(v) Such other information as deemed necessary by the Assistant Administrator.

(3) *Identification and curation.* The Regional Director will assign a single nique number to each carcass, and the arts thereof, that are salvaged under the provisions of this section. After this number is assigned, the person who salvaged the specimen must permanently mark that number on each separate hard part of that specimen and must affix that number with tags or labels to each soft part of that specimen or the containers in which that soft part is kept. Each specimen salvaged under this section must be curated in accordance with professional standards.

(4) *No sale or commercial trade.* No person may sell or trade for commercial purposes any marine mammal specimen salvaged under this section.

(5) *Transfer without prior authorization.* A person who salvages a marine mammal specimen under this section may transfer that specimen to another person if:

(i) The person transferring the marine mammal specimen does not receive remuneration for the specimen;

(ii) The person receiving the marine mammal specimen is an employee of the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, or any other Federal agency with jurisdiction and conservation responsibilities in marine shoreline areas or is a person thorized under 16 U.S.C. 1382(c);

(iii) The marine mammal specimen is transferred for the purpose of scientific research, for the purpose of maintenance in a properly curated, professionally accredited scientific collection, or for educational purposes;

(iv) The unique number assigned by the National Marine Fisheries Service is on, marked on or affixed to the marine mammal specimen or container; and

(v) The person transferring the marine mammal specimen notifies the appropriate Regional Office of the National Marine Fisheries Service of the transfer, including notification of the number of the specimen transferred and the person to whom the specimen was transferred, within 30 days after the transfer occurs.

(6) *Other transfers within the United States.* Except as provided under paragraph (c)(5) of this section, a person who salvages a marine mammal specimen, or who has received a marine mammal specimen under the provisions of this section, may not transfer that specimen to another person within the United States unless the Regional Director of the appropriate Regional Office of the National Marine Fisheries Service grants prior written authorization for the transfer. The Regional Director may grant authorization for the transfer if there is evidence that the conditions listed under paragraphs (c)(5)(i), (iii), and (iv) of this section are met.

(7) *Transfers outside of the United States.* A person who salvages a marine mammal specimen, or a person who has received a marine mammal specimen under the provisions of this section, may not transfer that specimen to a person outside of the United States unless the Assistant Administrator grants prior written authorization for the transfer. The Assistant Administrator may grant authorization for the transfer if there is evidence that the conditions listed under paragraphs (c)(5) (i), (iii), and (iv) of this section are met.

[FR Doc. 90-29625 Filed 12-19-90; 8:45 am]

BILLING CODE 3510-22-M

---

50 CFR Part 640

[Docket No. 901224-0324]

RIN 0648-AD22

Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic

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

ACTION: Proposed rule.

SUMMARY: NOAA issues this proposed rule to implement Amendment 3 to the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic (FMP). This proposed rule would (1) impose a fee of $26 per application to cover the administrative costs of issuing commercial, seasonal vessel permits, and (2) specify who must meet the earned income from fishing requirement for a commercial, seasonal vessel permit. The intended effects of this rule are to recover the cost to the Government for the services provided in reviewing applications and issuing commercial, seasonal vessel permits and to ensure that commercial permits are not obtained by persons for whom the spiny lobster bag limit is intended to apply.

DATES: Written comments must be received on or before February 4, 1991.

ADDRESSES: Copies of Amendment 3, which includes a Regulatory Impact Review (RIR) and an Environmental Assessment (EA), may be obtained from the Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, Florida 33609. Comments on the proposed rule should be sent to Michael E. Justen, NMFS, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

FOR FURTHER INFORMATION CONTACT: Michael E. Justen, 813-893-3161.

SUPPLEMENTARY INFORMATION: The spiny lobster fishery of the Gulf of Mexico and South Atlantic is managed under the FMP, prepared and amended by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils), and its implementing regulations at 50 CFR part 640, under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

Amendment 3 to the FMP proposes that NMFS charge a fee for reviewing and processing applications and issuing the Federal seasonal vessel permits that are required for the commercial spiny lobster fishery in the exclusive economic zone. In 1990, approximately 700 Federal permits were issued for that fishery. The Magnuson Act authorizes the Secretary of Commerce (Secretary) to establish the level of fees that are authorized by a fishery management plan. The level of fees may not exceed the administrative costs incurred in issuing the permits. In Amendment 3, the Councils reference an administrative cost of $23. Based on a more current, detailed analysis of the direct and indirect costs of reviewing and processing applications and issuing permits, NOAA proposes to charge $26 for each application.

In addition to the proposals presented in Amendment 3, NOAA proposes to change the qualifications to obtain an annual vessel permit to specify that the ten-percent earned income from fishing requirement must be met by a shareholder or officer of a corporate-owned vessel, a general partner of a partnership-owned vessel, or the vessel operator. This change is intended to ensure that a person otherwise not eligible for a permit is not able to obtain one by incorporating his vessel and, thus, exceed the bag limits.

Amendment 3 contains a definition of overfishing for spiny lobster, as required by 50 CFR 602.11(c), and specifies actions to be taking if overfishing occurs. Additional information on the proposed definition and actions is contained in Amendment 3, the availability of which was announced in the Federal Register on November 30, 1990 (55 FR 49659).

Classification

Section 304(a)(1)(D)(ii) of the Magnuson Act, as amended by Public Law 99-659, requires the Secretary of Commerce to publish regulations proposed by a regional fishery

management council within 15 days of receipt of an FMP amendment and regulations. At this time, the Secretary has not determined that Amendment 3, which this proposed rule would implement, is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the data, views, and comments received during the comment period.

This proposed rule is exempt from the procedures of E.O. 12291 under section 8(a)(2) of that order. It is being reported to the Director, Office of Management and Budget, with an explanation of why it is not possible to follow the procedures of that order.

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has initially determined that this proposed rule is not a "major rule" requiring the preparation of a regulatory impact analysis under E.O. 12291. This proposed rule, if adopted, is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Council prepared a RIR that concludes that Amendment 3, if adopted, would have minimal economic effects. The annual total of fees is not expected to exceed $21,000.

The Council concluded that this rule will not have a significant economic impact on a substantial number of small entities. Accordingly, the General Counsel of the Department of Commerce certified to the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities; and a regulatory flexibility analysis was not prepared.

The Council prepared an EA that discusses the impact on the environment as a result of this rule. A copy of the EA may be obtained at the address listed above and comments on it are requested.

The Councils have 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, Mississippi, North Carolina, and South Carolina. Georgia and Texas do not participate in the coastal zone management program. These determinations have been submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act.

This proposed rule involves a collection-of-information requirement subject to the Paperwork Reduction Act. This collection has been approved by the Office of Management and Budget under Control Number 0648-0205.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

List of Subjects in 50 CFR Part 640

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: December 14, 1990.

David S. Crestin,

Acting Assistant Administrator for Fisheries.

For the reasons set forth in the preamble, 50 CFR part 640 is proposed to be amended as follows:

PART 640—SPINY LOBSTER FISHERY OF THE GULF OF MEXICO AND SOUTH ATLANTIC

1. The authority citation for part 640 continues to read as follows:

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

2. In § 640.4, the heading is revised, paragraphs (c) through (i) are redesignated as paragraphs (d) through (j), and new paragraphs (a)(4) and (c) are added to read as follows:

§ 640.4 Permits and fees.

(a) * * *

(4) For a corporation or partnership to be eligible for a seasonal vessel permit specified in paragraph (a)(1) of this section, the earned income qualification specified in paragraph (b)(2)(viii) of this section must be met by, and the statement required by that paragraph must be submitted by, a shareholder or officer of the corporation, a general partner of the partnership, or the vessel operator.

* * * * *

(c) *Fees.* A fee of $26 will be charged for each permit application submitted under paragraph (b) of this section, beginning with applications for the season that commences August 6, 1991. The appropriate fee must accompany each permit application.

* * * * *

§ 640.7 [Amended]

3. In § 640.7, in paragraph (t), the reference to "§ 640.4(f)" is revised to read "640.4(g)".

[FR Doc. 90-29744 Filed 12-17-90; 11:08 am]

BILLING CODE 3510-22-M