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List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Minnesota, is amended by adding Channel 272C2 at Detroit Lakes.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-5165 Filed 3-4-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 91-241; RM-7767]

Radio Broadcasting Services; Topsail Beach, NC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Topsail Broadcasting, Inc., substitutes Channel 280C3 for Channel 280A at Topsail Beach, North Carolina, and modifies its construction permit for Station WZXS to specify operation on the higher powered channel. See 56 FR 42016, August 26, 1991. Channel 280C3 can be allotted to Topsail Beach in compliance with the Commission's minimum distance separation requirements with a site restriction of 21.3 kilometers (13.3 miles) northeast to avoid a short-spacing to Channel 279C3 at Shallotte, North Carolina, and to accommodate petitioner's desired transmitter site. With this action, this proceeding is terminated.

EFFECTIVE DATE: April 13, 1992.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report

and Order, MM Docket No. 91-241, adopted February 19, 1992, and released March 2, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under North Carolina, is amended by removing Channel 280A and adding Channel 280C3 at Topsail Beach.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-5166 Filed 3-4-92; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 646

[Docket No. 911063-2008]

RIN 0648-AD57

Snapper-Grouper Fishery of the South Atlantic

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 5 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). This final rule (1) implements a limited entry program for the wreckfish sector of the snapper-grouper fishery consisting of transferable percentage shares of the annual total allowable catch (TAC) of wreckfish and annual individual transferable quotas (ITQs) based on application of a person's percentage shares to the TAC; (2) requires a dealer to obtain a dealer permit to receive

wreckfish; (3) removes the 10,000-pound (4,536-kilogram) trip limit for wreckfish; (4) requires that wreckfish be off-loaded from fishing vessels only between 8 a.m. and 5 p.m.; (5) reduces the occasions when 24-hour advance notice must be made to NMFS Law Enforcement of off-loading of wreckfish; and (6) makes other minor modifications and clarifications to the regulations. In addition, Amendment 5 (1) revises the lists of problems in the snapper-grouper fishery and objectives of the FMP; and (2) specifies the procedure for the initial distribution of percentage shares of the wreckfish TAC. The intended effect of this rule is to manage the wreckfish sector of the snapper-grouper fishery so that its long-term economic viability will be preserved.

EFFECTIVE DATES: April 6, 1992, except that §§ 646.4, 646.7(d) and 646.10(a) are effective March 5, 1992.

FOR FURTHER INFORMATION CONTACT: Peter J. Eldridge, 813-893-3161.

SUPPLEMENTARY INFORMATION: Snapper-grouper species are managed under the FMP prepared by the South Atlantic Fishery Management Council (Council), and its implementing regulations at 50 CFR part 646, under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

The background and rationales for the measures in this final rule are contained in the proposed rule (56 FR 57302, November 8, 1991) and in Amendment 5 to the FMP, the availability of which was announced in the Federal Register (56 FR 50551, October 7, 1991), and are not repeated here.

Comments and Responses

Only one comment was received during the public comment period.

Comment: A seafood dealer was opposed to the ITQ system because he believed that "free-loaders" will sell their percentage share to others. The dealer supported a 10,000-pound limit per boat, a spawning closure, and the present quota system. He recommended keeping the fishery open to all for at least another year, if not indefinitely.

Response: The wreckfish resource belongs to all Americans and under the Magnuson Act the U.S. government must optimize the yield from the fishery. Yield can be optimized only by prevention of recruitment overfishing and minimizing the costs of fishing operations and management of the resource. Very little is known concerning the potential long-term yield that can be taken from the wreckfish resource. However, it is known that wreckfish are long-lived and the fishery is concentrated in a small

area; hence, vulnerability to recruitment overfishing is increased. Also, the catch-per-day of wreckfish has declined somewhat during the second half of the 1991-92 fishing season, which suggests a conservative approach to management of this fishery. The Council and NMFS restricted harvests in 1991 to minimize the possibility of recruitment overfishing and to reduce costs of fishing. The ITQ system will limit access to the fishery and regulate catches to minimize the possibility of recruitment overfishing. Many major U.S. fisheries along the Atlantic coast are suffering depletion or recruitment failure due to unlimited entry. An unlimited entry system provides little incentive to conserve resources and often results in ineffective management due to pressures of special interest groups on managers. Consequently, resources decline, fishing costs escalate, and consumers are forced to rely on imported fish due to the scarcity of domestic species. The Council and NMFS believe that the ITQ system for wreckfish will prevent resource depletion and result in optimal benefits to the Nation as required by the Magnuson Act.

Changes from the Proposed Rule

Minor changes are made in the permits and fees section (§ 646.4) to emphasize that a vessel permit is valid for the specified vessel, rather than for any vessel owned or operated by a qualifying owner or operator, to conform the section to current usage, and for clarity.

The recordkeeping and reporting requirements for permitted vessels and for dealers (§ 646.5 (a) and (c)) are reorganized for clarity.

Several references in the prohibitions (§ 646.7) are corrected.

Additional specificity is added to the description of the wreckfish ITQ system (§ 646.10) to conform with the forms designed for the shareholders' certificates and the ITQ coupons.

Effective Dates

The wreckfish fishery is closed through April 15, 1992, because of the spawning season closure. Effective management of the wreckfish fishery when the fishery opens on April 16, 1992, requires implementation of portions of this final rule as soon as possible. Verification of eligibility requires the following steps: (1) Receipt and verification of catch records from fishermen; (2) initial determination and notification of allocation of percentage shares; (3) a 30-day appeal process to confirm initial distribution of percentage shares; (4) notification of final allocation; and (5) distribution of

permits and coupons to fishermen. Thus, immediate effectiveness of §§ 646.4, 646.7(d), and 646.10(a) of this rule is required for adequate time to implement the ITQ system and to distribute applications for vessel and dealer permits for wreckfish, process the applications, and issue the permits. In addition, during the spawning season closure, wreckfish fishermen and dealers are not adversely affected by immediate effectiveness of portions of this rule. Accordingly, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), finds that there is good cause not to delay for 30 days the effective date of §§ 646.4, 646.7(d), and 646.10(a) of this rule.

The proposed rule announced that the procedures for the initial allocation of percentage shares would begin when the Secretary of Commerce (Secretary) approved Amendment 5. The Secretary approved Amendment 5 on January 2, 1992. Accordingly, wreckfish fishermen have been advised of the required documentation to be submitted to substantiate their eligibility for and the amount of percentage shares. The general statement of the required documentation, contained in the proposed rule, has been supplemented by more specific letters to owners/operators of vessels with permits to fish for wreckfish and by news release. To be considered for an initial allocation of percentage shares, an application must be submitted to the South Atlantic Fishery Management Council, Southpark Building, suite 306, One Southpark Circle, Charleston, SC 29407-4699, postmarked not later than February 14, 1992. It is anticipated that the initial notifications of percentage shares will be completed by February 28, and that the Application Oversight Committee will consider requests from persons wishing to contest the initial allocations by March 20, 1992. Strict adherence to this schedule is essential to ensure that the ITQ system is fully implemented when the wreckfish fishery opens on April 16, 1992.

Classification

The Secretary of Commerce determined that Amendment 5 is necessary for the conservation and management of the snapper-grouper fishery and that it is consistent with the Magnuson Act and other applicable law.

The Assistant Administrator determined that this final rule is not a "major rule" requiring the preparation of a regulatory impact analysis under E.O. 12291.

The Council prepared a regulatory impact review (RIR) for Amendment 5, which concludes that this final rule will

have overall net economic benefits. These benefits were summarized in the proposed rule and are not repeated here.

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 for reasons described in the preamble to the proposed rule.

The Council prepared an environmental assessment (EA) 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 Florida, South Carolina, and North Carolina. Georgia 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. South Carolina and North Carolina agreed with the determination. Florida did not respond during the statutory time period; therefore, state agency agreement with the consistency determination is inferred.

Amendment 5 requires a new, one-time collection-of-information to initiate the limited entry program for wreckfish, and this final rule contains two new collection-of-information requirements and revises three existing requirements subject to the Paperwork Reduction Act. The new and revised collections have been approved by the Office of Management and Budget and the following OMB control numbers apply: (1) Submission of information for the initial allocation of wreckfish percentage shares (new)—0648-0263; (2) applications for dealer permits for dealers who receive wreckfish (new)—0648-0205; (3) reports of transfer of percentage shares in the wreckfish fishery (new)—0648-0262; (4) submission of vessel trip reports and wreckfish ITQ coupons (revised)—0648-0016; (5) submission of dealer reports and ITQ coupons (revised)—0648-0013; and (6) providing 24-hour notice preceding the landing of wreckfish (revised)—0648-0016. The public reporting burdens for these collections of information are estimated to average 240, 15, 15, 10, 20, and 3 minutes, respectively, per response, including the time for reviewing instructions, searching

existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information. This final rule restates the already approved collection of information on applications for vessel permits to distinguish between permits for snapper-grouper, excluding wreckfish, and permits for wreckfish (OMB Control No. 0648-0205), with a public reporting burden estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these burden estimates or any other aspect of these collections of information, including suggestions for reducing the burdens, to Edward E. Burgess, NMFS, 9450 Koger Boulevard, St. Petersburg, FL 33702 and to the Office of Information and Regulatory Affairs, OMB, Washington, DC 20503 (attention: NOAA Desk Officer).

This final 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 646

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 2, 1992.

Michael F. Tillman,

Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 646 is amended as follows:

PART 646—SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC

1. The Authority citation for part 646 continues to read as follows:

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

2. Section 646.4 is revised to read as follows:

§ 646.4 Permits and fees.

(a) *Applicability*—(1) *Annual vessel permits for snapper-grouper, excluding wreckfish.* (i) For a person aboard a vessel to be eligible for exemption from the bag limits specified in § 646.23(b); to engage in a directed fishery for tilefish in the EEZ; or to use a sea bass trap in the EEZ north of Cape Canaveral, Florida, a vessel permit for snapper-grouper, excluding wreckfish, must be issued to the vessel and be on board. A vessel with longline gear and more than 200 pounds (90.7 kilograms) of tilefish aboard is considered to be in a directed fishery for tilefish. It is a rebuttable

presumption that a fishing vessel with more than 200 pounds of tilefish aboard harvested such tilefish in the EEZ.

(ii) A vessel permit for snapper-grouper, excluding wreckfish, may be obtained by a qualifying owner or operator of a charter vessel or headboat. However, a person aboard such vessel must adhere to the bag limits when the vessel is operating as a charter vessel or headboat.

(iii) For a vessel owned by a corporation or partnership to be eligible for a vessel permit for snapper-grouper, excluding wreckfish, the earned income qualification specified in paragraph (b)(2)(vii) of this section must be met by, and the statement required by that paragraph must be submitted by, an officer or shareholder of the corporation, a general partner of the partnership, or the vessel operator.

(iv) For a vessel using or possessing a sea bass trap in the EEZ, in addition to the vessel permit for snapper-grouper, excluding wreckfish, a color code and a trap identification tag for each such trap must be obtained from the Regional Director.

(v) A vessel permit for snapper-grouper, excluding wreckfish, issued upon the qualification of an operator is valid only when that person is the operator of the vessel.

(2) *Annual vessel permits for wreckfish.* For a person aboard a fishing vessel to fish for wreckfish in the EEZ, possess wreckfish in or from the EEZ, off-load wreckfish from the EEZ, or sell wreckfish in or from the EEZ, a vessel permit for wreckfish must be issued to the vessel and be on board.

(3) *Annual dealer permits for wreckfish.* A dealer who receives a wreckfish must obtain an annual dealer permit. To be eligible for such permit, an applicant must possess a valid state wholesaler's license in the state where he operates and is required to have a physical facility at a fixed location in that state.

(b) *Application for a vessel permit for snapper-grouper, excluding wreckfish.*

(1) An application for a vessel permit for snapper-grouper, excluding wreckfish, must be submitted and signed by the owner (in the case of a corporation, a qualifying officer or shareholder; in the case of a partnership, a qualifying general partner) or operator of the vessel. The application must be submitted to the Regional Director at least 30 days prior to the date on which the applicant desires to have the permit made effective.

(2) A permit applicant must provide the following information:

(i) A copy of the vessel's U.S. Coast Guard certificate of documentation or, if

not documented, a copy of its state registration certificate;

(ii) The vessel's name and official number;

(iii) Name, mailing address including zip code, and telephone number of the owner of the vessel;

(iv) Name, mailing address including zip code, and telephone number of the applicant, if other than the owner;

(v) Social security number and date of birth of the applicant and the owner (if the owner is a corporation, the employer identification number, if one has been assigned by the Internal Revenue Service);

(vi) If a sea bass trap will be used,

(A) The number, dimensions, and estimated cubic volume of the traps that will be used;

(B) The applicant's desired color code for use in identifying his or her vessel and buoys; and

(C) A statement that the applicant will allow an authorized officer reasonable access to his or her property (vessel, dock, or structure) to examine traps for compliance with these regulations;

(vii) A sworn statement by the applicant certifying that, during one of the 3 calendar years preceding the application,

(A) More than 50 percent of his or her earned income was derived from commercial, charter, or headboat fishing; or

(B) His or her gross sales of fish were more than \$20,000; or

(C) For a vessel owned by a corporation or partnership, the gross sales of fish of the corporation or partnership were more than \$20,000;

(viii) Documentation supporting the statement of income, if required under paragraph (b)(3) of this section;

(ix) Any other information concerning vessel and gear characteristics requested by the Regional Director; and

(x) Any other information that may be necessary for the issuance or administration of the permit.

(3) The Regional Director may require the applicant to provide documentation supporting the sworn statement under paragraph (b)(2)(vii) of this section before a permit is issued. Such required documentation may include copies of appropriate forms and schedules from the applicant's income tax return. Copies of income tax forms and schedules are treated as confidential, but may be released to and verified by the Internal Revenue Service.

(c) *Application for a vessel permit for wreckfish.* (1) An application for a vessel permit for wreckfish must be submitted and signed by a wreckfish shareholder. (See § 646.10 for

information on wreckfish shareholders.) If the wreckfish shareholder is a corporation, an officer or shareholder of the corporation must sign the application; if the wreckfish shareholder is a partnership, a general partner must sign the application. The application must be submitted to the Regional Director at least 30 days prior to the date on which the wreckfish shareholder desires to have the permit made effective.

(2) An applicant must provide the following information:

(i) A copy of the vessel's U.S. Coast Guard certificate of documentation or, if not documented, a copy of its state registration certificate;

(ii) The vessel's name and official number;

(iii) Name, mailing address including zip code, telephone number, social security number, and date of birth of the wreckfish shareholder (if the wreckfish shareholder is a corporation, the employer identification number if one has been assigned by the Internal Revenue Service);

(iv) Name, mailing address including zip code, telephone number, social security number, and date of birth of the owner of the vessel, if other than the wreckfish shareholder (if the vessel owner is a corporation and is other than the wreckfish shareholder, the employer identification number, if one has been assigned by the Internal Revenue Service);

(v) If the wreckfish shareholder is not the vessel owner, as shown on the vessel's U.S. Coast Guard certificate of documentation or, if not documented, on the state registration certificate, a sworn statement by the wreckfish shareholder certifying that the vessel owner or operator is an employee, contractor, or agent of the shareholder;

(vi) Documentation supporting the sworn statement of paragraph (c)(2)(v) of this section, if required under paragraph (c)(3) of this section;

(vii) Any other information concerning vessel and gear characteristics requested by the Regional Director; and

(viii) any other information that may be necessary for the issuance or administration of the permit.

(3) The Regional Director may require the wreckfish shareholder to provide documentation supporting the sworn statement under paragraph (c)(2)(v) of this section before a permit is issued. Such required documentation may include copies of appropriate forms and schedules from the shareholder's income tax return; articles of incorporation for a corporate-owned vessel; a partnership agreement for a partnership-owned vessel; a lease on the vessel for which a

permit is requested; or an employment or other contract, or agency agreement that demonstrates an agency, employment, or contract relationship between the wreckfish shareholder and the vessel owner or operator. Copies of income tax forms and schedules and other required documentation are treated as confidential, but may be released to and verified by the Internal Revenue Service or other appropriate authorities.

(f) *Application for an annual dealer permit for wreckfish.* (1) An application for a dealer permit for wreckfish must be submitted and signed by the dealer or an officer of a corporation acting as a dealer. The application must be submitted to the Regional Director at least 30 days prior to the date on which the applicant desires to have the permit made effective.

(2) A permit applicant must provide the following information:

(i) A copy of each state wholesaler's license held by the dealer;

(ii) Business name, address including zip code of the business office, and employer identification number, if one has been assigned by the Internal Revenue Service;

(iii) A list, by state where licensed, of each physical facility at a fixed location where the business receives or stores fish.

(iv) Name, official capacity in the business, mailing address including zip code, telephone number, social security number, and date of birth of the applicant.

(v) Any other information that may be necessary for the issuance or administration of the permit.

(e) *Fees.* A fee is charged for each permit application submitted under paragraph (b), (c), or (d) of this section and for each sea bass trap identification tag required under § 646.6(d).

The amount of the fee is calculated in accordance with the procedures of the NOAA Finance Handbook for determining the administrative costs of each special product or service. The fee may not exceed such costs and is specified with each application form. The appropriate fee must accompany each application.

(f) *Issuance.* (1) The Regional Director will issue a permit at any time to an applicant if the application is complete; in the case of an application for a vessel permit for snapper-grouper, excluding wreckfish, the applicant meets the earned income requirement specified in paragraph (b)(2)(vii) of this section; and, in the case of an applicant for a vessel permit for wreckfish, a wreckfish shareholder is the owner of the vessel, or the vessel owner or operator is an

employee, contractor, or agent of the shareholder, as certified in the statement specified in paragraph (c)(2)(v) of this section. An application is complete when all requested forms, information, and documentation have been received and the applicant has submitted all applicable reports specified at § 646.5.

(2) Upon receipt of an incomplete application, the Regional Director will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days of the date of the Regional Director's letter of notification, the application will be considered abandoned.

(g) *Duration.* A permit remains valid for the period for which it is issued unless revoked, suspended, or modified pursuant to subpart D of 15 CFR part 904. In addition, a vessel permit for wreckfish remains valid only when a wreckfish shareholder is an owner of the permitted vessel, or the vessel owner or operator is an employee, contractor, or agent of the shareholder, as certified in the statement specified in paragraph (c)(2)(v) of this section.

(h) *Transfer.* (1) A vessel permit specified in paragraph (b) or (c) of this section is not transferable or assignable. A person purchasing a permitted vessel who desires to conduct activities for which a permit is required must apply for a permit in accordance with the provisions of paragraph (b) or (c) of this section. The application must be accompanied by a copy of a signed bill of sale.

(2) A dealer permit for wreckfish specified in paragraph (d) of this section may be transferred upon sale of the dealer's business. Information on the original application that is changed as a result of the sale must be reported to the Regional Director within 15 days of any such change.

(i) *Display.* A vessel permit specified in paragraph (b) or (c) of this section must be carried on board the vessel and such vessel must be identified as provided for in § 630.6. A dealer permit specified in paragraph (d) of this section must be available on the dealer's premises. The operator of a vessel or a dealer must present the permit for inspection upon request of an authorized officer.

(j) *Sanctions and denials.* A permit issued pursuant to this section may be revoked, suspended, or modified, and a permit application may be denied, in accordance with the procedures governing enforcement-related permit sanctions and denials found at subpart D of 15 CFR part 904.

(k) *Alteration.* A permit that is altered, erased, or mutilated is invalid.

(l) *Replacement.* A replacement permit may be issued. An application for a replacement permit will not be considered a new application. A fee, the amount of which is stated with the application form, must accompany each request for a replacement permit.

(m) *Change in application information.* The owner or operator of a vessel with a permit for snapper-grouper, excluding wreckfish, the wreckfish shareholder of a vessel with a permit for wreckfish, or a dealer with a permit must notify the Regional Director within 15 days after any change in the application information required by paragraph (b), (c), or (d) of this section. The permit is void if any change in the information is not reported within 15 days.

3. In § 646.5, paragraphs (a) and (c) are revised to read as follows:

§ 646.5 Recordkeeping and reporting.

(a) *Permitted vessels.* (1) The owner or operator of a vessel for which a permit for snapper-grouper, excluding wreckfish has been issued, as required by § 646.4(a)(1), and that is selected by the Science and Research Director; and (2) The wreckfish shareholder under § 646.10 or operator of a vessel for which a permit for wreckfish has been issued, as required by § 646.4(a)(2)—must maintain a daily logbook form for each fishing trip on a form available from the Science and Research Director. Among other things, the logbook forms provide a record of fishing locations, time fished, fishing gear used, numbers of each species caught, and numbers of each species discarded. Logbook forms must be submitted to the Science and Research Director postmarked not later than the third day after sale of the fish off-loaded from a trip. If no fishing occurred during a month, a report so stating must be submitted in accordance with instructions provided with the forms.

(c) *Dealers.* (1) A person who receives fish in the snapper-grouper fishery by way of purchase, barter, or trade that were harvested from the EEZ off the South Atlantic states or from adjoining state waters and who is selected by the Science and Research Director; and

(2) A dealer who has been issued an annual dealer permit for wreckfish, as required by § 646.4(a)(3)—must provide information on receipts of such fish and prices paid, by species, to the Science and Research Director at monthly

intervals, or more frequently if requested.

4. In § 646.6, paragraph (a) introductory text is revised to read as follows:

§ 646.6 Vessel and gear identification.

(a) *Official number.* A vessel for which a permit has been issued under § 646.4 must display its official number—

5. Section 646.7 is revised to read as follows:

§ 646.7 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(a) Engage in a directed fishery for tilefish in the EEZ or use a sea bass trap in the EEZ north of Cape Canaveral, Florida, aboard a vessel that does not have a vessel permit for snapper-grouper, excluding wreckfish, as specified in § 646.4(a)(1).

(b) Fish for wreckfish in the EEZ, possess wreckfish in or from the EEZ, off-load wreckfish from the EEZ, or sell wreckfish in or from the EEZ aboard a vessel that does not have a vessel permit for wreckfish, as specified in § 646.4(a)(2).

(c) As a dealer, receive wreckfish without a dealer permit for wreckfish, as specified in § 646.4(a)(3).

(d) Falsify information specified in § 646.4(b)(2), (c)(2), or (d)(2) on an application for a permit.

(e) Fail to display a permit, as specified in § 646.4(i).

(f) Falsify or fail to maintain, submit, or provide information required to be maintained, submitted, or provided, as specified in § 646.5(a) through (d).

(g) Fail to make fish in the snapper-grouper fishery, or parts thereof, available for inspection, as specified in § 646.5(e)(1).

(h) Fail to make available records of off-loadings, purchases, barter, or sales of wreckfish, as specified in § 646.5(e)(2); or fail to make available individual transferable quota (ITQ) coupons, as specified in § 646.10(c)(8).

(i) Falsify or fail to display and maintain vessel and gear identification, as specified in § 646.6(a) through (e).

(j) Possess an ITQ coupon not issued to him or, if received by transfer, without all required sale endorsements properly completed thereon, as specified in § 646.10(c)(3).

(k) Possess wreckfish on board a fishing vessel in an amount exceeding the total of the ITQ coupons on board the vessel, or without a vessel permit, or

without a logbook form for recording the fishing trip, as specified in § 646.10(c)(4).

(l) Fail to sign and date the "Fisherman" part of ITQ coupons or fail to submit such coupon parts with the record of the fishing trip, as specified in § 646.10(c)(5).

(m) Fail to give a dealer the "Fish House" part of ITQ coupons, or transfer a wreckfish to a dealer who does not hold a permit, as specified in § 646.10(c)(6).

(n) Receive a wreckfish from a vessel that does not have a vessel permit for wreckfish, as specified in § 646.10(c)(7).

(o) Fail to receive the "Fish House" part of ITQ coupons from a fisherman; fail to enter the permit number of the vessel from which the wreckfish were received, the date of receipt, and the dealer's permit number on such parts; fail to sign such parts; or fail to submit such parts with the dealer report, as specified in § 646.10(c)(7).

(p) Possess a fish in the snapper-grouper fishery smaller than the minimum size limit, as specified in § 646.21(a)(1).

(q) Sell, purchase, trade, or barter, or attempt to sell, purchase, trade, or barter fish in the snapper-grouper fishery smaller than the minimum size limit, as specified in § 646.21(a)(2).

(r) Possess a fish in the snapper-grouper fishery without its head and fins intact, as specified in § 646.21(b).

(s) Operate a vessel with fish in the snapper-grouper fishery aboard that are smaller than the minimum size limits, do not have head and fins intact, or are in excess of the cumulative bag limit, as specified in § 646.21(c) and § 646.23(e).

(t) Transfer wreckfish at sea, as specified in § 646.21(d)(1).

(u) Off-load a wreckfish at a time not authorized or without prior notification, as specified in § 646.21(d)(3) and (d)(4).

(v) Harvest or possess a jewfish or Nassau grouper in or from the EEZ or fail to release a jewfish or Nassau grouper taken in the EEZ, as specified in § 646.21(e) and (f).

(w) During the wreckfish spawning-season closure or a wreckfish quota closure, harvest or possess on board a vessel wreckfish in or from the EEZ; off-load wreckfish from the EEZ; sell, purchase, trade, or barter wreckfish in or from the EEZ; or attempt any of the foregoing, as specified in § 646.21(g) and § 646.24(b).

(x) During the greater amberjack and mutton snapper spawning seasons, exceed the bag limits for those species, as specified in § 646.21(h) and (i).

(y) Fish with poisons or explosives or possess on board a fishing vessel any

dynamite or similar explosive substance, as specified in § 646.22(a).

(z) Use a fish trap in the EEZ, or use a sea bass trap in the EEZ south of Cape Canaveral, Florida, as specified in § 646.22(b) and (c)(1).

(aa) When using or possessing a sea bass trap north of Cape Canaveral, Florida, possess fish in the snapper-grouper fishery exceeding the limits, as specified in § 646.22(c)(2).

(bb) Use or possess in the EEZ north of Cape Canaveral, Florida, a sea bass trap that does not conform to the requirements for degradable openings and mesh sizes specified in § 646.22(c)(3) and (c)(4).

(cc) Pull or tend another person's sea bass trap except as specified in § 646.22(c)(5).

(dd) Aboard a vessel that possesses or uses a crustacean trap in the EEZ, possess fish in the snapper-grouper fishery exceeding the limits, as specified in § 646.22(d).

(ee) Use trawl gear in a directed snapper-grouper fishery in the EEZ between Cape Hatteras, North Carolina, and Cape Canaveral, Florida, as specified in § 646.22(e)(1).

(ff) Transfer at sea any fish in the snapper-grouper fishery from a vessel with trawl gear aboard to another vessel, or receive at sea any such fish, as specified in § 646.22(e)(2) and (e)(3).

(gg) Use an entanglement net to fish for fish in the snapper-grouper fishery in the EEZ; or, aboard a vessel that fishes in the EEZ on a trip with an entanglement net on board, possess fish in the snapper-grouper fishery exceeding the limits, as specified in § 646.22(f).

(hh) Use a longline to fish in the snapper-grouper fishery in the EEZ where the charted depth is less than 50 fathoms (91.5 meters) or without a vessel permit on board, as required by § 646.4(a)(1) or (a)(2); or, aboard a vessel with a longline on board that fishes on a trip in the EEZ where the charted depth is less than 50 fathoms (91.5 meters) or without such required vessel permit on board, possess fish in the snapper-grouper fishery exceeding the limits, as specified in § 646.22(g)(1).

(ii) Fish for wreckfish with a bottom longline; or possess a wreckfish aboard a vessel that has a longline aboard, as specified in § 646.22(g)(2).

(jj) Exceed the bag and possession limits, as specified in § 646.23(a) through (c).

(kk) Transfer at the sea fish in the snapper-grouper fishery subject to bag limit, as specified in § 646.23(f).

(ll) Use prohibited or unauthorized fishing gear in a special management zone, as specified in § 646.26(b) and (c).

(mm) Interfere with, obstruct, delay, or prevent by any means an investigation, search, seizure, or disposition of seized property in connection with enforcement of the Magnuson Act.

6. A new § 646.10 is added to subpart A to read as follows:

§ 646.10 Wreckfish individual transferable quota (ITQ) system.

(a) *Percentage shares.* (1) In accordance with the procedure specified in the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region, as amended, a person will be assigned initial percentage shares of the annual total allowable catch (TAC) of wreckfish. Each person will be notified by the Regional Director of his or her initial percentage shares and shareholder certificate number.

(2) All or a portion of a person's percentage shares may be transferred to another person. Transfer of shares must be reported on form available from the Regional Director. The Regional Director will confirm, in writing, each transfer of shares. The effective date of each transfer is the confirmation date provided by the Regional Director. The confirmation date will normally be not later than 3 working days after receipt of a properly completed transfer form. A fee is charged for each transfer of shares. The amount of the fee is calculated in accordance with the procedures of the NOAA Finance Handbook for determining the administrative costs of each special product or service provided by NOAA to non-Federal recipients. The fee may not exceed such costs and is specified with each transfer form. The appropriate fee must accompany each transfer form.

(b) *Lists of wreckfish shareholders and permitted vessels.* Annually on or about March 1, the Regional Director will provide each wreckfish shareholder with a list of all wreckfish shareholders and their percentage shares, reflecting share transactions on forms received through February 15. Annually by April 15, the Regional Director will provide each dealer who holds a dealer permit for wreckfish, as required by § 646.4(a)(3), with a list of vessels for which wreckfish permits have been issued, as required by § 646.4(a)(2). Annually by April 15, the Regional Director will provide each wreckfish shareholder with a list of dealers who have been issued dealer permits for wreckfish, as required by § 646.4(a)(3). From April 16 through January 14, updated lists will be provided when required. Updated lists may be obtained at other times or by a person who is not a wreckfish shareholder or wreckfish

dealer permit holder by written request to the Regional Director.

(c) *Individual transferable quotas.* (1) Annually, as soon after March 1 as the TAC for wreckfish for the fishing year that commences April 16 is known, the Regional Director will calculate each wreckfish shareholder's ITQ. Each ITQ is the product of the wreckfish TAC, in whole weight, for the ensuing fishing year, the factor for converting whole weight to eviscerated weight, and each wreckfish shareholder's percentage share, reflecting share transactions reported on forms received by the Regional Director through February 15. Thus, the ITQs will be in terms of eviscerated weight of wreckfish.

(2) The Regional Director will provide each wreckfish shareholder with ITQ coupons in various denominations, the total of which equals his ITQ, and a copy of the calculations used in determining his ITQ. Each coupon will be coded to indicate the initial recipient.

(3) An ITQ coupon may be transferred from one wreckfish shareholder to another by completing the sale endorsement thereon (i.e., the signature and shareholder certificate number of the buyer). An ITQ coupon may be possessed only by the shareholder to whom it has been issued, or by his employee, contractor, or agent, unless the ITQ coupon has been transferred to another shareholder. An ITQ coupon that has been transferred to another shareholder may be possessed only by the shareholder whose signature appears on the coupon as the buyer, or by his employee, contractor, or agent, and with all required sale endorsements properly completed.

(4) Wreckfish may not be possessed on board a fishing vessel—

(i) In an amount exceeding the total of the ITQ coupons on board the vessel;

(ii) That does not have on board a vessel permit for wreckfish, as required by § 646.4(a)(2); or

(iii) That does not have on board logbook forms for that fishing trip, as required by § 646.5(a).

(5) Prior to termination of a trip, a signature and date signed must be affixed in ink to the "Fisherman" part of ITQ coupons in denominations equal to the eviscerated weight of the wreckfish on board. The "Fisherman" part of each such coupon must be separated from the coupon and submitted with the logbook forms required by § 646.5(a) for that fishing trip.

(6) The "Fish House" part of each such coupon must be given to the dealer to whom the wreckfish are transferred in amounts totalling the eviscerated weight of the wreckfish transferred to

that dealer. A wreckfish may be transferred only to a dealer who holds a dealer permit for wreckfish, as required by § 646.4(a)(3).

(7) A dealer may receive a wreckfish only from a vessel for which a vessel permit for wreckfish has been issued, as required by § 646.4(a)(2). A dealer must receive the "Fish House" part of ITQ coupons in amounts totalling the eviscerated weight of the wreckfish received; enter the permit number of the vessel from which the wreckfish were received, enter the date the wreckfish were received, enter the dealer's permit number, and sign each such "Fish House" part; and submit all such parts with the dealer reports required by § 646.5(c).

(8) An owner or operator of a vessel and a dealer must make available to an authorized officer all ITQ coupons in his or her possession upon request.

7. In § 646.21, paragraph (d) is revised to read as follows.

§ 646.21 Harvest limitations.

* * * * *

(d) *Wreckfish limitations.* (1) A wreckfish taken in the EEZ may not be transferred at sea, regardless of where the transfer takes place; and a wreckfish may not be transferred in the EEZ, regardless of where the wreckfish was taken.

(2) A wreckfish possessed by a fisherman or dealer shoreward of the outer boundary of the EEZ or in an Atlantic coastal state will be presumed

to have been harvested from the EEZ unless accompanied by documentation that it was harvested from other than the EEZ.

(3) A wreckfish may be off-loaded from a fishing vessel only between 8 a.m. and 5 p.m., local time.

(4) If a wreckfish is to be off-loaded at a location other than a fixed facility of a dealer who holds a dealer permit for wreckfish, as required by § 646.4(a)(3), the wreckfish shareholder or the vessel operator must advise the NMFS Law Enforcement Office, Southeast Area, St. Petersburg, FL, telephone (813) 893-3145, of the location not less than 24 hours prior to off-loading.

* * * * *

[FR Doc. 92-5145 Filed 3-4-92; 8:45 am]

BILLING CODE 3510-22-M

Corrections

Federal Register

Vol. 57, No. 63

Wednesday, April 1, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 646

[Docket No. 911063-2008]

RIN 0648-AD57

Snapper-Grouper Fishery of the South Atlantic

Correction

In rule document 92-5145 beginning on page 7886 in the issue of Thursday, March 5, 1992, make the following corrections:

§ 646.4 [Corrected]

1. On page 7888, in the second column, in § 646.4(a)(1)(iii), in the eighth line, "submitted" was misspelled.
2. On page 7889, in the second column, in § 646.4, the first paragraph designation "(f)" should read "(d)".

§ 646.10 [Corrected]

3. On page 7891, in the second column, in § 646.10(a)(2), in the fourth line after "on" insert "a".

BILLING CODE 1505-01-D

FEDERAL ELECTION COMMISSION

[Notice 1992-4]

11 CFR Part 106

Allocation of Federal and Non-Federal Expenses

Correction

In rule document 92-5778 beginning on page 8990, in the issue of Friday, March 3, 1992, make the following corrections:

§ 106.5 [Corrected]

1. On page 8993, in the first column, in § 106.5(f), in the first line "methods" should read "method" and in the second column, in § 106.5(f)(1), in the fifth line, "methods" should read "method".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 92M-0078]

Advanced Interventional Systems, Inc.; Premarket Approval of the AIS Excimer Laser Angioplasty System

Correction

In notice document 92-0029, beginning on page 9126, in the issue of Monday, March 16, 1992, make the following correction:

On page 9126, in the second column, under **FOR FURTHER INFORMATION CONTACT:**, in the last line, "220850" should read "20850".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 92N-0110]

Drug Export: Neupogen® Recombinant Methionyl Human Granulocyte Colony Stimulating Factor (R-Methug-CSF)

Correction

In notice document 92-5439 beginning on page 8340 in the issue of Monday, March 9, 1992, make the following corrections:

On page 8340, in the 3d column, under **SUPPLEMENTARY INFORMATION:**, in the 30th and 34th lines, "Actor" should read "Factor" each time it appears.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 91N-0291]

Order for Transitional Class III Devices; Submission of Safety and Effectiveness Information Under Section 520(l)(5)(A) of the Federal Food, Drug, and Cosmetic Act; Correction

Correction

In notice document 92-5905 appearing on page 8881 in the issue of Friday, March 13, 1992, make the following correction:

In the second column, in the fourth line of the heading, "Section 520(1)(5)(A)" should read "Section(l)(5)(A)".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-921-02-4143-13; IDI-20421]

Revision of the Schmid Ridge Known Leasing Area (Phosphate); ID

Correction

In notice document 92-4348, appearing on page 6617, in the issue of Wednesday, February 26, 1992, in the third column, in the first land description, in Sec. 17, "NE¼SW¼;" should read "NE¼SE¼;".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-NM-263-AD; Amendment 39-8177; AD 92-04-06]

Airworthiness Directives; Airbus Model A320 Series Airplanes

Correction

In rule document 92-3904 beginning on