

TABLE 28.120(c).—SURVIVAL CRAFT FOR UNDOCUMENTED VESSELS WITH MORE THAN 16 INDIVIDUALS ON BOARD

Area	Vessel type	Survival craft required
Beyond 50 miles of coastline	All	Inflatable liferaft with SOLAS A pack.
Beyond 20–50 miles of coastline, <i>cold</i> waters	All	Inflatable liferaft with SOLAS B pack.
Beyond 20–50 miles of coastline, <i>warm</i> waters	All	Inflatable liferaft.
Beyond Boundary Line, between 12–20 miles of coastline, <i>cold</i> waters.	All	Inflatable liferaft.
Beyond Boundary Line, within 12 miles of coastline, <i>cold</i> waters.	10.97 meters (36 ft) or more in length.	Inflatable buoyant apparatus.
Beyond Boundary Line, within 12 miles of coastline, <i>cold</i> waters.	Less than 10.97 (36 ft) in length.	Buoyant apparatus.
Beyond Boundary Line, within 20 miles of coastline, <i>warm</i> waters.	All	Life float.
Inside Boundary Line, <i>cold</i> waters; or Lakes, bays, sounds, <i>cold</i> waters; or Rivers, <i>cold</i> waters.	10.97 meters (36 ft) or more in length.	Inflatable buoyant apparatus.
Inside Boundary Line, <i>cold</i> waters; or Lakes, bays, sounds, <i>cold</i> waters; or Rivers, <i>cold</i> waters.	Less than 10.97 meters (36 ft) in length.	Buoyant apparatus.
Inside Boundary Line, <i>warm</i> waters; or Lakes, bays, sounds, <i>warm</i> waters; or Rivers, <i>warm</i> waters.	All	None.
Great Lakes, <i>cold</i> waters	10.97 meters (36 ft) or more in length.	Inflatable buoyant apparatus.
Great Lakes, <i>cold</i> waters	Less than 10.97 meters (36 ft) in length.	Buoyant apparatus.
Great Lakes, beyond 3 miles of coastline, <i>warm</i> waters	All	Buoyant apparatus.
Great Lakes, within 3 miles of coastline, <i>warm</i> waters	All	None.

Note: 1. The hierarchy of survival craft in descending order is lifeboat, inflatable liferaft with SOLAS A pack, inflatable liferaft with SOLAS B pack, inflatable liferaft with coastal service pack, inflatable buoyant apparatus, life float, buoyant apparatus. A survival craft higher in the hierarchy may be substituted for any survival craft required in this table.

5. Amend § 28.225 by revising paragraphs (a)(3)(i) and (a)(3)(ii) to read as follows:

§ 28.225 Navigational information.

- (a) * * *
- (3) * * *

(i) Tide tables promulgated by the National Ocean Service; and
 (ii) Tidal current tables promulgated by the National Ocean Service, or a river current publication issued by the U.S. Corps of Engineers or a river authority.

6. Amend § 28.270 by revising paragraph (c) to read as follows:

§ 28.270 Instructions, drills, and safety orientation.

(c) *Training.* No individual may conduct the drills or provide the instructions required by this section unless that individual has been trained in the proper procedures for conducting the activity.

7. Amend § 28.275 by revising paragraph (a)(2) and adding paragraph (a)(3) and a note following paragraph (a)(3)(ii) to this section to read as follows:

§ 28.275 Acceptance criteria for instructors and course curricula.

(a) * * *
 (2) A valid merchant mariner's license issued by the Coast Guard authorizing service as master of uninspected fishing industry vessels and proof of experience

that relates directly to the contingencies listed in 46 CFR 28.270(a) including—

- (i) Experience as an instructor; or
- (ii) Training received in instructional methods; or
- (3) A valid merchant mariner's license issued by the Coast Guard authorizing service as a master of inspected vessels of 100 gross tons or more and proof of experience that relates directly to the contingencies listed in 46 CFR 28.270(a) including—

- (i) Experience as an instructor; or
- (ii) Training received in instructional methods. (See note 1.)

Note 1: Persons holding a license authorizing service as a master of inspected vessels of 100 gross tons or higher with an original issue date prior to May 1, 1997, have until September 15, 1998, to comply with the provisions listed in § 28.275(a)(3).

* * * * *
 Dated: July 17, 1997.

R.C. North,
Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine, Safety and Environmental Protection.
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 970730185-7206-02; I.D. 070797B]

RIN 0648-AJ13

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement the provisions of a regulatory amendment prepared by the Gulf of Mexico Fishery Management Council (Council) in accordance with framework procedures for adjusting management measures of the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). For the red snapper fishery in the Gulf of Mexico exclusive economic zone (EEZ), the regulatory amendment: Changes the opening date for the 1997 fall commercial fishing season from September 15 to September 2; restricts the harvest of red snapper during the 1997 fall commercial season to an initial period of September 2 to September 15

and, thereafter, to a period from the first to the 15th of each month until the commercial fishery is closed (all openings and closings will be at noon on the date indicated); establishes a recreational fishery quota; and authorizes the Regional Administrator, Southeast Region, NMFS, to close the recreational fishery for red snapper in the EEZ when the recreational quota is reached or is projected to be reached. The intended effect of this action is to maximize economic benefits from the fishery, and to comply with a requirement of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) that separate Gulf red snapper recreational and commercial fishing quotas be established that result in fishery closures when quotas are taken.

DATES: This rule is effective October 6, 1997, except that the removal of § 622.42(a) introductory text and the revision of § 622.42 (a)(1) is effective September 2, 1997, and the revision of § 622.34(l) is effective September 15, 1997.

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

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

The Council proposed adjusted management measures (a regulatory amendment) for the Gulf red snapper fishery for NMFS' review, approval, and implementation. These measures were developed and submitted to NMFS under the terms of the FMP's framework procedure for annual adjustments in total allowable catch (TAC) and related measures for the red snapper fishery (framework procedure). Additional background for these measures was published in the proposed rule (62 FR 42478, August 7, 1997) and is not repeated here.

Comments and Responses

One written comment regarding timing aspects of the commercial red snapper fishing season was received during the comment period.

On August 26, 1997, the NOAA Assistant Administrator for Fisheries (Assistant Administrator) approved this final rule to implement the regulatory amendment as proposed and submitted by the Council. This approval decision was made after considering the regulatory amendment and the public comment received on the proposed rule.

Comment: One individual believes that there is insufficient time available before the fishery opening date to allow fishery participants to arrange for vessel crew and make necessary vessel preparations required for safe fishing in the fall season. This individual also believes that there is insufficient reason to change certain timing aspects of the commercial red snapper season (i.e., changing the fall fishery opening date from September 15 to September 2, 1997, followed by the 2-week fishery opening periods each month (monthly harvesting periods)). *Response:* NMFS believes that sufficient time was provided fishermen to plan for participation in the fall fishery based on an opening date of September 2, 1997, followed by the monthly harvesting periods. The Council's Red Snapper Advisory Panel (AP), composed of industry participants, recommended the September 2 fishery opening date to avoid adverse weather and provide for better ex-vessel prices for red snapper. The Council heard public comment, reviewed the AP's recommendations, and considered various opening dates at its January 15-16, 1997, meeting in Corpus Christi, Texas. Furthermore, NMFS announced these possible management changes in the notice of proposed rulemaking for this action published on August 7, 1997, and in a news release mailed at that time to all fishery participants.

NMFS disagrees that there is no compelling reason to support the September 2 reopening and monthly harvesting periods. A 1997 fall commercial red snapper season beginning on September 2 instead of September 15 will allow the fishery to begin at a time with traditionally better weather, thereby minimizing potential adverse impacts on fishing operations, particularly those of smaller vessels. A continuous harvest of available quota during the fall fishery (status quo), rather than the monthly harvesting periods, would: Cause vessel crew fatigue that can reduce fishing productivity; increase the likelihood of accident or injury because of reduced crew alertness; and increase the incidence of vessel and gear breakdowns resulting in higher repair costs because normal, preventive maintenance is postponed. Also, specifying a two-week period that is closed each month should allow improved planning efforts for participation in other fisheries. For these reasons, NMFS approved the Council's proposed changes in the timing aspects of the fall fishery.

Red Snapper TAC

In considering management adjustments for 1997, the Council did not propose any change to the current annual red snapper TAC of 9.12 million lb (4.13 million kg). This TAC is within the acceptable biological catch (ABC) range as identified under and required by the FMP's framework procedure. The ABC range assumes achieving a 33-percent reduction in the shrimp fishery bycatch mortality of juvenile red snapper by bycatch reduction devices (BRDs) in 1997 and an annual 44-percent reduction thereafter. The Council addressed this bycatch reduction objective through Amendment 9 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (Amendment 9), which requires the use of NMFS-certified (BRDs) in most shrimp trawls used in the Gulf EEZ. Considering that NMFS approved Amendment 9 on July 30, 1997, and that final regulations implementing Amendment 9 will not be issued until later this year, it is likely that bycatch reduction in 1997 will be less than 33 percent.

The Council contracted a scientific study to evaluate the minimum reduction in the 1997 red snapper shrimp bycatch mortality rate that would be consistent with the current program to rebuild the stock to 20 percent spawning potential ratio (SPR) by 2019. Results of this study indicated that a 33-percent reduction in red snapper bycatch by (BRDs) would be required in 1997 and 44 percent annually thereafter. However, according to the study, bycatch reduction of less than 33 percent in 1997 would not significantly compromise the current stock rebuilding program if a 44-percent reduction was achieved in subsequent years, i.e., SPR in 2019 would be between 19.6 and 19.8 percent rather than the 20-percent goal. These facts notwithstanding, NMFS has advised the Council that the current red snapper rebuilding program must be re-evaluated to ensure compliance with the Magnuson-Stevens Act requirements for rebuilding overfished stocks. NMFS and the Council will monitor the status of the red snapper stock closely and implement measures necessary to achieve required stock rebuilding consistent with the best available data.

Classification

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

Before the proposed rule was published, the Assistant General

Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that the proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis was not prepared. Specific findings supporting that conclusion were summarized in the preamble to the proposed rule and are not repeated here. No public comments on the certification were received.

Opening the 1997 fall commercial red snapper season on September 2, instead of September 15, would allow the fishery to begin at a time with traditionally better weather, thereby minimizing potential adverse impacts on fishing operations, particularly those of smaller vessels. Allowing commercial harvest only during the first 15 days of each month would extend the length of the annual fishing season and thereby provide market (price) benefits. These benefits depend on the provisions for the earlier opening taking effect no later than September 2, 1997, and on the provisions for the initial monthly closure taking effect no later than September 15, 1997. The Assistant Administrator for Fisheries, NOAA, finds that attaining these benefits constitutes good cause under 5 U.S.C. 553(d)(3) of the Administrative Procedure Act to waive the normal 30-day delay in effectiveness of §§ 622.34(l) and 622.42(a)(1) of this rule.

List of Subjects in 50 CFR Part 622

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

Dated: August 27, 1997.

David L. Evans,
Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

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

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

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

2. In § 622.34, paragraph (l) is revised, effective September 15, 1997, to read as follows:

§ 622.34 Gulf EEZ seasonal and/or area closures.

* * * * *

(l) 1997 closures of the commercial fishery for red snapper. During 1997, the

possession of red snapper in or from the Gulf EEZ and 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), from noon on September 15 to noon on October 1, and thereafter from noon on the 15th of each month to noon on the first of each succeeding month until the commercial red snapper season is closed in accordance with § 622.43(a)(1). All times are local times.

3. In § 622.42, paragraph (a) introductory text is removed and paragraph (a)(1) is revised, effective September 2, 1997; and paragraph (a)(2) is revised, effective October 6, 1997, to read as follows:

§ 622.42 Quotas.

* * * * *

(a) *Gulf reef fish*—(1) *Commercial quotas.* The following quotas apply to persons who fish under commercial vessel permits for Gulf reef fish, as required under § 622.4(a)(2)(v).

(i) Red snapper—4.65 million lb (2.11 million kg), round weight, apportioned in 1997 as follows:

(A) 3.06 million lb (1.39 million kg) available February 1, 1997.

(B) The remainder available at noon on September 2, 1997, subject to the closure provisions of §§ 622.34(l) and 622.43(a)(1)(i).

(ii) Deep-water groupers (i.e., yellowedge grouper, misty grouper, warsaw grouper, snowy grouper, and speckled hind), and, after the quota for shallow-water grouper is reached, scamp, combined—1.60 million lb (0.73 million kg), round weight.

(iii) Shallow-water groupers (i.e., all groupers other than deep-water groupers, jewfish, and Nassau grouper), including scamp before the quota for shallow-water groupers is reached, combined—9.80 million lb (4.45 million kg), round weight.

(2) *Recreational quota for red snapper.* The following quota applies to persons who harvest red snapper other than under commercial vessel permits for Gulf reef fish and the commercial quota specified in paragraph (a)(1)(i) of this section—4.47 million lb (2.03 million kg), round weight.

* * * * *

4. In § 622.43, paragraph (a)(1) is revised, effective October 6, 1997, to read as follows:

§ 622.43 Closures.

(a) * * *

(1) *Gulf reef fish*—(i) *Commercial quotas.* The bag and possession limits specified in § 622.39(b) apply to all harvest or possession in or from the Gulf EEZ of the indicated species, and the sale or purchase of the indicated species taken from the Gulf EEZ is prohibited. In addition, the bag and possession limits for red snapper apply 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. However, the bag and possession limits for red snapper apply only when the recreational quota for red snapper has not been reached and the bag and possession limit has not been reduced to zero under paragraph (a)(1)(ii) of this section.

(ii) *Recreational quota for red snapper.* The bag and possession limit for red snapper in or from the Gulf EEZ is zero.

* * * * *

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 961226370-7074-02; I.D. 111896A]

RIN 0648-A115

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Amendment 2; Correction

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

ACTION: Final rule; correction.

SUMMARY: NMFS published in the *Federal Register* of April 16, 1997, the testing protocol for bycatch reduction devices (BRDs). The statistical approach section of that appendix contains errors. This document corrects those errors.

DATES: Effective September 4, 1997.

FOR FURTHER INFORMATION CONTACT: Peter J. Eldridge, 813-570-5305.

SUPPLEMENTARY INFORMATION: The shrimp fishery off the southern Atlantic states is managed under the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management