

Dated: February 29, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Chapter VI is amended as follows:

#### **PART 260—INSPECTION AND CERTIFICATION**

1. The authority citation for part 260 continues to read as follows:

Authority: Section 6, 70 Stat. 1122, 16 U.S.C. 742e; secs. 203, 205, 60 Stat. 1087, 1090 as amended; 7 U.S.C. 1622, 1624; Reorganization Plan No. 4 of 1970 (84 Stat. 2090).

2. Section 260.84 is added under the undersigned center heading "miscellaneous" to read as follows:

##### **§ 260.84 Policies and procedures.**

The policies and procedures pertaining to any of the inspection services are contained within the NMFS Fishery Products Inspection Manual. The policies and procedures are available from the Secretary to any interested party by writing to Document Approval and Supply Services Branch, Inspection Services Division, P.O. Drawer 1207, 3207 Frederic St., Pascagoula, MS 39568-1207.

3. Part 261 is revised to read as follows:

#### **PART 261—UNITED STATES STANDARDS FOR GRADES**

§ 261.101 Standard description.

§ 261.102 Publication and removal of U.S. Grade Standards.

§ 261.103 Basis for determination of a U.S. Standard for Grades.

Authority: 7 U.S.C. 1621-1630

##### **§ 261.101 Standard description.**

A U.S. Standard for Grades authorized under this part is a standard for a fish or fishery product that has been developed and adopted by the voluntary seafood inspection program pursuant to the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 *et seq.*) and other authorities delegated to the U.S. Department of Commerce.

##### **§ 261.102 Publication and removal of U.S. Grade Standards.**

(a) The voluntary U.S. Standards for Grades adopted pursuant to this part shall be issued as Program policies and contained within the NMFS Fishery Products Inspection Manual. Compliance with voluntary standards issued as Program policies within the manual shall satisfy the requirements of this part. Compliance with a voluntary standard issued as a Program policy does not relieve any party from the

responsibility to comply with the provisions of the Federal Food, Drug, and Cosmetic Act; or other Federal laws and regulations.

(b) Notification of an application for a new grade standard shall be published in the Federal Register. If adopted, the grade standard shall be issued as a Program policy and contained in the NMFS Fishery Products Inspection Manual.

(c) Recision and revision of a U.S. Standard for Grades will be made a Program policy amendment and contained in the NMFS Fishery Products Inspection Manual.

(d) The NMFS Fishery Products Inspection Manual is available to interested parties.

##### **§ 261.103 Basis for determination of a U.S. Standard for Grades.**

(a) To address the inherently distinct and dissimilar attributes found in the fishery product groups, each standard for grades should have a different scope and product description, product forms, sample sizes, definition of defects, etc. The Secretary will make the final determination regarding the content of a U.S. Standard for Grades.

(b) A proposal for a new or revised U.S. grade standard may include the following:

(1) *Scope and product description*, which describes the products that are eligible for grading using the standard (e.g., fish portion, fish fillet).

(2) *Product forms*, which describe the types, styles and market forms covered by the standard (e.g., skin-off, tail-on, headless).

(3) *Grade and inspection marks*, which describe the grades and inspection mark criteria for each grade category (e.g., Grade A ≤ 15 points).

(4) *Grade determination*, which describes the means by which the grade is determined (i.e., the factors rated by score points and those that are not). Standards may contain defect grouping limiting rules that contain additional provisions that must be met.

(5) *Sampling*, which describes the method of sampling and sample unit sizes (e.g., 10 portions, 8 ounces, etc.).

(6) *Procedures* that describe the process used to determine the product grade (e.g., label declarations, sensory evaluation).

(7) *Definitions of defects*, which outline the defects associated with the products covered by the standard, defines them, and describes the method of counting or measuring the defects. This section may provide associated defect points or reference a defect table (e.g., bruises, blood spots, bones, black spots, coating defects, 1-inch squares, percent by weight, ratios).

(8) *Defect point assessment*, which describes how to assess points and provides any special guidance that may be necessary to the particular standard (e.g., defect points for certain categories are added together and divided by the weight of the sample unit; the number of instances are counted to determine if it is slight, moderate, or excessive defect).

(9) *Tolerances for lot certification*, which provide the sections from Title 50 CFR that regulate lot certification.

(10) *Hygiene*, which specifies the sections of applicable Federal regulations regulating the safe, wholesome production of food for human consumption.

(11) *Methods of analysis*, which describe the methods of analysis that will be used in the evaluation of the products covered by the standard for grades (e.g., net weight, deglazing, debreading).

(12) *Defect table*, which is the table of defects and associated points to be assessed for each defect.

#### **PARTS 262 THROUGH 267— [REMOVED]**

4. Under the authority of 16 U.S.C. 742e and 7 U.S.C. 1622, 1624, parts 262 through 267 are removed.

[FR Doc. 96-5325 Filed 3-7-96; 8:45 am]

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#### **50 CFR Part 351**

[Docket No. 960228055-6055-01; I.D. 022396B]

#### **Whaling Provisions; Elimination of Regulations**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS is eliminating outdated regulations pertaining to whaling. This action will reduce Federal regulations consistent with the President's Regulatory Reinvention Initiative.

**EFFECTIVE DATE:** March 8, 1996.

**FOR FURTHER INFORMATION CONTACT:** Dr. Kevin Chu (508)548-5123.

#### **SUPPLEMENTARY INFORMATION:**

In March 1995, President Clinton issued a directive to Federal agencies regarding their responsibilities under his Regulatory Reinvention Initiative. This initiative is part of the National Performance Review and calls for immediate, comprehensive regulatory reform. The President directed all agencies to undertake an exhaustive review of all their regulations, with an

emphasis on eliminating or modifying those that are obsolete, duplicative, or otherwise in need of reform. This final rule is intended to carry out the President's directive with respect to the regulations implementing the Whaling Convention Act of 1949 (U.S.C. 916 *et seq.*).

Based on its review, NMFS is removing 50 CFR part 351, which pertains to the regulation of whaling. Part 351 contains the 1984 regulations of the International Whaling Commission (IWC). No portion of part 351 is relevant to the management of whaling within the United States today. Most of part 351 deals with regulations pertaining to commercial whaling, which is illegal in the United States. The sections of part 351 dealing with aboriginal whaling, which is permitted under some circumstances in the United States, regulated only the 1984 and 1985 whale hunt and are, therefore, no longer necessary.

Aboriginal whaling within the United States remains regulated under 50 CFR part 230. Part 230 also contains certain outdated material, which will be revised and updated through another rulemaking to be published in the Federal Register.

The elimination of 50 CFR part 351 by this final rule is intended to reduce the volume and publication costs of the regulations.

#### Classification

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

Because this rule only eliminates regulations that are no longer applicable to anyone, no useful purpose would be served by providing notice and the opportunity for public comment. Accordingly, the Assistant Administrator for Fisheries, NOAA (AA), under 5 U.S.C. 553(b)(B), for good cause finds that providing notice and opportunity for public comment is unnecessary. For the same reason, the

AA, under 5 U.S.C. 553(d), for good cause finds that a 30-day delay in their elimination is unnecessary.

#### List of Subjects in 50 CFR Part 351

Fisheries, Marine mammals, Reporting and recordkeeping requirements, Treaties.

Dated: March 1, 1996.

Gary Matlock,

*Program Management Officer, National Marine Fisheries Service.*

For the reasons set out in the preamble, under authority of Article 5, 62 Stat. 1718, sec. 2-14, 64 Stat. 421-425; 16 U.S.C. 916 *et seq.*, 50 CFR part 351 is removed and subchapter B is reserved.

[FR Doc. 96-5482 Filed 3-7-96; 8:45 am]

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#### 50 CFR Part 675

[Docket No. 960129019-6019-01; I.D. 030496E]

#### Groundfish of the Bering Sea and Aleutian Islands Area; Pacific Ocean Perch in the Eastern Aleutian District

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

**ACTION:** Closure.

**SUMMARY:** NMFS is closing the directed fishery for Pacific ocean perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the specification of Pacific ocean perch in this area.

**EFFECTIVE DATE:** 12 noon, Alaska local time (A.l.t.), March 5, 1996, until 12 midnight, A.l.t., December 31, 1996.

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

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS

according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

In accordance with § 675.20(a)(7)(ii), the Final 1996 Harvest Specifications of Groundfish (61 FR 4311, February 5, 1996) for the BSAI established 2,571 metric tons (mt) as the initial total allowable catch for Pacific ocean perch in the Eastern Aleutian District.

The Director, Alaska Region, NMFS (Regional Director), has determined, in accordance with § 675.20(a)(8), that the Pacific ocean perch initial total allowable catch in the Eastern Aleutian District subarea soon will be reached. Therefore, the Regional Director has established a directed fishing allowance of 2,471 mt after determining that 100 mt will be taken as incidental catch in directed fishing for other species in the Eastern Aleutian District. NMFS is prohibiting directed fishing for Pacific ocean perch in the Eastern Aleutian District to prevent exceeding the directed fishing allowance.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 675.20(h).

#### Classification

This action is taken under § 675.20 and is exempt from review under E.O. 12866.

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

Dated: March 4, 1996.

Richard W. Surdi,

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

[FR Doc. 96-5560 Filed 3-5-96; 3:44 pm]

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