

SUMMARY: NMFS issues this final rule to implement Amendment 3 to the Fishery Management Plan for the Red Drum Fishery of the Gulf of Mexico (FMP). This final rule removes from the regulations the detailed procedures applicable to the Gulf of Mexico Fishery Management Council (Council) and NMFS for assessing the stock and determining the allowable biological catch (ABC) of red drum; removes from the regulations language specifying that, at such time as a catch of red drum is allowed, a person landing red drum, other than from a directed commercial fishery, must comply with the landing and possession laws of the state where landed; and makes other minor corrections and clarifications to the regulations. In addition, Amendment 3 changes the requirement that the procedure for stock assessments, panel reports, and setting ABC and total allowable catch (TAC) be commenced prior to October 1 every year to "prior to October 1 every other year or at such time as agreed upon by the Council and the Regional Director," Southeast Region, NMFS. The intended effects of this rule are to simplify the regulations by removing administrative procedures that are not applicable to the conduct of the red drum fishery; to comply with a ruling by the U.S. District Court for the District of Columbia; and to ease an unnecessarily burdensome requirement for stock assessments, panel reports, and findings regarding ABC and TAC.

EFFECTIVE DATE: October 2, 1992.

FOR FURTHER INFORMATION CONTACT: Robert A. Sadler, 813-893-3161.

SUPPLEMENTARY INFORMATION: The red drum fishery is managed under the FMP, prepared and amended by the Council, and its implementing regulations at 50 CFR part 653 under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

The background and rationale for the measures in this final rule, and for the change in the procedure for stock assessments, panel reports, and setting ABC and TAC, are set forth in the preamble to the proposed rule (57 FR 26814, June 16, 1992) and in Amendment 3, the availability of which was announced (57 FR 23199, June 2, 1992), and are not repeated here.

No comments were received on the proposed rule.

Changes from the Proposed Rule

NMFS has determined that removal from the regulations of the procedures for stock assessment and analysis of the red drum resource and for revising the management measures, in their entirety, may deprive fishermen and other

interested persons of necessary information regarding the possible future establishment of an allowable catch of red drum from the EEZ. Accordingly, in lieu of being removed, § 653.24 is revised to remove the detailed procedures while still apprising interested persons of the frequency of stock assessment and analysis and the general method for revising the management measures. Details of those procedures are contained in the FMP.

Classification

The Secretary determined that Amendment 3 is necessary for the conservation and management of the red drum fishery and that it is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law.

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), determined that this final rule is not a "major rule" requiring the preparation of a regulatory impact analysis under Executive Order 12291.

The Council prepared a regulatory impact review (RIR) for Amendment 3, which concludes that this final rule will reduce costs.

The General Counsel of the Department of Commerce has certified to the Small Business Administration that this final rule will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis was not prepared.

The Council prepared an environmental assessment (EA) as part of Amendment 3 that discusses the impact on the environment as a result of this rule. Based on the EA, the Assistant Administrator concluded that there will be no significant impact on the human environment as a result of this rule.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of Alabama, Florida, Louisiana, and Mississippi. Texas does not participate in the coastal zone management program. These determinations were submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act. Louisiana agreed with the determination. Alabama, Florida, and Mississippi did not respond during the statutory time period; therefore, state agency agreement with the consistency determination is automatically inferred.

This final rule does not contain a collection-of-information requirement

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 653

[Docket No. 920648-2206]

RIN 0648-AE75

Red Drum Fishery of the Gulf of Mexico

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

for purposes of the Paperwork Reduction Act.

This final rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

List of Subjects in 50 CFR Part 653

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: August 28, 1992.

William W. Fox, Jr.,

Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 653 is amended as follows:

PART 653—RED DRUM FISHERY OF THE GULF OF MEXICO

1. The authority citation for part 653 continues to read as follows:

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

§ 653.2 (Amended)

2. In § 653.2, the definitions for *Commercial fishing (fishery)*, and *Directed commercial red drum fishing (fishery)* are removed.

§ 653.3 (Amended)

3. In § 653.3, paragraph (c) is removed.

4. In § 653.7, paragraph (d) is revised to read as follows:

§ 653.7 Prohibitions.

(d) Fail to release immediately with a minimum of harm a red drum caught in the EEZ; or possess a red drum in or from the EEZ, as specified in § 653.22(a).

§ 653.22 (Amended)

5. In § 653.22, the section heading is revised to read *Harvest and possession limitations*.

6. Section 653.24 is revised to read as follows:

§ 653.24 Adjustment of management measures.

Prior to October 1 every other year or such time as agreed upon by the Council and the Regional Director, the Science and Research Director will prepare a stock assessment and analysis of the red drum resource. Based on a stock assessment and analysis, and in accordance with the procedures specified in the FMP, the Council may establish TAC and user group allocations by amendment to the FMP.

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