

will be approved. If comments are received, NOAA and EPA will consider whether such comments are significant enough to affect the decision to fully approve the program.

Copies of the draft Approval Decisions can be found on the NOAA web site at <http://www.ocrm.nos.noaa.gov/czm/> or may be obtained upon request from: Joseph P. Flanagan, Coastal Programs Division (N/ORM3), Office of Ocean and Coastal Resource Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland, 20910, tel. 301-713-3121, extension 201, e-mail joseph.flanagan@noaa.gov.

DATES: Individuals or organizations wishing to submit comments on the draft Approval Decisions should do so by October 5, 2000.

ADDRESSES: Comments should be made to Joseph A. Uravitch, Chief, Coastal Programs Division (N/ORM3), Office of Ocean and Coastal Resource Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland, tel. 301-713-3155 extension 195, e-mail joseph.uravitch@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Josh Lott, Coastal Program Division (N/ORM3), Office of Ocean and Coastal Resource Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland, 20910, tel. 301-713-3155, extension 178, e-mail josh.lott@noaa.gov or Katie Lynch, EPA Region 2—2WMWSP, Water Programs Branch, 24th Floor, 290 Broadway, New York, NY 10007, tel. 212-637-3840, e-mail lynch.katie@epa.gov.

Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration.

Ted I. Lillestolen,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration.

J. Charles Fox,

Assistant Administrator, Office of Water, Environmental Protection Agency.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 072100A]

Taking and Importing of Marine Mammals

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of changes in status of intermediary nations.

SUMMARY: The Assistant Administrator for Fisheries, NMFS, (Assistant Administrator) made changes in the intermediary nation status for the Governments of Costa Rica, Italy, and Japan under the Marine Mammal Protection Act (MMPA) on August 19, 2000. This allows the importation into the United States from these nations of yellowfin tuna and yellowfin tuna products harvested in the eastern tropical Pacific Ocean (ETP) after March 3, 1999. The change in intermediary nation status is based on the lack of sufficient documentary evidence that Costa Rica, Japan, or Italy import yellowfin tuna or tuna products from nations subject to a direct ban under the MMPA. This determination remains in effect until the Assistant Administrator has sufficient evidence that a nation is importing yellowfin tuna or tuna products subject to a direct ban under the MMPA.

DATES: Effective August 19, 2000.

ADDRESSES: Copies of this notice may be obtained by writing to Nicole R. Le Boeuf, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, Maryland 90210.

FOR FURTHER INFORMATION CONTACT: Nicole R. Le Boeuf; Phone 301-713-2322; Fax 301-713-4060.

SUPPLEMENTARY INFORMATION: NMFS imposed the current intermediary nation embargoes as a result of a court order dated February 3, 1992 by Judge Thelton Henderson of the U.S. District Court for the Northern District of California. NMFS was ordered to impose embargoes on certain intermediary nations under section 101(a)(2)(C) of the MMPA. At that time, section 101(a)(2)(C) mandated that NMFS and the U.S. Customs Service “. . . require the government of any intermediary nation, from which yellowfin tuna or yellowfin tuna products will be exported to the United States to certify and provide reasonable proof...” Based on the phrase “from which yellowfin tuna or yellowfin tuna products will be exported”, Judge Henderson determined that Congress had intended the scope of the intermediary nation embargoes to cover “all yellowfin tuna and tuna products.” *Earth Island Institute v. Mosbacher* 785 F. Supp. 826, 833 (N. D. Cal. 1992)

On November 2, 1992, after Judge Henderson's decision, Congress amended the MMPA and revised paragraph 101(a)(2)(C) to require that an

intermediary nation “...certify and provide reasonable proof to the Secretary that it has not imported, within the preceding 6 months, any yellowfin tuna or yellowfin tuna products that are subject to a direct ban on importation into the United States under subparagraph (B).” (from Pub. L. 102-582)

Under the current intermediary nation embargo provisions (which the International Dolphin Conservation Program Act (IDCPA) recodified as section 101(a)(2)(B)), an intermediary embargo applies only to that yellowfin tuna harvested by purse seine in the ETP. The regulations to implement the IDCPA also specify that the intermediary and primary nation embargoes apply only to yellowfin tuna harvested by purse seine vessels greater than 400 short tons carrying capacity in the ETP. Although NMFS had sufficient evidence to determine these nations to be intermediary nations under the original standard as interpreted in Judge Henderson's ruling, the evidence was not sufficient to indicate that Costa Rica, Japan, and Italy were intermediary nations under the amended definition.

This action removes the intermediary nation status of Costa Rica, Italy, and Japan, which have been embargoed since January 31, 1992. This change in intermediary nation status is based on the lack of sufficient documentary evidence that Costa Rica, Japan, or Italy import, or have ever imported, yellowfin tuna or tuna products from nations subject to a direct ban under section 101(a)(2)(B) of the MMPA. This determination remains in effect for these nations until NMFS has sufficient evidence that they are importing yellowfin tuna or tuna products subject to the direct ban.

The MMPA, 16 U.S.C. 1361 *et seq.*, as amended by the IDCPA (Pub. L. 105-42), prohibits the entry into the United States of yellowfin tuna and tuna products from “intermediary nations.” An intermediary nation is a nation that exports yellowfin tuna or yellowfin tuna products to the United States and that imports yellowfin tuna or yellowfin tuna products that are subject to a direct ban on importation into the United States pursuant to section 101(a)(2)(B) of the MMPA. The Assistant Administrator for Fisheries, NMFS, will review the status of intermediary nation determinations at the request of such nations or if the Assistant Administrator otherwise has evidence that a nation is importing yellowfin tuna or tuna products subject to a direct ban under section 101(a)(2)(B) of the MMPA. Such requests must be accompanied by specific and detailed supporting

information or documentation indicating that a review or reconsideration is warranted. If a nation has not imported in the previous 6 months yellowfin tuna or yellowfin tuna products that are subject to a ban on direct importation into the United States under section 101(a)(2)(B), the nation shall no longer be considered an intermediary nation, and these import restrictions shall no longer apply. The status of a nation as an intermediary nation will remain valid until the Assistant Administrator has sufficient evidence that a nation is not importing yellowfin tuna or tuna products subject to a direct ban under section 101(a)(2)(B) of the MMPA. The Assistant Administrator may require the submission of additional supporting documentation or verification of statements made in connection with requests to review or change the status of an intermediary nation.

As a reminder, the interim final regulations implementing the IDCPA (65 FR 30, January 3, 2000) also set forth a mechanism for lifting primary embargoes against nations harvesting yellowfin tuna in the ETP purse seine fishery. Harvesting or exporting nations, if different, must submit documentary evidence directly to the Assistant Administrator and request an affirmative finding as required by 50 CFR 216.24(f)(9). The affirmative finding process requires that the harvesting nation meet several conditions related to compliance with the International Dolphin Conservation Program (IDCP). To issue an annual affirmative finding, NMFS must receive the following information:

1. A statement requesting an affirmative finding;
2. Evidence of membership in the Inter-American Tropical Tuna Commission (IATTC);
3. Evidence that a nation is meeting its obligations to the IATTC, including financial obligations;
4. Evidence that a nation is complying with the IDCP. For example, national laws and regulations implementing the Agreement on the IDCP and information that the nation is enforcing those laws and regulations;
5. Evidence of a tuna tracking and verification program comparable to the U.S. tracking and verification regulations at 50 CFR 216.94;
6. Evidence that the national fleet dolphin mortality limits (DMLs) were not exceeded in the previous calendar year;
7. Evidence that the national fleet per-stock per-year mortality limits, if they are allocated to countries, were not exceeded in the previous calendar year;

8. Authorization for the IATTC to release to the Assistant Administrator for Fisheries complete, accurate, and timely information necessary to verify and inspect Tuna Tracking Forms; and

9. Authorization for the IATTC to release to the Assistant Administrator for Fisheries information whether a nation is meeting its obligations of membership to the IATTC and whether a nation is meeting its obligations under the IDCP, including managing (not exceeding) its national fleet DMLs or its national fleet per-stock per-year mortality limits. A nation may opt to provide this information directly to NMFS on an annual basis or to authorize the IATTC to release the information to NMFS in years when NMFS will review and consider whether to issue an affirmative finding determination without an application from the harvesting nation.

Date: August 25, 2000.

William T. Hogarth,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 082900B]

Mid-Atlantic Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (Council) Squid, Mackerel, and Butterfish Monitoring Committee will hold a public meeting.

DATES: The meeting will be held on Wednesday, September 20, 2000, from 10 a.m. until 5 p.m.

ADDRESSES: This meeting will be held in the Aquarium Conference Center of the NMFS Northeast Fisheries Science Center, 166 Water Street, Woods Hole, MA; telephone: 508-495-2373.

Council address: Mid-Atlantic Fishery Management Council, Room 2115, 300 S. New Street, Dover, DE 19904.

FOR FURTHER INFORMATION CONTACT:

Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302-674-2331, ext. 19.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to consider

in-season adjustment to the 2000 Loligo quota.

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

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Council Office (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: August 29, 2000.

Richard W. Surdi,

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

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BILLING CODE: 3510-22-S

DEPARTMENT OF DEFENSE

Department of the Air Force

Department of Defense Commercial Air Carrier Quality and Safety Review Program

AGENCY: Department of the Air Force, DoD.

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) the Paperwork Reduction Act of 1995, the Office of the Secretary of Defense announces the proposed reinstatement of a public collection and seeks public comment on the provisions thereof. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.