

Jersey and areas north—36.7 mt, and Delaware and areas south—61.5 mt.

The intent of these actions is to prevent overharvest of the western Atlantic bluefin tuna catch quotas established for this fishery for the 1992–93 biennial period, while assuring that sufficient opportunity exists for fishermen to fill the 1992–93 U.S. ICCAT quota, and that optimum data are generated for scientific purposes from the catches.

Classification

This action is required by 50 CFR 285.22(h) and complies with E.O. 12291.

List of Subjects in 50 CFR Part 285

Fisheries, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: June 28, 1993.

Richard H. Schaefer,

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

[FR Doc. 93–15855 Filed 7–2–93; 8:45 am]

BILLING CODE 3510–22–M

50 CFR Part 646

[Docket No. 930225–3146; I.D. 052493A]

RIN 0648–AE91

Snapper-Grouper Fishery of the South Atlantic

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

ACTION: Final rule.

SUMMARY: NMFS adopts as final without change an interim rule published March 2, 1993, which defined a sea bass pot; removed the existing definition of sea bass trap; allowed retention of fish caught incidentally in a sea bass pot; and made other technical changes. The intent of the fishery management plan without undue burden on fishermen, and to clarify the regulations.

EFFECTIVE DATE: July 6, 1993.

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

SUPPLEMENTARY INFORMATION: Snapper-grouper species off the southern Atlantic states, including sea bass, are managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic (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) (16 U.S.C. 1801 *et seq.*).

Sea Bass Pots

Amendment 4 to the FMP prohibited the use of fish traps in the snapper-grouper fishery but allowed the use of sea bass traps north of Cape Canaveral, Florida. To ensure that a sea bass trap would not be used in a directed fishery for snapper-grouper species other than sea bass, the regulations that implemented Amendment 4 limited a fisherman who used or possessed a sea bass trap in the EEZ north of Cape Canaveral on any trip to the bag limits for those snapper-grouper species that have bag limits, and to zero for all other species except sea bass. These possession limits caused an unanticipated economic hardship to fishermen in North Carolina and South Carolina who had traditionally fished with sea bass traps and other gear on a single trip. To address this economic emergency, the Council requested, and NMFS published, an emergency interim rule, effective August 31, 1992, through November 30, 1992, that established a definition of “sea bass pot,” based principally on size, and removed the possession limits for snapper-grouper applicable to fishermen using sea bass pots aboard commercially permitted vessels in the EEZ off North and South Carolina (57 FR 39365, August 31, 1992). Upon the request of the Council and with the concurrence of NMFS, effectiveness of the emergency interim rule was extended through February 28, 1993 (57 FR 56522, November 30, 1992).

The Council initiated action under the FMP’s framework procedure for establishing or modifying management measures, including gear restrictions, to establish a definition of sea bass pot, remove the definition of fish trap, remove the incidental catch restrictions for fishermen using sea bass pots, and extend the benefits of the emergency rule throughout the range of allowed use of sea bass pots, that is, from Cape Canaveral through North Carolina. These measures were implemented by interim final rule with a request for comments, effective March 1, 1993 (58 FR 11979, March 2, 1993).

Longlines

The regulations specify that a longline may not be used to fish in the snapper-grouper fishery in the EEZ where the charted depth is less than 50 fathoms (91.5 m) (50 CFR 646.229(g)(1)). Similarly, a bottom longline may not be used to fish for wreckfish (50 CFR 646.22(g)(2)). In both cases, one of the criteria for determining whether a longline is aboard is possession of a “cable” of diameter suitable for use in the longline fishery. The interim final

rule clarified that monofilament or cable may be considered a longline for purposes of the prohibition on using a longline to fish in the snapper-grouper fishery where the charted depth is less than 50 fathoms (91.5 m). In the wreckfish restriction, the criterion remains unchanged and, thus, precludes any presumption that monofilament is cable for the purposes of that restriction.

Charter Vessels and Headboats

The interim final rule also removed unnecessary language regarding the requirement to have two licensed operators aboard as a condition for a charter vessel or headboat to possess more than one daily bag limit of snapper-grouper species.

Additional background and rationale for these actions were included in the interim final rule and are not repeated here.

Comments

No comments were received on the interim final rule. Accordingly, it is adopted as final without change.

Classification

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

The Council prepared a regulatory impact review (RIR) for the framework portions of this final rule, that is, the sea bass pot measures. A summary of the overall net economic benefits in that RIR was included in the interim final rule and is not repeated here. The nonframework portions of this final rule are minor and technical and do not change the regulatory impacts that were previously reviewed and analyzed.

The General Counsel of the Department of Commerce certified to the Small Business Administration that

this rule will not have a significant economic impact on a substantial number of small entities. Accordingly, no regulatory flexibility analysis was prepared.

The Council prepared an environmental assessment (EA) that discusses the impact on the environment as a result of the sea bass pot measures in 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 those measures in this final rule. Other measures in this final rule do not change any of the factors considered in the environmental impact statement prepared for the FMP or in the EAs prepared for its amendments; accordingly, these measures are

categorically excluded from the requirement to prepare an EA, as specified in NOAA Administrative Order 216-6.

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, North Carolina, and South Carolina. Georgia does not participate in the coastal zone management program. This determination was submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act. The state agencies agreed with this determination.

This final rule does not contain a collection-of-information requirement subject to the Paperwork Reduction Act and does not contain policies with

federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

List of Subjects in 50 CFR Part 646

Fisheries, Fishing, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the interim final rule amending 50 CFR part 646, which was published at 58 FR 11979 on March 2, 1993, is adopted as final without change.

Dated: June 28, 1993.

Nancy Foster,

*Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

[FR Doc. 93-15743 Filed 7-2-93; 8:45 am]

BILLING CODE 3510-22-M