

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 2004—Jet Routes

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J-4 [Revised]

From Los Angeles, CA, via INT Los Angeles 083° and Twentynine Palms, CA, 269° radials; Twentynine Palms; Parker, CA; Buckeye, AZ; San Simon, AZ; Newman, TX; Wink, TX; Abilene, TX; Ranger, TX; Belcher, LA; Jackson, MS; Meridian, MS; Montgomery, AL; INT Montgomery 051° and Colliers, SC, 268° radials; Colliers; Columbia, SC; Florence, SC; to Wilmington, NC.

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J-21 [Revised]

From the INT of the United States/Mexican Border and the Laredo, TX, 172° radial via Laredo; San Antonio, TX; Austin, TX; Waco, TX; Ranger, TX; Ardmore, OK; Will Rogers, OK; Wichita, KS; Omaha, NE; Gopher, MN; to Duluth, MN.

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J-25 [Revised]

From Matamoras, Mexico, via Brownsville, TX; INT of the Brownsville 358° and the Corpus Christi, TX, 178° radials; Corpus Christi; INT of the Corpus Christi 311° and the San Antonio, TX, 167° radials; San Antonio; Austin, TX; Waco, TX; Ranger, TX; Tulsa, OK; Kansas City, MO; Des Moines, IA; Mason City, IA; Gopher, MN; Brainerd, MN; to Winnipeg, MB, Canada. The airspace within Canada is excluded. The airspace within Mexico is excluded.

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J-33 [Revised]

From Humble, TX, via INT Humble 349° and Ranger, TX, 135° radials; to Ranger.

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J-42 [Revised]

From Delicias, Mexico, via Fort Stockton, TX; Abilene, TX; Ranger, TX; Texarkana, AR; Memphis, TN; Nashville, TN; Beckley, WV;

Montebello, VA; Gordonsville, VA; Nottingham, MD; INT Nottingham 061° and Woodstown, NJ, 225° radials; Woodstown; Robbinsville, NJ; LaGuardia, NY; INT LaGuardia 042° and Hartford, CT, 236° radials; Hartford; Putman, CT; Boston, MA. The portion of this route outside of the United States is excluded.

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J-52 [Revised]

From Vancouver, BC, Canada; via Spokane, WA; Salmon, ID; Dubois, ID; Rock Springs, WY; Falcon, CO; Hugo, CO; Lamar, CO; Liberal, KS; INT Liberal 137° and Ardmore, OK, 309° radials; Ardmore; Texarkana, AR; Sidon, MS; Bigbee, MS; Vulcan, AL; Atlanta, GA; Colliers, SC; Columbia, SC; Raleigh-Durham, NC; to Richmond, VA. The portion within Canada is excluded.

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J-58 [Revised]

From Oakland, CA, via Manteca, CA; Coaldale, NV; Wilson Creek, NV; Milford, UT; Farmington, NM; Las Vegas, NM; Amarillo, TX; Wichita Falls, TX; Ranger, TX; Alexandria, LA; Harvey, LA; INT of Grand Isle, LA, 105° and Crestview, FL, 201° radials; INT of Grand Isle 105° and Sarasota, FL, 286° radials; Sarasota; Lee County, FL; to the INT Lee County 120° and Dolphin, FL, 293° radials; Dolphin.

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J-66 [Revised]

From Newman, TX; via Big Spring, TX; Abilene, TX; Ranger, TX; Bonham, TX; Little Rock, AR; Memphis, TN; to Rome, GA.

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J-72 [Revised]

From Boulder City, NV, via Peach Springs, AZ; Gallup, NM; Albuquerque, NM; Texico, NM; to Wichita Falls, TX.

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J-76 [Revised]

From Las Vegas, NV, via INT Las Vegas 090° and Tuba City, AZ, 268° radials; Tuba City; Las Vegas, NM; Tucumcari, NM; to Wichita Falls, TX.

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J-87 [Revised]

From Humble, TX, via Navasota, TX; INT of Navasota 342° and Cowboy, TX, 166° radials; Cowboy; Tulsa, OK; Butler, MO; Kirksville, MO; Moline, IL; Joliet, IL; to Northbrook, IL.

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J-105 [Revised]

From Ranger, TX; via McAlester, OK; Razorback, AR; Springfield, MO; Bradford, IL; to Badger, WI.

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J-131 [Revised]

From San Antonio, TX, via INT San Antonio 007° and Ranger, TX, 214° radials; Ranger; Texarkana, AR; Little Rock, AR; to Pocket City, IN.

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J-181 [Revised]

From Ranger, TX; Okmulgee, OK; Neosho, MO; INT Neosho 049° and Bradford, IL, 219° radials; to Bradford.

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Issued in Washington, DC, on December 17, 1997.

Nancy B. Kalinowski,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 97–33761 Filed 12–29–97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 622

[Docket No. 971009242–7308–02; I.D. 091997B]

RIN 0648–AJ14

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 15; OMB Control Numbers

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

ACTION: Final rule; extension of effectiveness.

SUMMARY: NMFS issues this final rule to implement the approved measures in Amendment 15 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). Amendment 15 and this rule replace the current commercial red snapper endorsement and trip limit system with a system comprised of two classes of transferrable red snapper licenses and trip limits; split the red snapper commercial fishing season into two time periods, the first commencing February 1 with two-thirds of the annual quota available and the second commencing on September 1 with the remainder of the annual quota available; open the red snapper commercial fishery at noon on the first of each month and close it at noon on the 15th of each month during the commercial season; prohibit the possession of reef fish in excess of the bag limit on a vessel that has on board, or is tending, a trap other than a fish, stone crab, or spiny lobster trap; limit the harvest of greater amberjack to the bag limit each year during March

through May; remove sea basses (black, bank, and rock sea bass), grunts, and porgies from the FMP; and remove certain species from the aggregate bag limit for reef fish. As approved in Amendment 15, the increase in the minimum size limit for vermilion snapper, currently in effect as an interim measure, is continued indefinitely. In addition, this rule excludes certain species from the prohibition on their harvest using powerheads in the stressed area and corrects and clarifies the regulations. Finally, NMFS informs the public of the approval by the Office of Management and Budget (OMB) of the collection-of-information requirements contained in this rule, publishes the OMB control number for these collections, and corrects the list of control numbers applicable to Title 50 of the Code of Federal Regulations. The intended effects of this rule are to conserve and manage the reef fish resources of the Gulf of Mexico. This rule also extends indefinitely the effectiveness of the interim final rule regarding vermilion snapper size limit, published September 11, 1997.

DATES: This rule is effective January 29, 1998, except that the amendments to 15 CFR 902 and §§ 622.4(d) and (p), and 622.7(b) are effective December 30, 1998, and § 622.34(l) is effective January 1, 1997. The interim final rule published on September 11, 1997 (62 FR 47765), which became effective September 14, 1997, through March 10, 1998, is to continue in effect indefinitely.

ADDRESSES: Copies of the final regulatory flexibility analysis (FRFA) may be obtained from the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702. Comments regarding the collection-of-information requirements contained in this rule should be sent to Edward E. Burgess, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, and to the Office of Management and Budget (OMB), Washington, D.C. 20503 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Robert Sadler, 813-570-5305.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf of Mexico is managed under the FMP. The FMP was prepared by the Gulf of Mexico Fishery Management Council (Council) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

On September 26, 1997, NMFS announced the availability of Amendment 15 and requested comments on the amendment (62 FR 50553). On October 23, 1997, NMFS published a proposed rule to implement the measures in Amendment 15 and an additional measure proposed by NMFS, and requested comments on the rule (62 FR 55205). The background and rationale for the measures in the amendment and proposed rule are contained in the preamble to the proposed rule and are not repeated here. On December 19, 1997, after considering the comments received on the amendment and the proposed rule, NMFS partially approved Amendment 15. One measure was not approved, namely, the exclusion of hogfish and queen triggerfish from the aggregate bag limit for reef fish.

Comments and Responses

Twenty public comments on Amendment 15 and/or the proposed rule, including a minority report signed by two Council members, were received. Comments in support of one or more Amendment 15 measures were submitted by 13 entities (including one fishing association), one of which submitted a petition signed by 42 persons. Comments in opposition to one or more Amendment 15 measures were submitted in the minority report and by 15 entities, including two fishing associations.

Initial Allocation of Red Snapper Licenses

Comment: The minority report and one commenter objected to the initial allocation provisions of the red snapper license system on the basis that the proposed 2-tier system did not recognize the request of some of the major producers (highliners) for an alternative 3-tier system. That commenter also stated that continuation of the existing trip limits (instead of a reduced trip limit for some vessels) does not address excessive harvest capacity in the red snapper fishery. Another commenter supported trip limits and endorsements but opposed issuance of licenses. A third commenter, who participates in multiple commercial fisheries, opposed the initial red snapper license allocation, since those provisions preclude vessels without endorsements on March 1, 1997, from obtaining a Class 1 license and, therefore, sufficient income to remain profitable. The minority report recommends that NMFS not approve Amendment 15 until some solution to resolving the perceived inequity

associated with the 2-tier system is agreed upon.

One of the commenters also noted that charter vessels with red snapper licenses could fish commercially and, thereby, continue to exploit the red snapper resource during winter when charter business is slow. That commenter also claimed that the initial allocation of Class 1 licenses gives an unfair advantage to endorsement holders because they would be allowed to fish in other fisheries when the red snapper commercial fishery is closed. Another commenter opposed the initial allocation of Class 1 licenses to all who held endorsements on March 1, 1997, because that criterion does not specifically recognize various levels of investment in red snapper vessels and gear by the endorsement holders.

Response: NMFS disagrees with these comments for the following reasons. After much debate, the Council concluded that its proposed 2-tier red snapper commercial license limitation system was the fairest and most equitable of the alternatives considered for meeting the objectives of Amendment 15. The 2-tier license system provides for equal trip limits for all endorsement holders, as under the endorsement and trip limits system. The rejected 3-tier alternative was found to be inequitable since that system would have significantly reduced the landings of many of the endorsement holders. Regarding excessive harvest capacity, Amendment 15 addresses this problem by establishing a license limitation system that caps participation in the fishery and is expected to reduce the number of vessels that can fish under the 200-lb (91-kg) trip limit. The actual level of harvest is controlled by an annual quota.

NMFS also disagrees with the comment opposing charter vessel participation. The Council considered historical fishing practices in, and dependence on, the fishery, as required by the Magnuson-Stevens Act, and chose not to exclude charter vessels from an initial allocation. Amendment 15 recognizes that some charter vessels traditionally target red snapper for commercial harvest during the season when charter business is slow. The Council's decision in this regard is consistent with the FMP, which allows charter income to count toward the earned income requirement for commercial vessel permits.

NMFS disagrees with the commenter who claimed that the initial allocation of Class 1 licenses gives unfair advantage to endorsement holders, who would receive Class 1 licenses, because they will be allowed to fish in other

fisheries when the commercial red snapper fishery is closed. The license limitation system makes no changes in the provisions of the current endorsement and trip limits system that allow an endorsement holder to participate freely in other fisheries, regardless of whether the commercial red snapper fishery is open. Also, neither the endorsement and trip limits system nor the license limitation system differentiate between Class 1 and Class 2 license holders with regard to their ability to participate in other fisheries. Furthermore, all Class 1 license holders must comply with the same trip limits regardless of whether they participate in other fisheries. Finally, NMFS believes that Class 1 and Class 2 license holders should be allowed equally to enter other fisheries in compliance with applicable regulations regardless of whether the commercial red snapper fishery is closed.

NMFS agrees with the comment that the initial allocation criterion for a Class 1 license does not specifically address the level of investment in gear or vessels. However, to obtain a Class 1 license, an applicant must possess an endorsement on March 1, 1997. Eligibility for such an endorsement was based on the level of historical participation in the fishery, which presumably reflects, to some degree, varying levels of investment in the fishery. Therefore, the Council and NMFS determined that this criterion for participation in the fishery was appropriate.

Comment: Another commenter stated that those individuals who will meet the eligibility criteria for the initial allocation of Class 1 licenses under Amendment 15 constitute a different group than those who would be participating in a future referendum for an individual fishing quota (IFQ) program for red snapper on or after October 1, 2000, under the provisions of section 407(c) of the Magnuson-Stevens Act. That commenter also questioned whether the Amendment 15 criterion for a Class 1 license (i.e., holder of a red snapper endorsement on March 1, 1997, or a qualified historical captain) is consistent with Congressional intent regarding who would be eligible to vote in this referendum (section 407(c) limits referendum voting eligibility to persons who held a reef fish permit with a red snapper endorsement on September 1, 1996, and to vessel captains who harvested red snapper in a commercial fishery using such endorsement in each red snapper fishing season between January 1, 1993, and September 1, 1996).

Response: The initial allocation criteria for a Class 1 license under Amendment 15 are not related, nor intended to be related, to the universe of persons that would be eligible to vote in the IFQ referendum provided for under section 407(c) of the Magnuson-Stevens Act. NMFS has determined that the initial allocation provisions of Amendment 15 are consistent with the provisions of the Magnuson-Stevens Act. Any subsequent Council or NMFS consideration of IFQ programs for red snapper will be consistent with section 407(c).

Comment: Three comments (one was signed by two persons) supported the initial allocation provisions as fair and equitable.

Response: NMFS concurs.

Historical Captains

Comment: Two commenters opposed initial allocations of red snapper Class 1 licenses to historical captains, based on the belief that this allowance would cause shorter seasons and lower red snapper prices by allowing additional fishermen to compete for the resource. Another commenter stated that issuance of two licenses (a license to a historical captain and a license to the owner who were involved in the operation of the same vessel) would unfairly penalize other types of participants who would be issued one license (such as an owner-operator).

Response: Approximately seven historical captains are expected to obtain a Class 1 license. This would not substantially increase the number of licenses so as to significantly shorten the season or unfairly penalize other types of participants.

Comment: One comment supported the historical captain provisions as being fair and equitable.

Response: NMFS concurs.

Red Snapper License Transfers

Comment: A commenter opposed providing for license transfers following the initial allocation process, based on the belief that this measure would cause shorter seasons and lower red snapper prices.

Response: NMFS disagrees with this comment and supports providing for license transfers. License transfers simplify entry into, and exit from, the fishery and thereby promote efficient fishing operations. As a result, approval of this measure will provide economic benefits that should outweigh any costs associated with decreases in red snapper prices.

Limitation on Ownership of Red Snapper Licenses

Comment: A commenter opposed the Council's preferred alternative regarding ownership of licenses by one entity (i.e., no limitation on ownership by one entity) on the grounds that no limitation could lead to a monopoly in a very short time.

Response: The Council fully considered the question of whether some limitation should be imposed to try to prevent monopolies from controlling the fishery, and determined that, even in the absence of such limitations, fishing operations linked to individuals should continue to dominate the fishery. NMFS believes that other existing Federal laws are adequate to address monopolies.

Annual Fishing Season Opening Dates

Comments: A commenter opposed the September 1 starting date for the commercial season, based on his belief that September is the peak time for red snapper aggregation and spawning. Two other commenters preferred an October 1 start for the fall season.

Response: NMFS disagrees with the comment that an October 1 starting date should be used. NMFS stock assessments indicate that the peak aggregation and spawning period for red snapper typically is June through August. The Council selected the September 1 date for opening the fall season in part to afford fishermen higher revenues when product demand is relatively high. The Council's selection of the September 1 opening date, rather than a later date, also considered the ability of fishing vessels to operate in more favorable weather conditions, thus reducing vessel safety concerns. For these reasons, NMFS approved the opening date selected by the Council.

Comment: Three comments supported this measure.

Response: NMFS concurs.

Red Snapper Harvest Periods

Comments: Two comments indicated that the proposed 15-day red snapper commercial harvest periods (15-day harvest periods) would encourage fishing in bad weather. Four commenters indicated that the 15-day harvest period in 1997 caused waste of fish and reduced prices due to the associated increases in rate of harvest and, therefore, opposed the 15-day harvest periods under Amendment 15. One commenter recommended alternatives that were considered under Amendment 15 but rejected by the Council. The minority report reiterated the need for compatible state and

Federal regulations and cooperative state and Federal enforcement to provide successful management results.

Response: The Council considered available information pertinent to this measure, including public comment and NMFS analyses predicting that total revenues generated by a series of mini-derbies (during the 15-day harvest periods) would be lower than generated under continuous fishing without such short, intermittent, harvest periods. The Council voted for the 15-day harvest periods to distribute landings over a greater portion of the year, alleviating to some extent the economic effects of a derby fishery. Also, the closed fishery periods between harvest periods will allow for vessel repair and maintenance. Such maintenance should improve safety and avoid the higher repair costs that can occur when normal, preventive maintenance is postponed.

Comments opposing the 15-day harvest periods are based on very limited experience during the 1997 fishing year, which involved open harvest periods of September 1–15 and October 1–6. NMFS believes that this experience is not an adequate basis for evaluating the effectiveness of this measure. NMFS has approved this measure but will monitor its effectiveness and, in cooperation with the Council, will make future adjustments if necessary. Regarding the minority report's concerns about enforceability, NMFS and the Council will request that the Gulf states issue compatible regulations to aid in enforcement.

Limitation of the Possession of Reef Fish Caught in Traps That Are not Fish Traps, Spiny Lobster Traps, or Stone Crab Traps

Comment: Two comments supported this measure.

Response: NMFS concurs.

Vermilion Snapper Minimum Size Limit

Comment: A fishing association, representing 28 red snapper endorsement holders, opposed the 10-inch (25.4-cm) vermilion snapper minimum size limit because of adverse impacts expected from the associated undersized fish release mortality.

Response: NMFS disagrees with this comment, and supports this measure. The measure responds to stock assessment information that the vermilion snapper resource, while not currently overfished, is undergoing overfishing based on decreasing trends in overall catch, mean size of individual fish, catch-per-unit-effort, and estimated numbers of age-1 fish in the population. The assessment considered the effects of

release mortality of undersized fish and determined that the 10-inch (25.4-cm) minimum size limit would reduce fishing mortality, increase the vermilion snapper spawning potential ratio (SPR), and, thereby, improve the status of the resource.

Comment: One comment supported the vermilion snapper size limit measure based on the belief that vermilion snapper less than 10 inches (25.4 cm) have low yield of meat. A second comment supported the measure as an appropriate measure to address overfishing.

Response: NMFS concurs.

Removal of Sea Basses, Grunts, and Porgies from the FMP

Comment: The minority report stated that the Council acted to remove sea basses (black, bank, and rock sea bass), grunts, and porgies without regard to (1) the Council's Scientific and Statistical Committee's (SSC) recommendations that these species should be under FMP management, and (2) the SSC's statement that this measure is not based on the best available scientific information. A commenter opposed this measure on the basis that there is no substantive rationale for approval by NMFS. The commenter noted that the proposed removal of species from the FMP would prevent timely implementation of Federal management measures to protect sea basses, grunts, and porgies. The commenter asked that these species be kept in the FMP even though this action may make processing of Amendment 15 more complicated.

Response: The SSC's concerns appear to be predicated on an assumption that the removal of these species from the FMP would result in no management or in ineffective management. This is not the case. Management would be deferred to Florida. The Council fully considered the SSC's recommendations prior to its vote on this measure. Amendment 15 and the preamble to the proposed rule provide a substantive rationale for this measure and explain that returning management of these species to Florida poses minimal risk to the resources. The Council concluded, and NMFS agrees, that these species would be most appropriately managed by Florida. The Florida Marine Fisheries Commission (FMFC) has expressed an intent to manage the fisheries for these species, which primarily occur off Florida. NMFS acknowledges that impacts to fishery resources due to unrestricted harvest could occur during the interim period (after sea basses, grunts, and porgies are removed from the FMP, and prior to Florida's management of those species). However,

since the interim period is expected to be of very short duration, any such impacts are not expected to be substantial.

Although Florida cannot regulate out-of-state vessels operating in the Exclusive Economic Zone (EEZ) unless those vessels land fish in Florida, the threat of overfishing these species by vessels registered outside Florida is minimal for two reasons. First, landings of these species are insignificant outside Florida. Second, given the relatively low value of these species, the economic incentive for harvest in the EEZ off Florida by out-of-state vessels not landing in that state is small. NMFS, therefore, disagrees with the opposing comments and approved the removal of sea basses, grunts, and porgies from the FMP as a rational management policy decision.

Comment: Two comments supported this measure.

Response: NMFS concurs.

Greater Amberjack Seasonal Harvest Restriction

Comment: A commenter representing a commercial fishing association, a commenter representing a fish house and various fishery participants, and the minority report opposed the greater amberjack spawning seasonal harvest restriction as unnecessary and inconsistent with the NMFS stock assessment, showing a 34-percent SPR. Another commenter noted individual Council member's objections to this measure, and provided biological information on greater amberjack migration and harvest patterns. The minority report noted that the SSC recommended that this measure be deferred until FMP Amendment 16. The minority report also stated that the Council did not follow those recommendations and, therefore, did not use the best available information.

Response: Given the uncertainty associated with the NMFS stock assessment, and based on recent data showing declines in average size and landings of greater amberjack, the Council and the Reef Fish Stock Assessment Panel determined that the stock assessment is overly optimistic. The Council and NMFS believe the greater amberjack spawning seasonal harvest restriction is necessary to reduce fishing mortality, ensure that commercial effort does not negate stock rebuilding resulting from the recent recreational bag limit reduction, and provide more equitable sharing of the burden of stock rebuilding between the recreational and commercial sectors. This measure was found by the Southeast Fisheries Science Center

(SEFSC) to be based on the best available scientific information. The Council properly considered the SSC's recommendations prior to its vote on the greater amberjack spawning seasonal harvest restriction. NMFS believes that the biological information provided by the commenter does not alter the need for a spawning seasonal harvest restriction. Accordingly, NMFS disagrees with these comments and supports this measure.

Comment: Six comments (including one from a fishing association) support this measure.

Response: NMFS concurs.

Removal of Species Not in the Management Unit From the Aggregate Bag Limit for Reef Fish

Comment: Three public comments and the minority report opposed removal of hogfish from the 20-fish aggregate bag limit. The first public commenter, a commercial fisherman who also owns a wholesale fish house, stated that hogfish is heavily targeted in the recreational sector, primarily using spear guns, and is one of the easiest species to take with that gear. The comment included trade journal data that predicted a large increase in the size of the diving/snorkeling industry. The commenter concluded that hogfish would be adversely impacted by allowing unlimited recreational catches. The commenter also stated that this measure would encourage illegal sales of reef fish caught under the recreational bag limit.

A second commenter opposed excluding hogfish and queen triggerfish since those two species are overfished and scarce. A third commenter supported the Council's rejected Alternative 1 that would either (1) remove pinfish and sand perch from the aggregate bag limit, or (2) remove pinfish and sand perch but make the removal of other species subject to review by the Reef Fish Stock Assessment Panel.

Response: NMFS agrees with the commenters who noted the possibility of overfishing if hogfish and queen triggerfish are removed from the aggregate bag limit. Based on its review of the three opposing comments, the minority report, the SSC recommendations, and other available information, NMFS disapproved the removal of hogfish and queen triggerfish from the aggregate bag limit as a means of helping to prevent overfishing of these species, as discussed above.

Disapproval of the removal of hogfish and queen triggerfish from the aggregate bag limit is consistent with national standard 1 of the Magnuson-Stevens Act

that requires conservation and management measures to prevent overfishing.

Comment: Three public comments supported removal of sand perch and dwarf sand perch from the 20-fish aggregate bag limit.

Response: NMFS concurs.

Changes From the Proposed Rule

The implementation procedure for the initial issue of red snapper licenses is revised by changing "appeals" to "reconsideration" at § 622.4(p)(6)(ii). The change in terminology is warranted because the procedure describes the means by which a person may have the Regional Administrator reconsider his initial determination of eligibility for historical captain status or a Class 2 license. In addition, § 622.4(p)(6)(ii) is reordered for clarity and to remove redundancy. To provide adequate time for an owner to collect and submit information pertinent to his or her eligibility for a red snapper license, the deadline date for submission of a copy of a legally binding agreement under which an owner retained the landings record of a previously owned vessel is delayed to January 30, 1998. Similarly, the deadline date for the submission of a request for reconsideration of NMFS' initial determination of eligibility for historical captain status or for a Class 2 red snapper license is delayed until February 10, 1998. However, a person submitting such agreement or request after January 6 and 13, respectively, will not be assured of receiving a red snapper license before the commercial fishery for red snapper opens on February 1, 1998.

Section 622.34(l) is revised to clarify that, after the recreational quota for red snapper is reached, during a seasonal closure (i.e., during a mid- to end-of-month closure) of the commercial fishery for red snapper, possession of red snapper in or from the Gulf of Mexico and in the Gulf of Mexico on board a vessel for which a commercial permit for Gulf reef fish has been issued, without regard to where such red snapper were harvested, is limited to zero. This provision is in accordance with the possession limit applicable to the commercial fishery for red snapper when a quota closure is in effect.

As discussed above, hogfish and queen triggerfish are not excluded from the aggregate bag limit for reef fish. A change from the proposed rule is made at § 622.39(b)(1)(v).

NMFS also is making the following technical amendments, which were not included in the proposed rule:

(1) In 15 CFR 902.1(b), in the listing of sections in title 50 of the CFR where

information collection requirements are located, the entry "622.10" is redesignated to read "622.8" and the entry for "641.4" is removed. There currently are no regulations at 50 CFR 641.4.

(2) In 50 CFR 622.34(c), the reference to Figures 1 and 2 to this part is removed and, in 50 CFR 622.34(g), the reference to Figures 3 and 4 to this part is removed. The regulations do not include Figures 1 through 4 to this part.

(3) In 50 CFR 622.43(a)(5), the reference "§ 622.44(a)," applicable to the trip limits for golden tilefish and snowy grouper in the snapper-grouper fishery off the southern Atlantic states, is corrected to read "§ 622.44(c)."

(4) For clarity, at 50 CFR 622.39(b)(1)(ii), NMFS is explicitly excluding Nassau grouper from the bag limit for groupers, combined, applicable to the fishery for reef fish in the Gulf of Mexico. As specified at 50 CFR 622.32(b)(2)(iii), a Nassau grouper in or from the Gulf of Mexico exclusive economic zone (EEZ) is a prohibited species. As such, a Nassau grouper may not be harvested or possessed in or from the Gulf EEZ and, if caught in the Gulf EEZ, must be released immediately with a minimum of harm. Accordingly, the exclusion of Nassau grouper from the bag limit is not a substantive change in the regulations.

Classification

The Regional Administrator, Southeast Region, NMFS, with the concurrence of the Assistant Administrator for Fisheries, NOAA (AA), determined that the approved measures of Amendment 15 are necessary for the conservation and management of the reef fish fishery of the Gulf of Mexico and that, with the exception of the measure that was not approved, Amendment 15 is consistent with the Magnuson-Stevens Act and other applicable law.

This final rule has been determined to be not significant for purposes of E.O. 12866.

NMFS prepared a final regulatory flexibility analysis (FRFA). The FRFA concludes that a significant economic impact on a substantial number of small entities will result from implementation of Amendment 15. A summary of the FRFA follows.

The need for this rule is based on several problems that provided the basis for Amendment 15. The first is that the existing endorsement system for commercial red snapper fishermen needs to be replaced with management that complies with recent Congressional action and also achieves the FMP's objectives.

Other fishery problems include the use by some persons of blue crab traps to target reef fish in the EEZ off the Big Bend area of Florida, the overfishing of vermilion snapper under an 8-inch (20.3-cm) minimum size limit, a need to address the Council's concern that Florida's management of sea basses, grunts, and porgies would be more effective than Federal management, concerns about declines in the greater amberjack abundance and inequitable sharing of the burden of stock rebuilding between the recreational and commercial sectors, and the need to remove certain species not in the management unit from the aggregate bag limit to relieve unintended burdens of limiting species commonly used for bait. NMFS found that overfishing problems would exist with the proposed removal of hogfish and queen triggerfish from the aggregate bag limit.

The following summarizes issues raised by public comments, summarizes the agency's response to such issues, and describes any changes made in the proposed rule as a result of such comments:

A number of public comments addressed negative economic impacts that the commenters felt would occur as a result of implementing the red snapper license limitation program and associated fishing season provisions. The comments generally indicated that those measures would not resolve existing problems of excessive harvest capacity, derby fishing, vessel safety, lowered prices for red snapper, and a high level of bycatch mortality. Several commenters favored a three-tier red snapper license limitation system rather than a two-tier system. However, such a system would provide highliners with unjust economic benefits. NMFS considered these comments and has approved these measures to provide net economic benefits (compared to status quo).

Other comments opposed the greater amberjack provision as unnecessary and inconsistent with recent stock assessment information. The Council and NMFS disagree with these comments and have approved this measure, for the reasons previously stated.

A commenter opposed removal of sea basses, grunts, and porgies from the FMP, which he felt prevents timely implementation of appropriate Federal management measures. NMFS reviewed this issue and determined that Florida intends to implement measures in a timely manner that would be more effective than the Federal management regime. The interim period (after sea basses, grunts, and porgies are removed

from the FMP, and prior to Florida's management of those species) is expected to be of very short duration and, therefore, should not adversely impact the status of these species.

Two other comments support disapproval of the provision for removal of hogfish and queen triggerfish from the aggregate bag limit. This disapproval was recommended to prevent reported overfishing. The Initial Regulatory Flexibility Analysis (IRFA) and Regulatory Impact Review (RIR) did not address this issue.

Several comments also support removal of the sand perch species from the bag limit. NMFS agrees with the public comments and similar concerns expressed by the SEFSC. It has approved the removal of dwarf sand perch and sand perch from the aggregate bag limit and disapproved the removal of hogfish and queen triggerfish from that measure.

Approximately 1,424 commercial reef fish permit holders are active in the fishery. All of these are expected to be affected to some degree by each measure in the final rule. The average small business entity operates with a fishing vessel that has a length of 38 ft (11.6 m), has a current estimated resale value of \$52,817, provides \$52,000 in annual gross sales of reef fish and other species, and produces an annual net income of \$12,000. Additionally, an estimated 838 small entities that operate charter vessel businesses and an additional 92 headboat operations will be affected by portions of the rule.

The public burden of compliance associated with all aspects of this rule is estimated to cost the industry \$35,000 annually, but only a very small portion of this amount would be associated with changed reporting and recordkeeping requirements. No additional professional skills are required to comply with the final rule.

Several alternatives were considered as ways to meet the FMP objectives. With respect to the license limitation program, the status quo (i.e., no license management system in 1998) is not considered a viable alternative since that would clearly result in major adverse economic impacts on fishery participants. The Council considered various provisions to establish and maintain the license limitation system. The Council rejected between one to ten alternatives for each preferred alternative under these provisions. The general finding of the IRFA and RIR was that, while some of the implementation alternatives would differ slightly in terms of overall changes in economic impacts, the distribution of impacts would vary in all cases. However,

regarding the red snapper fishing seasons, the Council considered information that two rejected alternatives were deemed superior, in terms of economic impacts. Both of these rejected alternatives would have provided one continuous commercial red snapper monthly period, as opposed to the 15-day monthly seasons proposed in Amendment 15. The Council selected, and NMFS approved, the 15-day seasons to provide an interval between open periods for vessel repair and preventive maintenance and, thereby, enhance safety.

The Council rejected two alternatives to the proposal to prohibit the possession of reef fish in excess of the bag limit that were harvested in a trap other than a fish, stone crab, or spiny lobster trap. One of these alternatives would have specified an allowable commercial catch of reef fish as a percentage of the other target species on board. The other rejected alternative is status quo. Both of these alternatives were rejected on the basis that neither one resolves the problem described in Amendment 15.

Regarding the vermilion snapper minimum size limit (currently 10 inches (25.4 cm) by interim rule), the alternative 8-inch (20.3-cm) size limit was determined to allow further overfishing and, therefore, was rejected. Another rejected alternative proposed a 12-inch (30.5-cm) size limit. This was rejected based on the substantial revenue reduction on both the commercial vessels and for-hire vessels which could lose as much as 25 percent and 69 percent in landings.

The Council considered only status quo as an alternative to removing sea basses, grunts, and porgies from Federal management. The Council rejected status quo on the basis that Florida could provide more effective management of those species.

In regards to the greater amberjack harvest restriction, both rejected alternatives were less restrictive and would have less adverse short-term economic impacts on fishing participants. The Council rejected those alternatives as not sufficiently reducing fishing mortality or ensuring that the commercial harvest does not reverse the stock rebuilding from the recent bag limit reduction.

The rejected alternatives regarding the exclusion of species from the aggregate bag limit include the status quo (no revision to the list of species subject to the aggregate bag limit). Status quo was rejected because it would not resolve the unintended consequences of that limit. In addition, a rejected alternative specified that either (1) pinfish and sand

perch be removed from the aggregate bag limit, or (2) pinfish and sand perch be removed, but the removal of other species be subject to review by the Reef Fish Stock Assessment Panel.

Amendment 15 indicates that this alternative would have roughly the same impact as the proposed measure. NMFS has determined that removing hogfish and queen triggerfish from the aggregate bag limit would have provided short-term revenue increases for a number of persons who reportedly would then harvest larger quantities of those species. However, NMFS believes that the removal of hogfish and queen triggerfish from the aggregate bag limit could lead to overfishing followed by a relatively larger decline in net economic benefits.

Copies of the FRFA are available (see ADDRESSES).

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB control number.

This rule contains two new, one-time collection-of-information requirements subject to the PRA—namely, the submission of copies of agreements whereby the seller and purchaser of a vessel agreed that a vessel's record of landings would not be transferred to the purchaser and the submission of requests for reconsideration of the Regional Administrator's initial determination of eligibility for historical captain status or a Class 2 red snapper license. These collections of information have been approved by OMB under OMB control number 0648-0336. The public reporting burdens for these collections of information are estimated at 15 and 45 minutes per response, respectively, 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 rule continues in effect the collection-of-information requirement associated with the transfer or renewal of commercial red snapper endorsements, which would be applied to commercial red snapper licenses under Amendment 15. This collection of information is currently approved under OMB control number 0648-0205. Send comments regarding these burden estimates or any other aspect of the data requirements, including suggestions for reducing the burden, to NMFS and OMB (see ADDRESSES).

The technical amendments in this rule, discussed under Changes From the Proposed Rule, correct and clarify the regulations and do not require any changes in fishing practices.

Accordingly, the AA, under 5 U.S.C. 553(b)(B), for good cause, finds that providing prior notice and an opportunity for public comment on the technical amendments are unnecessary in that they would serve no useful purpose.

The current seasonal closures and trip limits applicable to the commercial fishery for red snapper expire December 31, 1997. Unless replaced in a timely manner, the commercial fishery would open on January 1, 1998, without trip limits, thus subverting the intended effects of the new seasonal closures and trip limits, as discussed in Amendment 15 and in the preamble to the proposed rule. Under 5 U.S.C. 553(d)(3), the AA, for good cause, finds that it would be contrary to the public interest to delay for the full 30 days the effective date of § 622.34(l), which closes the commercial fishery for red snapper from January 1 to noon on February 1. Accordingly, § 622.34(l) is effective January 1, 1998.

As explained in Amendment 15 and in the preamble to the proposed rule, the commercial red snapper license and trip limit system will replace the current endorsement and trip limit system, which expires December 31, 1997. Implementation of the new system before the commercial fishery opens at noon on February 1, 1998, requires initiation of the application process for red snapper licenses as soon as possible. The procedures for initial implementation of the license system are at § 622.4(p). Directly related to initial implementation are the fees for applying for a commercial red snapper license and the prohibition on falsifying information on an application at § 622.4(d) and § 622.7(b), respectively, and the OMB control numbers for the two new, one-time collection-of-information requirements contained in 15 CFR 902.1(b). These sections authorize NMFS to administratively implement the commercial red snapper license and trip limit system. The regulations allow submission of information regarding the retention of landings records through January 30, 1998, and a request for reconsideration of an initial eligibility determination through February 10, 1998, thus providing at least 30 days before submissions are required. Under 5 U.S.C. 553(d)(3), the AA, for good cause, finds that it would be unnecessary and contrary to the public interest to delay for 30 days the effective date of §§ 622.4(d) and (p), 622.7(b), and 15

CFR 902.1(b). Accordingly, these paragraphs and the amendments to 15 CFR 902.1(b) are effective December 30, 1997. To aid owners, operators, and historical captains in obtaining red snapper licenses prior to February 1, 1998, NMFS has already made its initial determinations of eligibility for initial red snapper licenses, based on NMFS' records, and has advised owners, operators, and potential historical captains of such determinations, as specified at § 622.4(p)(6)(i).

List of Subjects

15 CFR Part 902

Reporting and recordkeeping requirements.

50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: December 22, 1997.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 15 CFR part 902 and 50 CFR part 622 are amended as follows:

15 CFR Chapter IX

PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT: OMB CONTROL NUMBERS

1. The authority citation for part 902 continues to read as follows:

Authority: 44 U.S.C. 3501 *et seq.*

2. Effective December 30, 1997, in § 902.1, paragraph (b) table, under 50 CFR, the entries for "622.4", "622.10", and "641.4" are removed, and the following entries are added in numerical order to read as follows:

§ 902.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *
(b) * * *

CFR part or section where the Current OMB control information collection number (all numbers requirement is located begin with 0648—)

* * * * *
50 CFR
* * * * *
622.4 -0205 and -0336
* * * * *
622.8 -0205
* * * * *

50 CFR Chapter VI

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

3. The authority citation for part 622 continues to read as follows:

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

4. Effective December 30, 1997, in § 622.4, paragraphs (d) and (p) are revised to read as follows:

§ 622.4 Permits and fees.

* * * * *

(d) *Fees.* A fee is charged for each application for a permit, license, or endorsement submitted under this section, for each request for transfer or replacement of such permit, license, or endorsement, and for each fish trap or sea bass pot identification tag required under § 622.6(b)(1)(i). The amount of each fee is calculated in accordance with the procedures of the NOAA Finance Handbook, available from the RD, 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, request for transfer or replacement, or request for fish trap/sea bass pot identification tags.

* * * * *

(p) *Gulf red snapper licenses*—(1) *Class 1 licenses.* To be eligible for the 2,000-lb (907-kg) trip limit for Gulf red snapper specified in § 622.44(e)(1), a vessel must have been issued both a valid commercial vessel permit for Gulf reef fish and a valid Class 1 Gulf red snapper license, and such permit and license must be on board.

(2) *Class 2 licenses.* To be eligible for the 200-lb (91-kg) trip limit for Gulf red snapper specified in § 622.44(e)(2), a vessel must have been issued both a valid commercial vessel permit for Gulf reef fish and a valid Class 2 Gulf red snapper license, and such permit and license must be on board.

(3) *Operator restriction.* An initial Gulf red snapper license that is issued for a vessel based on the qualification of an operator or historical captain is valid only when that operator or historical captain is the operator of the vessel. When applicable, this operator restriction is shown on the license.

(4) *Transfer of Gulf red snapper licenses.* A red snapper license may be transferred independently of a commercial vessel permit for Gulf reef fish. To request the transfer of a red snapper license, complete the transfer information on the reverse of the license and return it to the RD.

(5) *Initial issue of Gulf red snapper licenses*—(i) *Class 1 licenses.* (A) An initial Class 1 license will be issued for the vessel specified by the holder of a valid red snapper endorsement on March 1, 1997, and to a historical captain. In the event of death or disability of such holder between March 1, 1997, and the date Class 1 licenses are issued, a Class 1 license will be issued for the vessel specified by the person to whom the red snapper endorsement was transferred.

(B) Status as a historical captain is based on information collected under Amendment 9 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP) (59 FR 39301, August 2, 1994). A historical captain is an operator who—

(1) From November 6, 1989, through 1993, fished solely under verbal or written share agreements with an owner, and such agreements provided for the operator to be responsible for hiring the crew, who was paid from the share under his or her control;

(2) Landed from that vessel at least 5,000 lb (2,268 kg) of red snapper per year in 2 of the 3 years 1990, 1991, and 1992;

(3) Derived more than 50 percent of his or her earned income from commercial fishing, that is, sale of the catch, in each of the years 1989 through 1993; and

(4) Landed red snapper prior to November 7, 1989.

(ii) *Class 2 licenses.* (A) An initial Class 2 license will be issued for the vessel specified by an owner or operator whose income qualified for a commercial vessel permit for reef fish that was valid on March 1, 1997, and such owner or operator was the person whose earned income qualified for a commercial vessel permit for reef fish that had a landing of red snapper during the period from January 1, 1990, through February 28, 1997.

(B) For the purpose of paragraph (p)(5)(ii)(A) of this section, landings of red snapper are as recorded in the information collected under Amendment 9 to the FMP (59 FR 39301, August 2, 1994) for the period 1990 through 1992 and in fishing vessel logbooks, as required under § 622.5(a)(1)(ii), received by the SRD not later than March 31, 1997, for the period from January 1, 1993, through February 28, 1997.

(C) A vessel's red snapper landings record during the period from January 1, 1990, through February 28, 1997, is retained by the owner at the time of the landings if the vessel's permit was transferred to another vessel owned by him or her. When a vessel has had a

change of ownership and concurrent transfer of its permit, the vessel's red snapper landings record is credited to the owner of that vessel on March 1, 1997, unless there is a legally binding agreement under which a previous owner retained the landings record. An owner who claims such retention of a landings record must submit a copy of the agreement to the RD postmarked or hand delivered not later than January 30, 1998. However, an owner who submits a copy of such agreement after January 6, 1998, is not assured that a red snapper license will be issued before the opening of the commercial fishery for red snapper on February 1, 1998.

(6) *Implementation procedures*—(i) *Initial notification.* The RD will notify each owner of a vessel that had a valid permit for Gulf reef fish on March 1, 1997, each operator whose earned income qualified for a valid permit on that date, and each potential historical captain of his or her eligibility for a Class 1 or Class 2 red snapper license. Initial determinations of eligibility will be based on NMFS' records of red snapper endorsements, red snapper landings during the period from January 1, 1990, through February 28, 1997, and applications for historical captain status under Amendment 9 to the FMP (59 FR 39301, August 2, 1994). An owner, operator, or potential historical captain who concurs with NMFS' initial determination of eligibility need take no further action. Each owner, operator, and historical captain who is initially determined to be eligible will be issued an appropriate license not later than January 23, 1998.

(ii) *Reconsideration.* (A) An owner, operator, or potential historical captain who does not concur with NMFS' initial determination of eligibility for historical captain status or for a Class 2 red snapper license may request reconsideration of that initial determination by the RD.

(B) A written request for reconsideration must be submitted to the RD postmarked or hand delivered not later than February 10, 1998, and must provide written documentation supporting the basis for reconsideration. However, an owner who submits such request after January 13, 1998, is not assured that a red snapper license will be issued before the opening of the commercial fishery for red snapper on February 1, 1998. Upon request by the owner, operator, or potential historical captain, the RD will forward the initial determination, the request for reconsideration, and pertinent records to a committee consisting of the principal state officials who are members of the GMFMC, or their

designees. An owner, operator, or potential historical captain may request to make a personal appearance before the committee in his or her request for reconsideration. If an owner, operator, or potential historical captain requests that his or her request be forwarded to the committee, such a request constitutes the applicant's written authorization under section 402(b)(1)(F) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) for the RD to make available to the committee members such confidential catch and other records as are pertinent to the matter under reconsideration.

(C) Members of the committee will provide their individual recommendations for each application for reconsideration referred to the committee to the RD. The committee may only deliberate whether the eligibility criteria specified in paragraph (p)(5) of this section were applied correctly in the applicant's case, based solely on the available record, including documentation submitted by the applicant. Neither the committee nor the RD may consider whether a person should have been eligible for historical captain status or a Class 2 license because of hardship or other factors. The RD will make a final decision based on the initial eligibility criteria in paragraph (p)(5) of this section and the available record, including documentation submitted by the applicant, and, if the request is considered by the committee, the recommendations and comments from each member of the committee. The RD will notify the applicant of the decision and the reason therefore, in writing, within 15 days of receiving the recommendations of the committee members. If the application is not considered by the committee, the RD will provide such notification within 15 days of the RD's receipt of the request for reconsideration. The RD's decision will constitute the final administrative action by NMFS on an application for reconsideration.

5. Effective January 29, 1998, in § 622.4, paragraph (a) introductory text, paragraph (a)(2) heading, and paragraphs (a)(2)(ix), (g), and (i) through (l) are revised to read as follows:

§ 622.4 Permits and fees.

(a) *Permits required.* To conduct activities in fisheries governed in this part, valid permits, licenses, and endorsements are required as follows:

* * * * *

(2) *Commercial vessel permits, licenses, and endorsements.*

* * * * *

(ix) *Gulf red snapper.* For a person aboard a vessel for which a commercial vessel permit for Gulf reef fish has been issued to retain red snapper under the trip limits specified in § 622.44(e)(1) or (2), a Class 1 or Class 2 Gulf red snapper license must have been issued to the vessel and must be on board. See paragraph (p) of this section regarding initial issue of red snapper licenses.

* * * * *

(g) *Transfer.* A vessel permit, license, or endorsement or dealer permit issued under this section is not transferable or assignable, except as provided in paragraph (m) of this section for a commercial vessel permit for Gulf reef fish, paragraph (n) of this section for a fish trap endorsement, or paragraph (p) of this section for a red snapper license. A person who acquires a vessel or dealership who desires to conduct activities for which a permit, license, or endorsement is required must apply for such permit, license, or endorsement in accordance with the provisions of this section. If the acquired vessel or dealership is currently permitted, the application must be accompanied by the original permit and a copy of a signed bill of sale or equivalent acquisition papers.

* * * * *

(i) *Display.* A vessel permit, license, or endorsement issued under this section must be carried on board the vessel. A dealer permit issued under this section, or a copy thereof, must be available on the dealer's premises. In addition, a copy of the dealer's permit must accompany each vehicle that is used to pick up from a fishing vessel reef fish harvested from the Gulf EEZ. The operator of a vessel must present the permit, license, or endorsement for inspection upon the request of an authorized officer. A dealer or a vehicle operator must present the permit or a copy for inspection upon the request of an authorized officer.

(j) *Sanctions and denials.* A permit, license, or endorsement issued pursuant to this section may be revoked, suspended, or modified, and a permit, license, or endorsement 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, license, or endorsement that is altered, erased, or mutilated is invalid.

(l) *Replacement.* A replacement permit, license, or endorsement may be issued. An application for a replacement

permit, license, or endorsement is not considered a new application.

* * * * *

6. Effective December 30, 1997, in § 622.7, paragraph (b) is revised to read as follows:

§ 622.7 Prohibitions.

* * * * *

(b) Falsify information on an application for a permit, license, or endorsement or submitted in support of such application, as specified in § 622.4(b), (g), or (p) or § 622.17.

* * * * *

7. Effective January 29, 1998, in § 622.7, paragraphs (a) and (c) are revised to read as follows:

§ 622.7 Prohibitions.

* * * * *

(a) Engage in an activity for which a valid Federal permit, license, or endorsement is required under § 622.4 or § 622.17 without such permit, license, or endorsement.

* * * * *

(c) Fail to display a permit, license, or endorsement, as specified in § 622.4(i) or § 622.17(g).

* * * * *

8. Effective January 1, 1998, in § 622.34, paragraph (l) is revised to read as follows:

§ 622.34 Gulf EEZ seasonal and/or area closures.

* * * * *

(l) *Closures of the commercial fishery for red snapper.* The commercial fishery for red snapper in or from the Gulf EEZ is closed from January 1 to noon on February 1 and thereafter from noon on the 15th of each month to noon on the first of each succeeding month. All times are local times. During these closed periods, the possession of red snapper in or from the Gulf EEZ and in the Gulf on board a vessel for which a commercial permit for Gulf reef fish has been issued, as required under § 622.4(a)(2)(v), without regard to where such red snapper were harvested, is limited to the bag and possession limits, as specified in § 622.39(b)(1)(iii) and (b)(2), respectively, and such red snapper are subject to the prohibition on sale or purchase of red snapper possessed under the bag limit, as specified in § 622.45(c)(1). However, when the recreational quota for red snapper has been reached and the bag and possession limit has been reduced to zero, such possession during a closed period is zero.

9. Effective January 29, 1998, in § 622.34, in the last sentence of paragraph (c), the phrase "and shown in Figures 1 and 2" is removed; in

paragraph (g) introductory text, the phrase "and shown in Figures 3 and 4" is removed; and a sentence is added to the end of paragraph (g)(1) to read as follows:

§ 622.34 Gulf EEZ seasonal and/or area closures.

* * * * *

(g) * * *

(1) * * * The provisions of this paragraph do not apply to the following species: dwarf sand perch, hogfish, queen triggerfish, and sand perch.

* * * * *

10. Effective January 29, 1998, in § 622.36, the introductory text and paragraphs (a), (b), and (c) are redesignated as paragraphs (b) introductory text, (b)(1), (b)(2), and (b)(3), respectively, and paragraph (a) is added to read as follows:

§ 622.36 Seasonal harvest limitations.

(a) During March, April, and May, each year, the possession of greater amberjack in or from the Gulf EEZ and in the Gulf on board a vessel for which a commercial permit for Gulf reef fish has been issued, as required under § 622.4(a)(2)(v), without regard to where such greater amberjack were harvested, is limited to the bag and possession limits, as specified in § 622.39(b)(1)(i) and (b)(2), respectively, and such greater amberjack are subject to the prohibition on sale or purchase of greater amberjack possessed under the bag limit, as specified in § 622.45(c)(1).

* * * * *

11. Effective January 29, 1998, in § 622.39, paragraph (a)(2) introductory text is republished, paragraph (a)(2)(iv) is added, and paragraphs (b)(1)(ii) and (v) are revised to read as follows:

§ 622.39 Bag and possession limits.

(a) * * *

(2) Paragraph (a)(1) of this section notwithstanding, bag and possession limits also apply for Gulf reef fish in or from the EEZ to a person aboard a vessel that has on board a commercial permit for Gulf reef fish—

* * * * *

(iv) When the vessel has on board or is tending any trap other than a fish trap authorized under § 622.40(a)(2), a stone crab trap, or a spiny lobster trap.

(b) * * *

(1) * * *

(ii) Groupers, combined, excluding jewfish and Nassau grouper—5.

* * * * *

(v) Gulf reef fish, combined, excluding those specified in paragraphs (b)(1)(i) through (iv) of this section and

excluding dwarf sand perch and sand perch—20.

* * * * *

12. Effective January 29, 1998, in § 622.42, paragraph (a)(1)(i) is revised to read as follows:

§ 622.42 Quotas.

* * * * *

(a) * * *

(1) * * *

(i) Red snapper—4.65 million lb (2.11 million kg), round weight, apportioned as follows:

(A) 3.06 million lb (1.39 million kg) available at noon on February 1 each year, subject to the closure provisions of § 622.34(l) and 622.43(a)(1)(i).

(B) The remainder available at noon on September 1 each year, subject to the closure provisions of §§ 622.34(l) and 622.43(a)(1)(i).

* * * * *

§ 622.43 [Amended]

13. Effective January 29, 1998, in § 622.43(a)(5), the reference to "§ 622.44(a)" is removed and "§ 622.44(c)" is added in its place.

14. Effective January 29, 1998, in § 622.44, paragraph (e) is revised to read as follows:

§ 622.44 Commercial trip limits.

* * * * *

(e) *Gulf red snapper.* (1) The trip limit for red snapper in or from the Gulf for a vessel that has on board a valid commercial permit for Gulf reef fish and a valid Class 1 red snapper license is 2,000 lb (907 kg), round or eviscerated weight.

(2) The trip limit for red snapper in or from the Gulf for a vessel that has on board a valid commercial permit for Gulf reef fish and a valid Class 2 red snapper license is 200 lb (91 kg), round or eviscerated weight.

(3) The trip limit for red snapper in or from the Gulf for any other vessel for which a commercial permit for Gulf reef fish has been issued is zero.

(4) As a condition of a commercial vessel permit for Gulf reef fish, as required under § 622.4(a)(2)(v), without regard to where red snapper are harvested or possessed, a vessel that has been issued such permit—

(i) May not possess red snapper in or from the Gulf in excess of the appropriate vessel trip limit, as specified in paragraphs (e)(1) through (3) of this section.

(ii) May not transfer or receive at sea red snapper in or from the Gulf.

* * * * *

Appendix A to Part 622 [Amended]

15. Effective January 29, 1998, in Table 3 of Appendix A to part 622, the

family Haemulidae—Grunts and the three species and scientific names thereunder are removed; under the family Serranidae, the species Bank sea bass, Rock sea bass, and Black sea bass and their scientific names are removed and the family name is revised to read Serranidae—Groupers; and the family Sparidae—Porgies and the six species and scientific names thereunder are removed.

[FR Doc. 97-33887 Filed 12-24-97; 10:06 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 970103001-7001-01]

RIN 0648-XX79

Point Reyes/Farallon Islands National Marine Sanctuary

AGENCY: Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Correction to final regulation.

SUMMARY: This document contains a correction to the final regulation which was published on January 27, 1997 (62 FR 3788). That regulation changed the name of the Point Reyes/Farallon Islands National Marine Sanctuary to the Gulf of the Farallones National Marine Sanctuary. This document corrects the January 27, 1997 final regulation by instructing that all uses of the acronym "PRNMS" are changed to "GFNMS" within part 922 of title 15 of the Code of Federal Regulations.

EFFECTIVE DATE: December 30, 1997.

FOR FURTHER INFORMATION CONTACT: Elizabeth Moore at (301) 713-3141.

SUPPLEMENTARY INFORMATION: The name of the Point Reyes/Farallon Islands National Marine Sanctuary (PRNMS) was changed to the Gulf of the Farallones National Marine Sanctuary (GFNMS) on January 27, 1997 (62 FR 3788). Regulations for the GFNMS are found in part 922 of title 15 of the Code of Federal Regulations. In the January 27, 1997 final regulations, NOAA overlooked the need to also replace the acronym "PRNMS" with "GFNMS" throughout Part 922. This document corrects the January 27, 1997 final regulation by officially replacing