedures in § 648.120.

§ 648.124 Minimum fish sizes.

(a) The minimum size for scup is 9 inches (22.9 cm) TL for all vessels issued a moratorium permit under § 648.4(a)(6). If such a vessel is also issued a charter and party boat permit and is carrying passengers for hire, or carrying more than three crew members if a charter boat, or more than five crew members if a party boat, then the minimum size specified in paragraph (b) of this section applies.

(b) The minimum size for scup is 7 inches (17.8 cm) TL for all vessels that do not have a moratorium permit, or for party and charter vessels that are issued a moratorium permit but are fishing with passengers for hire, or carrying more than three crew members if a charter boat, or more than five crew members if a party boat.

(c) The minimum size applies to whole fish or any part of a fish found in possession, e.g., fillets. These minimum sizes may be adjusted pursuant to the procedures in § 648.120.

§ 648.125 Possession limit.

(a) Pursuant to the procedures in § 648.120, the Regional Director may limit the number of scup that may be possessed in or harvested from the EEZ north of 35°15.3' N. lat. by persons aboard vessels that have not been issued a valid moratorium permit.

(b) If whole scup are processed into fillets, an authorized officer will convert the number of fillets to whole scup at the place of landing by dividing fillet number by 2. If scup are filleted into a

single (butterfly) fillet, such fillet shall be deemed to be from one whole scup.

(c) Scup harvested by vessels subject to the possession limit with more than one person aboard may be pooled in one or more containers. Compliance with the daily possession limit will be determined by dividing the number of scup on board by the number of persons aboard other than the captain and crew. If there is a violation of the possession limit on board a vessel carrying more than one person, the violation shall be deemed to have been committed by the owner and operator.

(d) Scup and scup parts harvested by a vessel with a moratorium or charter or party boat scup permit, or in or from the EEZ north of 35°15.3' N. lat., may not be landed with the skin removed.

§ 648.126 Protection of threatened and endangered sea turtles.

This section supplements existing regulations issued to regulate incidental take of sea turtles under authority of the Endangered Species Act under 50 CFR parts 217 and 227. In addition to the measures required under those parts, NMFS will investigate the extent of take in flynet gear and if deemed appropriate, may develop and certify a Turtle Excluder Device for that gear.

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DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

[T.D. 96-63]

Extension of Port Limits of Puget Sound, Washington

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations pertaining to the field organization of Customs by extending the geographical limits of the consolidated port of entry of Puget Sound, Washington. The current boundaries have been extended to include the portion of King County, Washington, which lies between the boundaries of the Port of Seattle and the Port of Tacoma. The boundaries have been changed because various commercial operations requiring the services of Customs personnel have been established in areas beyond the current limits of the consolidated port.
EFFECTIVE DATE: September 23, 1996.

FOR FURTHER INFORMATION CONTACT: Patricia M. Duffy, Office of Field Operations, 202-927-0540.

SUPPLEMENTARY INFORMATION:

Background

As part of a continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the general public, Customs is extending the geographical limits of the consolidated port of entry of Puget Sound, Washington. The geographical limits of the consolidated Port of Puget Sound include Seattle, Anacortes, Bellingham, Everett, Friday Harbor, Neah Bay, Olympia, Port Angeles, Port Townsend and Tacoma. This document amends the port description of Puget Sound to include within the port description of Seattle the portion of King County, Washington, which before this document was between the boundaries of the Port of Seattle and the Port of Tacoma. The boundaries are being changed to help serve the various commercial operations located in the area which require the services of Customs personnel.

The decision to extend the port limits of Seattle, and accordingly, the port limits of the consolidated Port of Puget Sound, has been made after a Notice of Proposed Rulemaking concerning this matter was published in the Federal Register (60 FR 47504) on September 13, 1995, requesting comments from the public and no comments were received.

In accordance with the decision to extend the port limits, the list of Customs ports of entry in 19 CFR 101.3 (b)(1) is amended as described below.

New Puget Sound Port Limits

The geographical area within the boundaries of the Consolidated Port of Puget Sound are as follows:

The ports of Seattle (Section 35, Township 27 North, Range 3 East, West Meridian, County of Snohomish, and the geographical area beginning at the intersection of NW. 205th Street and the waters of Puget Sound, proceeding in an easterly direction along the King County line to its intersection with 100th Avenue N.E., thence southerly along 100th Avenue N.E. and its continuation to the intersection of 100th Avenue S.E. and S.E. 240th Street, thence westerly along S.E. 240th Street, to its intersection with North Central Avenue, thence southerly along North Central Avenue, its continuation as South Central Avenue and 83rd Avenue South and its connection to Auburn Way North, thence southerly along Auburn Way North and its continuation as