

certain local and state laws are preempted by federal law where such laws prohibit the mere possession of certain amateur service transceivers that are capable of receiving frequencies assigned by the Commission for, among other things, police use. This action is necessary to prevent overly broad scanner laws from frustrating the federal goals of facilitating and encouraging amateur service activities. This action only protects the legitimate operations of amateur licensees and does not apply to narrowly tailored state and local laws that prohibit the use of such radios for criminal purposes, such as the flight from law enforcement.

EFFECTIVE DATE: October 18, 1993.

FOR FURTHER INFORMATION CONTACT: Marc S. Martin, (202) 632-7175, Private Radio Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Declaratory Ruling, FCC 93-410, adopted August 20, 1993; and released September 3, 1993. The full text of this Declaratory Ruling is available for inspection and copying during normal business hours in the FCC Reference Center, room 230, 1919 M Street, NW., Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, 1919 M Street, room 248, Washington, DC. 20554, telephone (202) 857-3800.

Summary of Declaratory Ruling

1. In this proceeding, the American Radio Relay League (ARRL) filed a petition for a declaratory ruling requesting that the Commission preempt certain state and local laws that prohibit the possession of transceivers that have the capability of, among other things, receiving police radio frequencies (hereafter "scanner laws"). In its petition, ARRL makes two arguments in support of preemption. First, it states that amateur service transceivers typically allow for incidental reception of adjacent frequencies in order to, among other things, ensure the adequate reception of the entire amateur radio service band. Second, ARRL contends that amateur operators have special needs for out-of-band reception, and that the marketplace has long recognized this by offering transceivers that accommodate these needs. Therefore, according to ARRL, such scanner laws have the potential to frustrate the legitimate uses of amateur radio stations by licensed operators. The vast majority of comments and reply comments in this proceeding were in favor of the subject ARRL petition.

2. The Commission noted that there are approximately 600,000 amateur stations in the United States, many of which are used in mobile operations. Therefore, the Commission agreed with ARRL that while such scanner laws are not directed specifically at amateur operators, their effect is to prevent such licensees from using their equipment for authorized amateur transmissions and reception on amateur frequencies. Therefore, the Commission stated that such scanner laws are preempted by federal law. The Commission's preemption decision only protects the legitimate operations of amateur licensees and does not apply to narrowly tailored state and local laws that prohibit the use of such radios for criminal purposes, such as the flight from law enforcement.

List of Subjects in 47 CFR Part 97 Radio.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 93-22559 Filed 9-15-93; 8:45 am]

BILLING CODE 4712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 192

[Docket No. PS-100; Amdt. 192-69]

RIN AB-49

Gas Detection and Monitoring in Compressor Station Buildings

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: This final rule requires that each compressor building in a gas pipeline compressor station have a fixed gas detection and alarm system by September 16, 1996, unless the building has at least 50 percent of its upright side area permanently open, or is in an unattended field compressor station of 1,000 horsepower or less. The history of reported incidents at compressor stations shows a potential for leaking gas to accumulate undetected inside compressor buildings. The purpose of the gas detection and alarm systems is to detect mixtures of gas in air and warn persons before a mixture reaches the flammable range.

EFFECTIVE DATE: This amendment takes effect October 18, 1993.

FOR FURTHER INFORMATION CONTACT: L.M. Furrow, (202) 366-2392, regarding

changes to safety standards, or the Dockets Unit, (202) 366-4453, for copies of this final rule or other material in the docket.

SUPPLEMENTARY INFORMATION:

Background

On December 8, 1982, a compressor engine in a compressor station operated by the Trunkline Gas Company in Bonicord, Tennessee began leaking natural gas. The gas accumulated and exploded in the building that housed the compressor. Three workers in the building were killed, two others were injured, and the building was severely damaged.

The National Transportation Safety Board (NTSB) investigated the accident. In its report of the investigation, issued July 14, 1983, NTSB concluded that the building's ventilation system, which had adjustable vent louvers, had been set in a position that allowed leaking gas to accumulate in the building. Also, NTSB found that the operator had not equipped the building with a gas detection and alarm system, although it had scheduled one for installation. After the investigation, NTSB made the following Safety Recommendation to RSPA:

Amend 49 CFR 192.173, regarding compressor station building ventilation systems equipped with restrictive devices, to require the installation of gas detection equipment that will alert employees to hazardous gas accumulations and automatically open fully all restrictive devices when accumulations of gas are detected. (Class II, Priority Action) (P-83-20)

As a result of the NTSB recommendation, RSPA considered the need for safety regulations governing fixed gas detection and alarm systems in compressor buildings. We reviewed reports of incidents at compressor stations that operators had submitted under 49 CFR part 191. A significant number of these incidents appeared to involve gas leakage inside compressor buildings. Based on this finding and the Bonicord accident, we concluded that the history of incidents involving compressor buildings showed a potential for harm to pipeline workers that safety regulations could reduce.

We published an Advance Notice of Proposed Rulemaking (ANPRM) (53 FR 10906, April 4, 1988) concerning the problem of leaking gas accumulating in compressor buildings. We sought comments on alternatives to reduce the potential for personal injury and property damage. NTSB's recommendation was among these alternatives.

Thirty-six persons submitted comments on the ANPRM. More than 75

percent of these commenters supported the first alternative in the ANPRM. This alternative was to require operators to install gas detection and alarm systems in compressor buildings. Our analysis of the comments and the alternatives in the ANPRM also supported the first alternative. We decided, therefore, that fixed gas detection and alarm systems would provide the most practical and effective means to reduce the potential for harm from leaking gas accumulating in compressor buildings.

Following publication of the ANPRM, we published a notice of proposed rulemaking (NPRM) (55 FR 30724, July 27, 1990) regarding fixed gas detection and monitoring in compressor buildings. We proposed to establish a new gas pipeline safety standard, § 192.736, "Compressor stations: Gas detection." This new standard would require operators to install a gas detection and alarm system in each compressor building that has 50 percent or more of its wall area enclosed. The system would have to be designed to warn persons entering or in the building of any hazardous accumulation of gas in the building. Also, under the proposed standard, operators would have to maintain the system to function properly and periodically test its performance.

Comments on NPRM

We received letters from 23 persons commenting on the NPRM. The distribution of these commenters is as follows:

State agency	1
Federal agency	2
Standards organization	1
Testing laboratory	1
Pipeline trade association	2
Pipeline operator	16

General comments. The majority of commenters either supported the proposed rule or did not protest it. A minority, however, saw no need to change the current rules, but did not oppose the concept of the proposal. These commenters said a single accident provides an insufficient basis for rulemaking. They also said the current part 192 rules are adequate because they allow operators flexibility to decide the best method for safe operations.

We do not find the arguments against rulemaking persuasive. The Bonicord accident was merely the first to call public attention to the need for fixed gas detection and alarm systems at compressor buildings. The RSPA record of gas pipeline accidents is replete with reported accidents involving fires and explosions at compressor stations.

Viewed together, these accidents show a significant potential for harm that compliance with the final rule can diminish.

As for the adequacy of current rules, we reported in the NPRM that more than 75 percent of the comments on the ANPRM supported the installation of gas detection and alarm systems for safety. Yet, the record of this proceeding shows that up to 20 percent of gas pipeline compressor buildings do not have such systems in place. We believe this statistic confirms that the current part 192 rules are not adequate to ensure safe operation of compressor buildings.

Adjustable vents. NTSB, one of the two Federal agencies that commented on the NPRM, stated that the proposed rule was deficient because it did not address adjustable vents. NTSB essentially repeated its recommendation set forth above. It said that in compressor buildings with adjustable vents, gas detection and alarm systems should open the vents fully when sensors detect a hazardous accumulation of gas. According to NTSB, this opening would prevent small amounts of gas from accumulating to an explosive mixture. Regarding our concern (expressed in both the ANPRM and NPRM) that automatic vent opening would interfere with fire suppressants, NTSB said there would not be any interference if, after opening, the vents shut when the fire suppression system starts.

As we stated in the NPRM, the comments we received on the ANPRM suggested that operators commonly do not install gas detection and alarm systems that automatically open vent louvers upon detection of a significant accumulation of gas. Some commenters considered such systems impractical and unreliable. Others said the automatic ventilation feature is not easy to install. It requires a separate power line unaffected by the emergency shutdown system, and explosion-proof electrical equipment to guard against accidental ignition.

We also pointed out in the NPRM that the comments on the ANPRM supported our reservations about the automatic-venting aspect of NTSB's recommendation. Our primary concern was that automatic, fully open, rapid ventilation could hinder the use of the most efficient or effective fire suppression systems (e.g., Halon, CO₂) in compressor buildings. These systems operate best in enclosed environments. Another concern was that the benefit of an automatic system would be limited to small leaks, since large leaks could overcome the venting capacity. In view of the added installation costs of the

systems, their potentially adverse effect on fire suppressants, the lack of use history data, and their limited usefulness, this final rule does not require that operators install automatic venting systems.

Alarm setting. Two pipeline operators commented that the words, "hazardous accumulations of gas," in proposed § 192.736(a) were too vague or indefinite. They suggested the rule require monitoring for the presence of gas in air at concentrations not exceeding 25 percent of the lower explosive limit (LEL) of the gas. Upon further consideration, we agree that the proposed language is not specific enough to assure that alarms will be set to warn persons of accumulating gas well before it becomes a flammable mixture. Twenty-five percent of LEL is widely used as a maximum setting to actuate alarms for this purpose. For example, under 49 CFR 193.2819, this setting applies to alarms connected to gas detection systems at liquefied natural gas (LNG) plants. In addition, almost all operators who reported installing gas detection systems said they link them to alarms that actuate at 15 to 30 percent of the LEL of natural gas, and then to emergency shutdown devices that actuate at 50 to 75 percent of LEL. Given this common practice in the industry and the existing RSPA rule for LNG plants, we believe that adopting the commenters' suggested change would be in the interest of safety. We also believe existing settings that are above 25 percent of LEL can be adjusted readily to the new level. Therefore, the final rule requires that alarms be set to actuate at concentrations of gas in air of not more than 25 percent of LEL.

Building design. The New York Public Service Commission (NYPSC) suggested that we designate the final rule as § 192.171(f) instead of § 192.736 as proposed. This change would put the final rule among the requirements in part 192 governing the design of compressor stations. We did not adopt this comment because the final rule governs the monitoring of compressor buildings, not their design.

Detailed specifications. The Minerals Management Service (MMS) of the United States Department of the Interior thought the language of the proposed rule was too general to be effective. MMS suggested we adopt the standards in 30 CFR 250.123(b)(9) instead. These standards apply to gas and fire detection systems on offshore production platforms. They are more specific than § 192.736 regarding the types of gas detection systems that may be used and where sensors must be placed. Nevertheless, the available pipeline

safety data do not suggest that the type and placement of gas systems in compressor buildings are matters in need of more detailed RSPA safety requirements.

Furthermore, a careful comparison shows that the MMS standards contain exceptions that are not in § 192.736. In particular, the MMS standards require gas detection systems only in areas that are inadequately ventilated, while § 192.736 requires gas detection and alarm systems without regard to the adequacy of ventilation in a building. Also, unlike § 192.736, the MMS standards allow gas odorant to serve as an alternative to gas detection and alarm systems in continuously staffed areas. Section 192.736 requires gas detection and alarm systems in buildings handling odorized gas to warn personnel of accumulating gas before they enter the building. We believe the record of this proceeding shows that these exceptions in the MMS standards are not appropriate for compressor buildings covered by § 192.736. Therefore, we did not adopt the MMS comment.

Downtime. One pipeline operator suggested the words, "continuously monitored," in proposed § 192.736(a) should be deleted to permit periodic system replacements or repairs. We did not intend to disallow these functions. Nor did we intend for operators to install redundant systems so that monitoring might continue during the downtime for maintenance. The final rule excepts the time necessary for maintenance.

Frequency of system tests. In the NPRM, we proposed to require that operators maintain their gas detection and alarm systems to function properly (proposed § 192.736(b)). We also proposed to emphasize in the rule that operators must include performance tests as part of that maintenance. Although we did not propose a specific frequency of testing, we sought comments on whether the final rule should set a minimum frequency. This issue drew the most comments of all the issues commenters raised about the NPRM. Most commenters suggested minimum testing frequencies, ranging from weekly to annually. They especially preferred the latter frequency, because it is the minimum frequency at which operators must test remote control shutdown devices installed in compressor stations (§ 192.731(c)). In contrast, a few pipeline operators and a trade association thought the proposed maintenance rule was broad enough to require testing without including it in the language of the rule. These commenters essentially argued that

maintenance would not be adequate to assure a properly functioning system unless it included periodic performance tests. One operator and a trade association urged us to allow operators to decide the appropriate test intervals for their systems. They said operators need this discretion because instruments and devices are not alike in all systems and operating conditions vary among stations.

We agree that operators should have discretion in deciding how frequently to test their systems. Gas detection and alarm systems and operating conditions vary. A uniform minimum test frequency may not be suitable for every operator's system. In addition, the available safety data do not suggest that testing frequencies now in use are inadequate.

We also agree with those commenters who said that periodic performance tests are essential to an adequate maintenance program for fixed gas detection and alarm systems. Because testing is essential but is not conventionally included within the concept of maintenance, we believe the final rule should explicitly require testing. Thus, we have adopted the final rule as proposed in regard to testing.

The New York Public Service Commission recommended that we establish a weekly inspection interval for gas detection and alarm systems. We do not believe a uniform, periodic inspection interval is appropriate for the same reasons we did not adopt a uniform testing frequency.

Hazardous liquid pipelines. NTSB also thought the NPRM was deficient because we did not propose to establish a rule in 49 CFR part 195 for hazardous liquid pipelines that would be comparable to proposed § 192.736. In the ANPRM we said, "The Department's safety standards for hazardous liquid pipelines require that pump station buildings (which present risks similar to those presented by gas compressor station buildings) be constructed to include both ventilation and devices warning occupants of the presence of hazardous vapors (49 CFR 195.262(a))." (See 53 FR 10906.) We realize that, unlike § 192.736, the rule in § 195.262(a) does not apply to buildings in existence when the rule took effect, but the two rules are comparable. As part of our continuing effort to make parts 192 and 195 consistent where appropriate, we will examine the need to apply § 195.262(a) to all pump station buildings.

Lead time for compliance. In the NPRM, we proposed to allow operators 2 years after publication of a final rule to install gas detection and alarm

systems. Operators could use this time for planning and to obtain equipment, electrical contractors, and, where necessary, a power line.

Several pipeline operators and a trade association said that 2 years was not enough time to complete the work. Some operators have many old stations in which to install systems. These commenters also argued that 2 years would not permit orderly budgeting and scheduling of work.

Commenters suggested alternatives of 3 and 5 years as a reasonable period to fulfill the installation requirements of the final rule. In view of the comments, we believe that 3 years is a more appropriate period for achieving compliance than 2 years. Therefore, the final rule requires operators to have their gas detection and alarm systems operational not later than 3 years from today.

Processing plants. A pipeline operator asked us to clarify that the term "compressor building" does not include buildings that house compressors in gas processing plants. The compressor buildings to which the proposed rule applies are those in gas compressor stations used in the transportation of gas by pipeline. These are the same compressor stations that the current part 192 rules cover under §§ 192.729 through 192.735. Such compressor stations are normally not found in gas processing plants. For clarity, the final rule refers to compressor buildings in compressor stations.

Unattended field compressor stations of 1,000 horsepower or less. About half the industry commenters suggested we except unattended field compressor stations of 1,000 horsepower or less from the final rule. These stations typically are temporary installations in rural areas. They are designed to operate without the attendance of personnel. Operators may move the station several times over the life of the compressor, which usually is mounted on skids for that purpose. Upon each move, operators construct a new building to house the compressor. The areas in which operators use these stations usually have no electricity available from a public utility to power a gas detection and alarm system. The commenters argued that under these conditions it is not practical to install fixed gas detection and alarm systems in the buildings.

The commenters also argued that because the stations are not attended during normal operation, there is limited risk to personnel. To support this position, they noted that under § 192.167(a), unattended field compressor stations of 1,000

horsepower or less are not required to have emergency shutdown systems. They said that personnel are aware of the potential for hazardous accumulations of gas in field compressor buildings and use portable gas detectors. One commenter recommended we require additional ventilation in the buildings instead of fixed gas detection and alarm systems.

In light of these comments, we have reexamined the need to require operators to provide additional protection against the threat of hazardous accumulations of gas in unattended field compressor stations of 1000 horsepower or less. Based on the comments in this proceeding and the experience of our field enforcement staff, we believe the potential risk to personnel is less at these stations than at the larger permanent ones. The buildings are smaller and provide fewer places for any leaking gas to accumulate, making ventilation and the use of hand-held gas detectors more effective. The fact that personnel are not routinely present at these small stations also reduces the potential for harm.

We have also looked at whether the proposed rule is appropriate for the small field stations. Because operators would have to install a fixed system each time they move such a station, the cost of compliance would be out of proportion to the size of the station. If electricity is not available from a local utility, which the commenters suggest is often the case, operators would have to use power from other sources to run the systems. These alternative sources are not practical at remote unattended field locations, because no one is routinely present to maintain a gas generator, batteries need recharging often, and solar energy is suitable only in sunny regions.

We conclude, therefore, that for the small field stations, the proposed rule is unnecessary. Thus, the final rule exempts unattended field compressor stations of 1,000 horsepower or less.

Wall area. A pipeline operator questioned the significance of applying the proposed rule only to buildings with 50 percent or more of their wall area enclosed. This commenter said gas accumulation is more dependent upon a building's shape or ventilation than the percentage of wall area enclosed. The commenter suggested we apply the proposed rule to any building in which a hazardous accumulation of gas could occur.

Our decision to limit the proposed rule to buildings with 50 percent or more of wall area enclosed was based on the common practice in the industry regarding the installation of gas

monitoring systems in compressor buildings. In response to the ANPRM, the Interstate Natural Gas Association of America (INGAA) polled its members and found that they commonly do not install gas detection and alarm systems in semi-enclosed buildings. INGAA defined these buildings as buildings with an enclosed wall area that is less than 50 percent of the total wall area. In such semi-enclosed buildings, natural ventilation minimizes the concern about hazardous accumulations of leaking gas.

Restating this aspect of the final rule in performance terms, as the commenter suggested, would not adequately accomplish the objective of the proposed rule. The science of determining whether leaking gas could accumulate to a hazardous level in a building, considering its shape and ventilation system, is problematic. Thus, with performance language, we could have great difficulty confirming or challenging an operator's decision not to install a gas detection and alarm system. Also, an incorrect decision by the operator could expose personnel and property to an unexpected, unnecessary risk. Thus, the final rule continues the specification approach used in the NPRM.

Because of possible confusion over the meaning of "wall area enclosed," we have revised the language of the final rule to exclude any building constructed so that "at least 50 percent of its upright side area is permanently open." Under this revised language, if a rectangular-shaped building has only three outside walls, the side without a wall is still part of the building's upright side area. Vertical windows and doors are part of upright side area. But, if they can be closed, they would not qualify as permanently open area, even if normally left open. The roof of a lean-to is not upright side area. We believe this new language is a clearer statement of what we intended the 50-percent test to cover in the proposed rule.

Advisory Committee Review

We presented the NPRM for consideration by the Technical Pipeline Safety Standards Committee (TPSSC) at a meeting in Washington, DC on February 20, 1991. The TPSSC is RSPA's statutory advisory committee for gas pipeline safety. It comprises 15 members, representing industry, government, and the public, who are technically qualified to evaluate gas pipeline safety. The TPSSC's report on the NPRM is available in the docket of this proceeding.

The TPSSC voted unanimously to find the proposed rule technically feasible, reasonable, and practicable on

condition that (1) the final rule exempts unattended field compressor stations of 1,000 horsepower or less; and (2) if the final rule prescribes a test frequency, it is the frequency at which remote control shutdown devices must be tested under § 192.731(c). The TPSSC's rationale for these conditions resembled the views of commenters who argued for similar changes to the proposed rule, as discussed above. The final rule meets both conditions; it exempts the small field stations and does not prescribe a frequency for performance testing.

Rulemaking Analyses

E. O. 12291 and DOT Regulatory Policies and Procedures. Operators have installed gas detection and alarm systems in a large number of compressor buildings during construction. In addition, many operators are retrofitting their remaining compressor buildings with such systems. The American Gas Association (AGA) estimated that operators have equipped 80 percent of their compressor buildings with gas detection and alarm systems. Retrofitting the remaining 20 percent would cost between \$6 and 12 million, AGA said. INGAA's retrofitting estimate also fell in this range.

The actual cost of complying with the final rule should be less than these industry estimates. The estimates were based on the NPRM and do not reflect exclusion from this final rule of unattended field compressor stations of 1,000 horsepower or less. Also, since many operators are already retrofitting their compressor buildings, the cost they would have incurred to do so over the next 3 years in the absence of the final rule cannot fairly be attributed to the final rule. Unfortunately, our data do not allow us to estimate the amount of either of these cost reductions.

Compared with the work already done or planned, the effort needed to install gas detection and alarm systems in the remaining compressor buildings to which the final rule applies is not large. We believe the potential threat to personnel warrants the additional expenditure. Preventing only one compressor station accident involving deaths, injuries, and serious property damage could result in savings greater than the cost of retrofitting the remaining buildings. For instance, one recent compressor station incident resulted in property damage of \$4,000,000. Although leaking natural gas was not a factor in that incident, the high property damage is indicative of the value of compressor station property. Had the incident involved several deaths and injuries, total damages would have been far greater.

Therefore, this final rule is not major under Executive Order 12291 (46 FR 13193, February 19, 1981). Also, it is not significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

Regulatory Flexibility Act. Small entities that operate gas pipeline systems almost always receive gas from their suppliers in a state ready for further transportation without additional compression. Consequently, small entities are unlikely to have compressor buildings that are subject to the final rule. Therefore, I certify under section 605 of the Regulatory Flexibility Act (5 U.S.C. 605) that this final rule will not have a significant economic impact on a substantial number of small entities.

E. O. 12612. We have analyzed this final rule under the criteria of Executive Order 12612 (52 FR 41685, October 30, 1987). We find it does not warrant preparation of a Federalism Assessment.

List of Subjects in 49 CFR Part 192

Alarms, Compressors, Gas detectors, Pipeline safety.

For the reasons set forth above, RSPA hereby amends 49 CFR part 192 as follows:

PART 192—[AMENDED]

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

Authority: 49 App. U.S.C. 1672 and 1804; 49 CFR 1.53.

2. Section 192.736 is added to read as follows:

§ 192.736 Compressor stations: Gas detection.

(a) Not later than September 16, 1996, each compressor building in a compressor station must have a fixed gas detection and alarm system, unless the building is—

(1) Constructed so that at least 50 percent of its upright side area is permanently open; or

(2) Located in an unattended field compressor station of 1,000 horsepower or less.

(b) Except when shutdown of the system is necessary for maintenance under paragraph (c) of this section, each

gas detection and alarm system required by this section must—

(1) Continuously monitor the compressor building for a concentration of gas in air of not more than 25 percent of the lower explosive limit; and

(2) If that concentration of gas is detected, warn persons about to enter the building and persons inside the building of the danger.

(c) Each gas detection and alarm system required by this section must be maintained to function properly. The maintenance must include performance tests.

Issued in Washington, DC, on September 10, 1993.

Rose A. McMurray,
Acting Administrator, Research and Special Programs Administration.

[FR Doc. 93-22552 Filed 9-15-93; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[I.D. 081993B]

Atlantic Tuna Fisheries

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

ACTION: Closure of the Harpoon category fishery.

SUMMARY: NMFS closes the fishery for Atlantic bluefin tuna conducted by vessels permitted in the Harpoon category and fishing for large medium and giant Atlantic bluefin tuna. Closure of this segment of the fishery is necessary because it has been determined that the annual quota for this category has been attained.

EFFECTIVE DATE: The closure is effective from 0001 hours local time on September 18, 1993, through December 31, 1993.

FOR FURTHER INFORMATION CONTACT: Kevin B. Foster at 508-281-9260, or Aaron E. King at 301-713-2347.

SUPPLEMENTARY INFORMATION: Regulations promulgated under the

authority of the Atlantic Tunas Convention Act (16 U.S.C. 971-971h) regulating the harvest of Atlantic bluefin tuna by persons and vessels subject to U.S. jurisdiction appear at 50 CFR part 285.

Section 285.22(b) of the regulations provides for an annual quota of 53 metric tons (mt) of large medium and giant Atlantic bluefin tuna to be harvested from the Regulatory Area by vessels permitted in the Harpoon category. In addition, on August 25, 1993, (58 FR 44776), pursuant to authority under § 285.22(f), 7 mt from the reserve was transferred to the Harpoon category for economic and biological data collection purposes. The Assistant Administrator for Fisheries, NOAA (AA) is authorized under § 285.20(b)(1) to monitor the catch and landing statistics and, on the basis of these statistics, to project a date when the total catch of Atlantic bluefin tuna will equal any quota under § 285.22. The AA is further authorized under § 285.20(b)(1) to prohibit the fishing for, or retention of, Atlantic bluefin tuna by the category of gear subject to the quotas.

Based on landings reports, the AA has determined that the quota of Atlantic bluefin tuna allocated for the Harpoon category will be attained as of September 17, 1993. Fishing for, catching, possessing or landing large medium and giant Atlantic bluefin tuna by vessels in the Harpoon category must cease at 0001 hours September 18, 1993.

Classification

This action is taken under the authority of 50 CFR 285.20, and is taken in compliance with E.O. 12291.

List of Subjects in 50 CFR Part 285

Fisheries, Penalties, Reporting and recordkeeping requirements, Treaties.
16 U.S.C. 971 *et seq.*

Dated: September 10, 1993.

David S. Crestin,

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

[FR Doc. 93-22619 Filed 9-10-93; 4:48 pm]

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