

Branch (M-86.2), Accounting Operations Division, Office of the Secretary, room 2228, Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590.

(b) Payment of a civil penalty assessed in a final order issued under § 190.213 or affirmed in a decision on a petition for reconsideration must be made within 20 days after receipt of the final order or decision. Failure to do so will result in the initiation of collection action, including the accrual of interest and penalties, in accordance with 31 U.S.C. 3717 and 49 CFR part 89.

PART 191—[AMENDED]

1. The authority citation for Part 191 continues to read as follows:

Authority: 49 U.S.C. 5121, 60102, 60103, 60104, 60108, 60117, 60118, and 60124; and 49 CFR 1.53.

2. Section 191.1 is amended by revising paragraph (b)(1) to read as follows:

§ 191.1 Scope.

* * * * *

(b) * * *

(1) Offshore gathering of gas upstream from the outlet flange of each facility where hydrocarbons are produced or where produced hydrocarbons are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream; or

* * * * *

PART 192—[AMENDED]

1. The authority citation for Part 192 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60110, 60113, and 60118; and 49 CFR 1.53.

2. Section 192.513 is amended by revising paragraphs (c) and (d) to read as follows:

§ 192.513 Test requirements for plastic pipelines.

* * * * *

(c) The test pressure must be at least 150 percent of the maximum operating pressure or 50 psig, whichever is greater. However, the maximum test pressure may not be more than three times the pressure determined under § 192.121, at a temperature not less than the pipe temperature during the test.

(d) During the test, the temperature of thermoplastic material may not be more than 38 °C (100N F), or the temperature at which the material's long-term hydrostatic strength has been determined under the listed specification, whichever is greater.

PART 193—[AMENDED]

1. The authority citation for part 193 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60103, 60104, 60108, 60109, 60110, and 60113; 60118; and 49 CFR 1.53.

2. Section 193.2819 is amended by revising paragraph (f) to read as follows:

§ 193.2819 Gas detection.

* * * * *

(f) All enclosed buildings that house a flammable fluid or are connected by piping or uninterrupted conduit to a source of flammable fluid must be continuously monitored for the presence of flammable gases and vapors with a fixed flammable gas detection system that provides a visible or audible alarm outside the enclosed building. The systems must be provided and maintained according to the applicable requirements of ANSI/NFPA 59A.

3. Section 193.2907 is amended by revising paragraphs (a) and (b) to read as follows:

§ 193.2907 Protective enclosure construction.

(a) Each protective enclosure must have sufficient strength and configuration to obstruct unauthorized access to the facilities enclosed.

(b) Openings in or under protective enclosures must be secured by grates, doors or covers of construction and fastening of sufficient strength such that the integrity of the protective enclosure is not reduced by any opening.

* * * * *

Issued in Washington DC, on May 23, 1996.

Kelley S. Coyner,

Acting Deputy Administrator, Research and Special Programs Administration.

[FR Doc. 96-13770 Filed 5-31-96; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 216 and 247

[Docket No. 960516135-6135-01; I.D. 051096A]

RIN 0648-AF08

Taking and Importing of Marine Mammals; Dolphin Safe Tuna Labeling; Regulation Consolidation

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

ACTION: Final rule.

SUMMARY: This rule consolidates existing regulations regarding dolphin safe tuna labeling and corrects an address in the regulations. This action is part of the President's regulatory reform initiative.

EFFECTIVE DATE: June 3, 1996.

FOR FURTHER INFORMATION CONTACT:

Wanda L. Cain, Office of Protected Resources, NMFS, 301-713-2055.

SUPPLEMENTARY INFORMATION:

On September 19, 1991 (56 FR 47424), NMFS published an interim final rule implementing dolphin safe tuna labeling requirements of the Dolphin Protection Consumer Information Act, 16 U.S.C. 1385. To consolidate regulations under the President's regulatory reform initiative, NMFS is recodifying regulations governing the requirements for the dolphin safe labeling of tuna as subpart H of part 216. In addition, a new paragraph is added to § 216.24 to reference subpart H in order to make importers aware of dolphin safe tuna labeling requirements.

In this rule, NMFS also removes the address of the Director, Southwest Region, from the footnote to § 261.24 (e)(3)(iii).

Classification

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

The Assistant Administrator for Fisheries, NOAA, under 5 U.S.C. 553(b)(B) and (d)(3), for good cause finds that because this rule makes only nonsubstantive changes to existing regulations that were issued pursuant to notice-and-comment procedures, it is not necessary to provide advance notice and opportunity for public comment or to delay its effectiveness for 30 days.

List of Subjects

50 CFR Part 216

Administrative practice and procedure, Exports, Imports, Indians, Marine mammals, Penalties, Reporting and recordkeeping requirements, Transportation.

50 CFR Part 247

Exports, Fish, Labeling, Marine mammals, Penalties, Reporting and recordkeeping requirements, Seafood.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 216 and, under authority of 16 U.S.C. 1385 *et seq.*, 247 are amended as follows:

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

1. The authority citation for part 216 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*, unless otherwise noted.

2. In § 216.3, the definition for "Assistant Administrator" is revised, the definition of "Regional Director" is removed, and definitions for "Fisheries Certificate of Origin", "Label", "Director, Southwest Region", and "Tuna product" are added alphabetically to read as follows:

§ 216.3 Definitions.

* * * * *

Assistant Administrator means the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Silver Spring, MD 20910, or his/her designee.

* * * * *

Director, Southwest Region means the Director, Southwest Region, NMFS, 501 W. Ocean Blvd., Long Beach, CA 90802, or his/her designee.

* * * * *

Fisheries Certificate of Origin means NOAA Form 370, as described in 50 CFR 216.24(e)(3)(iii).

* * * * *

Label means a display of written, printed, or graphic matter on or affixed to the immediate container of any article.

* * * * *

Tuna product means any food product processed for retail sale and intended for human or animal consumption that contains an item listed in § 216.24(e)(2)(i) or (ii), but does not include perishable items with a shelf life of less than 3 days.

* * * * *

3. In § 216.24, the terms "NMFS Southwest Regional Director", "Regional Director", "Regional Director of the Southwest Region", "Regional Director, National Marine Fisheries Service", "Regional Director, Southwest Region", "Regional Director, Southwest Region, NMFS", and "Southwest Regional Director" are removed and the words "Director, Southwest Region" are added in its place, each place it occurs.

4. In § 216.24(e)(3)(i), paragraph (E) is added to read as follows:

§ 216.24 Taking and related acts incidental to commercial fishing operations.

* * * * *

(e) * * *

(3) * * *

(i) * * *

(E) Tuna or tuna products sold in or exported from the United States that suggest the tuna was harvested in a manner not injurious to dolphins are subject to the requirements of subpart H.

* * * * *

5. In § 216.24(e)(3)(iii), the footnote is revised to read as follows:

¹ Copies of the form are available from the Director, Southwest Region (see § 216.3).

6. Subpart H is added to read as follows:

SUBPART H—DOLPHIN SAFE TUNA LABELING

Sec.

216.90 Purpose.

216.91 Labeling requirements.

216.92 Purse seine vessels greater than 400 short tons (362.8 metric tons).

216.93 Submission of documentation.

216.94 Requests to review documents.

216.95 False statements or endorsements.

Authority: 16 U.S.C. 1385.

§ 216.90 Purpose.

This subpart governs the requirements for labeling of tuna or tuna products sold in or exported from the United States that suggest the tuna was harvested in a manner not injurious to dolphins.

§ 216.91 Labeling requirements.

It is a violation of section 5 of the Federal Trade Commission Act (15 U.S.C. 45) for any person subject to U.S. jurisdiction, including any producer, exporter, importer, distributor, or seller of any tuna product exported from the United States or offered for sale in the United States to include on the label of that product the term "dolphin safe" or any other term, phrase, or symbol that claims or suggests that the tuna contained in the product was harvested using a fishing method that is not harmful to dolphins, if the product:

(a) Contains tuna harvested with a large-scale driftnet; or

(b) Contains tuna harvested in the ETP by a purse seine vessel 400 short tons (362.8 metric tons) carrying capacity or greater and is labeled in a manner that violates the standards set forth in § 216.92 or § 216.93.

§ 216.92 Purse seine vessels greater than 400 short tons (362.8 metric tons).

For purposes of § 216.91(b), any tuna product containing tuna that were harvested in the ETP by a purse seine vessel 400 short tons (362.8 metric tons) carrying capacity or greater, must be accompanied by:

(a) A completed Fisheries Certificate of Origin;

(b) A written statement by the captain of each vessel that harvested the tuna, certifying that the vessel did not intentionally deploy a purse seine net on or to encircle dolphins at any time during the trip;

(c) A written statement certifying that an observer, employed by or working under contract with the Inter-American Tropical Tuna Commission or the Secretary, was on board the vessel during the entire trip and that the vessel did not intentionally deploy a purse seine net on or to encircle dolphin at any time during the trip. The statement must be signed by either:

(1) The Secretary; or

(2) A representative of the Inter-American Tropical Tuna Commission; and

(d) An endorsement on the Fisheries Certificate of Origin by each exporter, importer, and processor certifying that, to the best of his or her knowledge and belief, the Fisheries Certificate of Origin and attached documentation, accurately describe the tuna products.

§ 216.93 Submission of documentation.

The documents required by § 216.92 must accompany the tuna product whenever it is offered for sale or export, except that these documents need not accompany the product when offered for sale if:

(a) The documents do not require further endorsement by any importer or processor, and are submitted to officials of the U.S. Customs Service at the time of import; or

(b) The documents are endorsed as required by § 216.92(d) and delivered to the Director, Southwest Region, or to the U.S. Customs Service at the time of exportation.

§ 216.94 Requests to review documents.

At any time, the Assistant Administrator may request, in writing, any exporter, importer, processor, distributor, or seller of any tuna or tuna product labeled in a manner subject to the requirements of § 216.91, to produce, within a specified time period, all documentary evidence concerning the origin of any product that is offered for sale as "dolphin safe," including the original invoice.

§ 216.95 False statements or endorsements.

Any person who knowingly and willfully makes a false statement or false endorsement required by § 216.92 is liable for a civil penalty not to exceed \$100,000, that may be assessed in an action brought in any appropriate District Court of the United States on behalf of the Secretary.

PART 247—DOLPHIN SAFE TUNA LABELING

7. Under the authority of 16 U.S.C. 1385, part 247 is removed.
[FR Doc. 96-13743 Filed 5-31-96; 8:45 am]
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50 CFR Part 620

[Docket No. 960126016-6149-05; I.D. 052196G]

General Provisions for Domestic Fisheries; Amendment to Closure for American Lobster in Block Island Sound

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

ACTION: Emergency interim rule; amendment.

SUMMARY: In response to a request from the State of Rhode Island, NMFS is amending the emergency interim rule that closed a portion of Federal waters off the coast of the State of Rhode Island in Block Island Sound to fishing and possession of lobsters subsequent to an oil spill. This amendment reduces further the area in which fishing for or possessing lobsters is prohibited.

EFFECTIVE DATE: May 29, 1996 through July 23, 1996.

FOR FURTHER INFORMATION CONTACT: Daniel Morris at (508) 281-9388.

SUPPLEMENTARY INFORMATION: On January 19, 1996, an oil barge grounded and spilled more than 800,000 gallons (3.0 million liters) of heating oil into the waters of Block Island Sound, RI. On January 26, 1996, NMFS, at the request of and in conjunction with the State of Rhode Island, prohibited the harvest of seafood from an area of approximately 250 square miles (647 square km) in Block Island Sound. The original area of closure was announced and defined in an emergency interim rule published in the Federal Register on February 1, 1996 (61 FR 3602).

On March 13, 1996, NMFS opened the entire area to fishing for and landing finfish and squid by gear types other than bottom trawl gear. This same action, published in the Federal Register on March 19, 1996 (61 FR 11164), expanded by approximately 28 square miles (72 square km) the area in which fishing for and landing lobsters, clams, and crabs were prohibited. Throughout the expanded closed area the use of lobster traps, bottom trawl or dredge gear was prohibited.

On April 9, 1996, the closure was amended further to allow all fishing to

resume, with the exception of lobstering in an area of approximately 42 square miles (109 square km) to the east and north of Block Island, RI. This action was published in the Federal Register on April 15, 1996 (61 FR 16401).

On April 24, 1996, testing of lobsters from the closed Federal area determined that evidence of oil adulteration persists in some of the samples. Therefore, the State requested that the Federal closure, which was due to expire on May 1, 1996, be extended. NMFS complied with the State's request and extended the closure's effective date from May 1, 1996, through July 23, 1996 (61 FR 20175, May 6, 1996).

Following the oil spill, State officials, in consultation with Federal agencies and the responsible party, developed a protocol for reopening fisheries in the affected area. The protocol sets sampling, inspection, and analysis standards, which, if met, would ensure that seafood is wholesome and would provide a basis for reopening fisheries.

In accordance with the protocol, State and Federal agencies have been testing the water and marine life in and around the closed area since the closure began. Seafood species have been subjected to inspection by sensory experts and chemical analysis. Though all seafood from the area has been determined to be safe for consumption, certain lobsters from one particular sector still show some evidence of oil adulteration. Therefore, NMFS, at the request of the State, is opening all areas to all fishing with the exception of the one sector (described below) where oil adulteration has been detected in lobsters. No person may fish for, possess, or land American lobsters from the closed area.

In order to avoid conflict with other amendments to § 620.7, the text of former paragraph (i) of that section is now placed in paragraph (m) of that section.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that this rule is necessary to respond to an emergency situation and is consistent with the Magnuson Fishery Conservation and Management Act and other applicable law.

Testing has determined that consumption of seafood from a portion of the area closed prior to this action does not pose a threat to human health. Fishermen who operate in the area would suffer severe economic hardship unnecessarily if the current prohibition were to remain in effect. Hence, the AA finds that the foregoing constitutes good cause to waive the requirement to provide prior notice and the

opportunity for public comment, pursuant to authority set forth at 5 U.S.C. 553(b)(B), as such procedures would be contrary to the public interest. Further, as this provision relieves a restriction, it is made effective immediately pursuant to authority at 5 U.S.C. 553(d)(1).

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

This emergency rule is exempt from the procedures of the Regulatory Flexibility Act because this rule is not required to be issued with prior notice and opportunity for public comment.

List of Subjects in 50 CFR Part 620

Fisheries, Fishing.

Dated: May 28, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 620 is amended as follows:

PART 620—GENERAL PROVISIONS FOR DOMESTIC FISHERIES

1. The authority citation for part 620 continues to read as follows:

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

2. In § 620.7, paragraph (i) revised at 61 FR 16401, April 15, 1996, effective from April 19, 1996 through May 1, 1996, and extended at 61 FR 20175, May 6, 1996 from May 1, 1996 through July 23, 1996 is removed and paragraph (m) is added to read as follows:

§ 620.7 General prohibitions.

* * * * *

(m) Fish for American lobsters in, or possess or land American lobsters from, the Federal waters of Block Island Sound bounded as follows: From the point where LORAN line 14470 intersects with the 3-nautical mile (6-km) line south of Point Judith, RI, proceeding south-southeasterly to its intersection with the 43920 line, thence southwesterly along the 43920 line to its intersection with the 3-nautical mile (6-km) line northeast of Block Island, RI, thence northerly along said 3-nautical mile (6-km) line to the northern intersection of the 3-nautical mile (6-km) line and the 14530 line, thence northwesterly along the 14530 line to the intersection of the 3-nautical mile (6-km) line, thence northeasterly along the 3-nautical mile (6-km) line to the starting point.

[FR Doc. 96-13702 Filed 5-29-96; 11:32 pm]

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