

DEPARTMENT OF STATE

[Public Notice 3141]

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

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

EFFECTIVE DATE: October 27, 1999.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dated: October 20, 1999.

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

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

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

AGENCY: Federal Aviation Administration (FAA), DOT.

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

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

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

SUPPLEMENTARY INFORMATION:**Background**

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

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

The Task

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

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

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

- Survivability of systems

- Fire suppression
- Cabin smoke extraction
- Direction of smoke from the cockpit
- Least risk bomb location (identification)
- Least risk bomb location (design)
- Pilot compartment (penetration resistance)
- Interior design to facilitate searches

Review the adopted rules and recommend changes to the JAR and FAR and develop associated advisory material. Phase I of the task should define the scope and extent to which the ICAO Amendment 97 rules should be implemented and a strategy for implementation. Phase II should develop recommendations for practical airworthiness requirements for specific FAR paragraphs and prepare any associated advisory material. The recommended design criteria should be consistent with the security threat taking into account the operation and function of the airplane and the current and future aviation security systems.

For Phase I, the FAA requests that ARAC provide a report detailing the implementation strategy. The FAA expects ARAC to submit this report by February 1, 2000.

For Phase II, the FAA requests that ARAC draft appropriate regulatory documents with supporting economic and other required analyses, and any other related guidance material or collateral documents to support its recommendations. If the resulting recommendation is one or more notices of proposed rulemaking (NPRM) published by the FAA, the FAA may ask ARAC to recommend disposition of any substantive comments the FAA receives. The FAA expects ARAC to submit its recommendation(s) under Phase II to the FAA within 26 months of tasking.

ARAC Acceptance of Task

ARAC has accepted the task and has chosen to establish a new Design for Security Harmonization Working Group. The working group will serve as staff to ARAC to assist ARAC in the analysis of the assigned task. Working group recommendations must be reviewed and approved by ARAC. If ARAC accepts the working group's recommendations, it forwards them to the FAA as ARAC recommendations.

Working Group Activity

The Design for Security Harmonization Work Group is expected to comply with the procedures adopted by ARAC. As part of the procedures, the working group is expected to:

1. Recommend a work plan for completion of the tasks, including the rationale supporting such a plan, for

consideration at the meeting of ARAC to consider transport airplane and engine issues held following publication of this notice.

2. Give a detailed conceptual presentation of the proposed recommendations, prior to proceeding with the work stated in item 3 below.

3. Draft appropriate regulatory documents with supporting economic and other required analyses, and/or any other related guidance material or collateral documents the working group determines to be appropriate; or, if new or revised requirements or compliance methods are not recommended, a draft report stating the rationale for not making such recommendations.

4. Provide a status report at each meeting of ARAC held to consider transport airplane and engine issues.

Participation in the Working Group

The Design for Security Harmonization Working Group will be composed of technical experts having an interest in the assigned task. A working group member need not be a representative of a member of the full committee.

An individual who has expertise in the subject matter and wishes to become a member of the working group should write to the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire, describing his or her interest in the tasks, and stating the expertise he or she would bring to the working group. All requests to participate must be reviewed by the assistant chair, the assistant executive director, and the working group co-chairs, and the individuals will be advised whether or not the request can be accommodated.

Individuals chosen for membership on the working group will be expected to represent their aviation community segment and participate actively in the working group (e.g., attend all meetings, provide written comments when requested to do so, etc.). They also will be expected to devote the resources necessary to ensure the ability of the working group to meet any assigned deadline(s). Members are expected to keep their management chain advised of working group activities and decisions to ensure that the agreed technical solutions do not conflict with their sponsoring organization's position when the subject being negotiated is presented to ARAC for a vote.

Once the working group has begun deliberations, members will not be added or substituted without the approval of the assistant chair, the assistant executive director, and the working group chair.

The Secretary of Transportation has determined that the formation and use of ARAC are necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

Meetings of ARAC will be open to the public. Meetings of the Design for Security Harmonization Working Group will not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. No public announcement of working group meetings will be made.

Issued in Washington, DC, on October 20, 1999.

Anthony F. Fazio,

Executive Director, Aviation Rulemaking Advisory Committee.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Availability of a Draft Environmental Impact Statement/ Section 4(f) Evaluation for Proposal Development at Cleveland Hopkins International Airport, Cleveland, OH

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of availability of a draft environmental impact statement/4(f) evaluation.

SUMMARY: The Federal Aviation Administration (FAA) is making available the Draft Environmental Impact Statement (DEIS) which includes a Section 4(f) Evaluation for proposed development at Cleveland Hopkins International Airport, Cleveland, Ohio.

DATES AND ADDRESSES: Written comments will be accepted prior to Wednesday, December 29, 1999. Written comments may be sent to: Mr. Ernest Gubry, Community Planner, FAA Great Lakes Region, Detroit Airports District Office, Willow Run Airport, 8820 Beck Road, Belleville, MI 48111. Oral or written comments may also be given at a public hearing that will be held on Tuesday, November 30, 1999, 6 p.m. to 9 p.m. at the Olmsted Falls High School, Cafeteria, 26939 Bagley Road, Olmsted Falls, OH; and Wednesday, December 1, 1999, 6 p.m. to 9 p.m. at the Cleveland Airport Marriott Hotel, Grand Ballroom, 4277 West 150th St, Cleveland, OH.

POINT OF CONTACT: Mr. Ernest Gubry, Community Planner, FAA Great Lakes Region, Detroit Airports District Office, Willow Run Airport, 8820 Beck Road, Belleville, MI 48111.