

SUMMARY: This action modifies the internal boundaries of Restricted Areas 6302 (R-6302) Fort Hood, TX. Specifically, this action reduces the dimension of R-6302E, and reconfigures the internal adjoining boundaries of R-6302C and R-6302D. In addition, this action removes the altitude restrictions associated with R-6302C and R-6302D, when R-6302E is activated. The FAA is taking this action in response to a request from the United States Army (USA) to modify the restricted areas to more accurately reflect the actual use of the airspace.

EFFECTIVE DATE: 0901 UTC, March 25, 1999.

FOR FURTHER INFORMATION CONTACT: Bill Nelson, Airspace and Rules Division, ATA-400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Background

As a result of a recent review of restricted area activity, the USA requested that the FAA take action to modify the dimensions of R-6302E to accurately reflect the protected airspace required for the operations being conducted therein. As a result of the review, the USA determined that when R-6302E is activated it encompasses the airspace above R-6302C and R-6302D which have not been activated because they are not required for the activity conducted therein. The FAA is granting the request because the total modification of the boundaries of the restricted airspace will provide additional airspace for other users of the National Airspace System. While this action modifies the western boundary of R-6302E, and redefines the internal abutting boundaries of R-6302C and R-6302D, it does not affect the designated altitudes, or activities conducted within R-6302C, R-6302D, and R-6302E.

The Rule

This amendment to 14 CFR part 73 modifies the dimension of R-6302E and the internal boundaries of R-6302C, and R-6302D. The FAA is taking this action in response to a request to modify the restricted areas to more accurately reflect the actual use of the airspace. Because this airspace is restricted, the solicitation of comments would not offer any meaningful right or benefit to any segment of the public, therefore, notice and comment under 5 U.S.C. 553(b) are unnecessary.

The FAA has determined that this action only involves an established

body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This action reduces the lateral size of R-6302E, and internal boundaries of R-6302C and R-6302D. In accordance with FAA Order 1050.1D, "Policies and Procedures for Considering Environmental Impacts," this action is not subject to environmental assessments and procedures and the National Environmental Policy Act.

List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

1. The authority citation for part 73 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.

§ 73.25 [Amended]

§ 73.25 is amended as follows:

* * * * *

R-6302C Fort Hood, TX [Amended]

By removing the existing boundaries and substituting the following:

Boundaries: Beginning at lat. 31°09'01" N., long. 97°45'01" W.; to lat. 31°09'01" N., long. 97°55'01" W.; to lat. 31°16'01" N., long. 97°54'01" W.; to lat. 31°19'01" N., long. 97°51'01" W.; to lat. 31°18'25" N., long. 97°48'48" W.; to lat. 31°14'15" N., long. 97°50'33" W.; to lat. 31°10'01" N., long. 97°48'01" W.; to the point of the beginning.

R-6302D Fort Hood, TX [Amended]

By removing the existing boundaries and substituting the following:

Boundaries: Beginning at lat. 31°18'25" N., long. 97°48'48" W.; to lat. 31°19'01" N., long. 97°51'01" W.; to lat. 31°24'01" N., long. 97°48'01" W.; to lat. 31°23'01" N., long. 97°43'01" W.; to lat. 31°22'08" N., long.

97°41'56" W.; to lat. 31°22'09" N., long. 97°43'27" W.; to lat. 31°20'00" N., long. 97°45'23" W.; to lat. 31°18'23" N., long. 97°45'43" W.; to the point of the beginning.

R-6302E Fort Hood, TX [Amended]

By removing the existing boundaries and substituting the following:

Boundaries: Beginning at lat. 31°22'08" N., long. 97°41'56" W.; to lat. 31°21'01" N., long. 97°41'01" W.; to lat. 31°20'01" N., long. 97°41'01" W.; to lat. 31°14'01" N., long. 97°33'01" W.; to lat. 31°08'01" N., long. 97°39'01" W.; to lat. 31°10'01" N., long. 97°41'01" W.; to lat. 31°09'01" N., long. 97°43'01" W.; to lat. 31°09'01" N., long. 97°45'01" W.; to lat. 31°10'01" N., long. 97°48'01" W.; to lat. 31°14'15" N., long. 97°50'33" W.; to lat. 31°18'25" N., long. 97°48'48" W.; to lat. 31°18'23" N., long. 97°45'43" W.; to lat. 31°20'00" N., long. 97°45'23" W.; to lat. 31°22'09" N., long. 97°43'27" W.; to the point of the beginning.

* * * * *

Issued in Washington, DC, January 15, 1999.

Reginald C. Matthews,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 99-1555 Filed 1-22-99; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 622

[Docket No. 981006253-9021-03; I.D. 082698D]

RIN 0648-AK05

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Amendment 9; OMB Control Numbers

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 approved measures in Amendment 9 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). This final rule increases the minimum size for red porgy, black sea bass, gag, and black grouper for all participants in the fishery; increases the minimum size for vermilion snapper for a person subject to the bag limit; establishes bag limits for red porgy and black sea bass; during March and April, prohibits harvest and possession in

excess of the bag limit and prohibits purchase and sale of red porgy, gag grouper, and black grouper; for greater amberjack, reduces the bag limit, establishes a commercial quota, prohibits sale of greater amberjack caught under the bag limit when the commercial fishery is closed, prohibits harvest and possession in excess of the bag limit during April, changes the beginning of the fishing year to May 1, and prohibits coring (i.e., removing the head from the carcass); restricts possession of gag and black grouper within the aggregate grouper bag limit; establishes an aggregate bag limit for all snapper-grouper species currently not under a bag limit (excluding tomtate and blue runner); requires escape vents and escape panels with degradable hinges and fasteners in black sea bass pots; and specifies that a vessel with longline gear on board may only possess certain deep-water species of snapper-grouper (i.e., snowy grouper, warsaw grouper, yellowedge grouper, misty grouper, golden tilefish, blue line tilefish, and sand tilefish.) 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 effect of this rule is to reduce overfishing and to conserve and manage these snapper-grouper species.

DATES: This final rule is effective February 24, 1999.

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, DC 20503 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Peter J. Eldridge, 727-570-5305.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery off the southern Atlantic states is managed under the FMP. The FMP was prepared by the South Atlantic 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 8, 1998, NMFS announced the availability of Amendment 9 and requested comments on the amendment (63 FR 47461). On November 12, 1998, NMFS published a proposed rule to implement the measures in Amendment 9 and additional measures proposed by NMFS and requested comments on the rule (63 FR 63276). 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 9, 1998, after considering the comments received on the amendment and proposed rule, NMFS partially approved Amendment 9. The proposed commercial trip limit for greater amberjack was disapproved.

Comments and Responses

Fifteen comments were received during the public comment periods on the amendment and proposed rule. A summary of the comments and NMFS' responses follow.

Comment 1: Seven commenters supported the management measures in Amendment 9. They urged NMFS to implement Amendment 9 as soon as possible, and they are concerned about the delay in implementing this amendment.

Response: NMFS agrees, with the exception of the commercial trip limit for greater amberjack that NMFS disapproved.

Comment 2: Two commenters opposed allowing recreational anglers to fish during the spawning closures because that practice places most of the conservation burden on commercial fishermen.

Response: The Council and NMFS believe that the combined effect of the management measures results in an equitable sharing of the conservation burden on the respective user groups. In particular, the reduction in bag limits, increases in minimum size limits, and spawning closures ensure that recreational anglers share the conservation burden.

Comment 3: One commenter supports the increases in minimum size limit for black sea bass and vermilion snapper.

Response: NMFS agrees.

Comment 4: Two commercial fishermen who fish off northeast Florida and further north oppose the 1,000-lb (454-kg) trip limit for greater amberjack, and another opposes the quota for greater amberjack. They stated that the trip limit would severely impact their fishing operations because their fishing grounds are located approximately 50 miles (80.5 km) offshore. They commented that because of the low

price of amberjack, it would not be economically feasible to travel a long distance and restrict trip catches to 1,000 lb (454-kg). They contend that these measures would put them out of business.

Response: Based on current information, it does not appear that the proposed commercial trip limit would provide benefits that would exceed costs. The benefits of a trip limit tend to be high when a restrictive quota creates the classic commercial fishing derby. However, when the quota is not very restrictive, as in the case at hand, the loss of individual trip benefits can easily offset whatever benefits might be accrued due to a lengthening of the fishing season. These individual trip losses stem from the fact that costs per trip do not vary greatly with the catch per trip, and a restrictive trip limit lowers the profitability of each individual trip. In consideration of this, and the concerns expressed by these commenters, NMFS disapproved the trip limit. NMFS believes that the approved greater amberjack measures in Amendment 9, especially the annual commercial quota, are necessary to protect this resource from overfishing.

Comment 5: One fisherman opposes beginning the fishing year for greater amberjack on May 1 because he fishes in the winter and is concerned that the quota would be taken before he could fish.

Response: Landings of greater amberjack have been quite variable in recent years. Thus, it is possible that the quota could be reached and closed in any given fishing year prior to the April spawning closure at the end of that year. However, based on landings in recent years, it appears that such a closure would not occur prior to March. Thus, fishermen should be able to fish most of the winter. The Council and NMFS will monitor the condition of the greater amberjack resource, and adjustments to the annual quota will be made as required.

Comment 6: One fisherman states that peak spawning of black grouper occurs during December, January, and February, not March and April. Thus, he believes that the spawning closure should be December through February rather than March and April. Also, he opposes raising the minimum size limit because it could focus fishing effort on males which could lead to a shortage of males. Finally, he recommends that the Council establish marine reserves because other management measures may not be sufficient to protect black grouper.

Response: The best scientific information available indicates that

major spawning occurs in March and April but that spawning is protracted. The Council and NMFS will monitor the condition of the black grouper resource, and as information becomes available, make adjustments to the spawning closure dates, if necessary. Raising the minimum size limit will increase yield-per-recruit and provide additional protection for spawners. Black grouper appear severely overfished; thus, it is imperative to provide additional protection to the spawning population. The Council is considering the use of marine reserves for management of snapper-grouper species because this approach may be useful in conjunction with traditional management measures.

Comment 7: Three hundred and twenty-two commercial fishermen signed a petition that opposes the March-April spawning closure and the increase in minimum size from 20 to 24 inches (51 to 61 cm) total length for black grouper. They state that the elimination of fish traps and longline gear in their area are all the biological measures that are needed to conserve black grouper. They advise managers to do additional research on the biological impacts of these measures.

Response: Because gag and black grouper are both called black grouper, it has been difficult to document trends in landings in commercial catches, which account for about 80 percent of total landings. Nonetheless, commercial catches declined about 40 percent from 1990 to 1995. Headboat catches declined 90 percent between 1983 and 1990. Also, a retrospective stock assessment, based on data from 1979 through 1995, indicates that black grouper are severely overfished with a spawning potential ratio of approximately 5 percent. The proposed increase in minimum size limit will result in increased yield-per-recruit, which should result in greater landings in the future because the average weight of fish taken will increase. In summary, the declines in recreational and commercial catches and the best available scientific information indicate that black grouper are overfished and, thus, the proposed management measures are necessary to rebuild this resource.

Comment 8: Eighty-two fishermen signed a petition that opposes all measures in Amendment 9. They believe that the limited access program, implemented under FMP Amendment 8, and the current moratorium on king mackerel permits are sufficient to protect snapper-grouper resources. They specifically oppose the spawning season closures and increases in minimum size limits. They advise NMFS to wait until

the impacts of past conservation measures have been fully evaluated.

Response: The best available scientific information shows that red porgy, black sea bass, vermilion snapper, black grouper and gag are overfished. These stocks need to be rebuilt to the level where they are capable of producing their respective maximum sustainable yields. In this context, FMP Amendment 8, which limits the number of fishermen to anyone who held a Federal snapper-grouper permit between February 11, 1996 and February 11, 1997, and who reported at least one pound of fish taken between January 1, 1993 and August 20, 1996, does little, if anything, to reduce fishing pressure. Similarly, the moratorium on king mackerel permits established by Amendment 8 to the FMP for Coastal Migratory Pelagics has had little, if any, impact upon the snapper-grouper fishery. Consequently, additional measures are required to rebuild the overfished resources.

The Magnuson-Stevens Act specifies that overfishing should be prevented and overfished stocks should be rebuilt. Specifically, stocks should be rebuilt to a stock size that would result in a long-term average catch approaching maximum sustainable yield under prevailing ecological and environmental conditions. The approved management measures in Amendment 9 are necessary to rebuild overfished stocks in the snapper-grouper fishery. The greater amberjack measures are designed to prevent overfishing. These measures are consistent with the precautionary approach in fishing management required by the Sustainable Fisheries Act of 1996, as it amended the Magnuson-Stevens Act. The Council has indicated that it will take further conservation action should it be required for the full recovery of overfished resources and the prevention of overfishing.

Changes From the Proposed Rule

For the reasons discussed above, NMFS has disapproved the commercial trip limit for greater amberjack. That measure, as contained in § 622.44(c)(4) of the proposed rule, has been removed from this final rule.

Classification

Under NOAA Administrative Order 205-11, 7.01, dated December 17, 1990, the Under Secretary for Oceans and Atmosphere, Department of Commerce, has delegated authority to sign material for publication in the **Federal Register** to the Assistant Administrator for Fisheries, NOAA (AA).

The Regional Administrator, Southeast Region, NMFS, with the

concurrence of the AA, determined that the approved measures of Amendment 9 are necessary for the conservation and management of the snapper-grouper fishery off the southern Atlantic states and that, with the exception of the measure that was disapproved, Amendment 9 is consistent with the Magnuson-Stevens Act and other applicable law.

The Council prepared a final supplemental environmental impact statement for this FMP; a notice of availability was published on October 9, 1998 (63 FR 54476).

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

NMFS prepared a FRFA for the final rule implementing Amendment 9 to the FMP. The FRFA was based on the Initial Regulatory Flexibility Analysis (IRFA) and public comments received on the proposed rule and is summarized below.

Amendment 9 contains 10 management actions (each including one or more measures) that provide additional regulations for red porgy, black sea bass, greater amberjack, vermilion snapper, gag, and black grouper. These actions also provide for escape mechanisms in black sea bass pots, specify allowable species that may be harvested by longlines, establish an aggregate recreational bag limit of 20 fish per person per day inclusive of all snapper grouper species currently not under a bag limit, and further define an aggregate bag limit for all grouper species in combination. These actions are being taken because of fishery problems that include excessive fishing mortality, habitat degradation, and localized depletion of fishery resources. Given these problems, the Council developed Amendment 9 specifically to prevent overfishing, minimize habitat damage, minimize gear and area conflicts among fishermen, evaluate and minimize localized depletion, and minimize bycatch. Significant issues raised during the public comment periods on the amendment and proposed rule, included: Generic support by individuals and institutions of all the conservation measures; opposition to allowing recreational anglers to fish during the spawning closures because that practice places most of the conservation burden on commercial fishermen; opposition to the trip limit for greater amberjack and quota; opposition to the fishing year starting on May 1 for greater amberjack and to the minimum size limit; support for marine reserves as an alternative management policy; opposition to the March-April spawning closure and the

increase in minimum size for black grouper; opposition to all the measures in the amendment and rule; and concern about the length of time NMFS has taken to issue this final rule. This rule will apply to all of the entities that currently hold valid Federal permits in the snapper grouper fishery and recreational fishermen (including headboats, charter boats and private/ rental boats). It is estimated that about 2,500 commercial vessels currently hold valid Federal snapper grouper permits. The average investment in 1995 in vessel and equipment ranged from \$53,000 for vessels operating with vertical lines to \$237,000 for vessels operating with bottom longlines. The estimated cost of new vessels comparably equipped ranges from an average of \$113,000 for vessels with vertical lines to \$340,000 for vessels with bottom longlines. Data extrapolated from the NMFS catch and value data for 1995 indicate an estimated annual exvessel revenue value of about \$6,200 for all vessels in the fishery. One of the measures will entail modifying existing black sea bass pots by requiring escape vents and escape panels with biodegradable fasteners. The total cost to modify all the sea bass pots used in the fishery is estimated at \$25,000 or 13.5 percent of the current value of the pots. The Council and NMFS considered several alternatives to the Amendment 9 management actions approved by NMFS and implemented by this final rule and described in the background section of the FRFA. The Council prepared an IRFA which describes the impact the proposed rule, if adopted, would have on small entities. The findings of the IRFA were used as the baseline for the FRFA's discussion of the relative impacts of the preferred versus rejected alternatives. Virtually all the proposed actions are designed to reduce fishing mortality on the species addressed by the amendment, and these measures tend to create short-term economic losses for both commercial and recreational fishermen. The general approach used by the Council to minimize adverse socioeconomic impacts was to consider several alternatives for most of the proposed actions and to choose those which met the overfishing objectives while minimizing economic losses to the fishery. Rejected alternatives were either not capable of reducing fishing mortality by an acceptable level or were able to meet the fishing mortality reduction level but created greater adverse economic impacts than other

alternatives that also met the conservation objectives. Copies of the FRFA are available (see ADDRESSES).

This rule contains a new collection-of-information requirement subject to the Paperwork Reduction Act (PRA)—namely, the requirement that dealers possessing red porgy, gag, black grouper, or greater amberjack during seasonal closures must maintain documentation that such fish were harvested from areas other than the South Atlantic. This requirement has been approved by OMB under OMB control number 0648-0365. The public reporting burden for this collection of information is estimated at 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information. Send comments regarding these burden estimates or any other aspects of the collections of information, including suggestions for reducing the burden, to NMFS and OMB (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 PRA unless that collection of information displays a currently valid OMB Control Number.

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: January 19, 1999.

Andrew A. Rosenberg,
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. In § 902.1, paragraph (b) table, under 50 CFR, the following entry is added in numerical order to read as follows:

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

CFR part or section where the information collection requirement is located	Current OMB control number (all numbers begin with 0648-)
50 CFR	
622.45	0365

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. In § 622.30, paragraph (d) is added to read as follows:

§ 622.30 Fishing years.

(d) *South Atlantic greater amberjack*—May 1 through April 30.

5. In § 622.36, a heading for paragraph (a) is added and paragraph (b) is revised to read as follows:

§ 622.36 Seasonal harvest limitations.

(a) *Gulf EEZ.* * * *
 (b) *South Atlantic EEZ*—(1) *Greater amberjack spawning season.* During April, each year, the possession of greater amberjack in or from the South Atlantic EEZ and in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/ headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such greater amberjack were harvested, is limited to one per person per day or one per person per trip, whichever is more restrictive. Such greater amberjack are subject to the prohibition on sale or purchase, as specified in § 622.45(d)(6).

(2) *Mutton snapper spawning season.* During May and June, each year, the possession of mutton snapper in or from the EEZ on board a vessel that has a commercial permit for South Atlantic snapper-grouper is limited to 10 per person per day or 10 per person per trip, whichever is more restrictive.

(3) *Wreckfish spawning-season closure.* From January 15 through April 15, each year, no person may harvest or possess on a fishing vessel wreckfish in

or from the EEZ; offload wreckfish from the EEZ; or sell or purchase wreckfish in or from the EEZ. The prohibition on sale or purchase of wreckfish does not apply to trade in wreckfish that were harvested, offloaded, and sold or purchased prior to January 15 and were held in cold storage by a dealer or processor.

(4) *Black grouper and gag*. During March and April, each year, the possession of black grouper and gag in or from the South Atlantic EEZ and in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such black grouper or gag were harvested, is limited to two black grouper or gag, combined, per person per day or two black grouper or gag, combined, per person per trip, whichever is more restrictive. Such black grouper or gag are subject to the prohibition on sale or purchase, as specified in § 622.45(d)(5).

(5) *Red porgy*. During March and April, each year, the possession of red porgy in or from the South Atlantic EEZ and in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such red porgy were harvested, is limited to five per person per day or five per person per trip, whichever is more restrictive. Such red porgy are subject to the prohibition on sale or purchase, as specified in § 622.45(d)(5).

6. In § 622.37, paragraph (e) is revised to read as follows:

§ 622.37 Minimum sizes.

* * * * *

(e) *South Atlantic snapper-grouper*—(1) *Snapper*. (i) Lane snapper—8 inches (20.3 cm), TL.

(ii) Vermilion snapper—11 inches (27.9 cm), TL, for a fish taken by a person subject to the bag limit specified in § 622.39 (d)(1)(v) and 12 inches (30.5 cm), TL, for a fish taken by a person not subject to the bag limit.

(iii) Blackfin, cubera, dog, gray, mahogany, queen, silk, and yellowtail snappers; and schoolmaster—12 inches (30.5 cm), TL.

(iv) Mutton snapper—16 inches (40.6 cm), TL.

(v) Red snapper—20 inches (50.8 cm), TL.

(2) *Grouper*. (i) Red, yellowfin, and yellowmouth grouper; and scamp—20 inches (50.8 cm), TL.

(ii) Black grouper and gag—24 inches (61.0 cm), TL.

(3) *Other snapper-grouper species*. (i) Black sea bass—10 inches (25.4 cm), TL.

(ii) Gray triggerfish in the South Atlantic EEZ off Florida—12 inches (30.5 cm), TL.

(iii) Hogfish—12 inches (30.5 cm), fork length.

(iv) Red porgy—14 inches (35.6 cm), TL.

(v) Greater amberjack—28 inches (71.1 cm), fork length, for a fish taken by a person subject to the bag limit specified in § 622.39(d)(1)(i) and 36 inches (91.4 cm), fork length, for a fish taken by a person not subject to the bag limit.

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7. In § 622.38, paragraph (e) is removed; paragraphs (f) through (i) are redesignated as paragraphs (e) through (h), respectively; and paragraph (a) is revised to read as follows:

§ 622.38 Landing fish intact.

* * * * *

(a) The following must be maintained with head and fins intact: Cobia, king mackerel, and Spanish mackerel in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ, except as specified for king mackerel in paragraph (g) of this section; South Atlantic snapper-grouper in or from the South Atlantic EEZ, except as specified in paragraph (h) of this section; yellowtail snapper in or from the Caribbean EEZ; and finfish in or from the Gulf EEZ, except as specified in paragraphs (c) and (d) of this section. Such fish may be eviscerated, gilled, and scaled, but must otherwise be maintained in a whole condition.

* * * * *

8. In § 622.39, a concluding sentence is added to paragraph (a)(1); paragraphs (d)(1)(i) and (d)(1)(ii) are revised; and paragraphs (d)(1)(vi) through (viii) are added to read as follows:

§ 622.39 Bag and possession limits.

(a) * * *

(1) * * * The operator of a vessel that fishes in the EEZ is responsible for ensuring that the bag and possession limits specified in this section are not exceeded.

* * * * *

(d) * * *

(1) * * *

(i) Greater amberjack—1.

(ii) Groupers, combined, excluding jewfish and Nassau grouper, and tilefishes—5. However, within the 5-fish aggregate bag limit, no more than two fish may be gag or black grouper, combined.

* * * * *

(vi) Red porgy—5.

(vii) Black sea bass—20.

(viii) South Atlantic snapper-grouper, combined, excluding tomtate and blue runner and those specified in paragraphs (d)(1)(i) through (vii) of this section—20.

* * * * *

9. In § 622.40, paragraph (b)(3)(i) is revised to read as follows:

§ 622.40 Limitations on traps and pots.

* * * * *

(b) * * *

(3) * * *

(i) A sea bass pot that is used or possessed in the South Atlantic EEZ between 35°15.3' N. lat. (due east of Cape Hatteras Light, NC) and 28°35.1' N. lat. (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL) is required to have—

(A) On at least one side, excluding top and bottom, a panel or door with an opening equal to or larger than the interior end of the trap's throat (funnel). The hinges and fasteners of each panel or door must be made of one of the following degradable materials:

(1) Ungalvanized or uncoated iron wire with a diameter not exceeding 0.041 inches (1.0 mm), that is, 19 gauge wire.

(2) Galvanic timed-release mechanisms with a letter grade designation (degradability index) no higher than J.

(B) An unobstructed escape vent opening on at least two opposite vertical sides, excluding top and bottom. The minimum dimensions of an escape vent opening (based on inside measurement) are:

(1) 1 1/8 by 5 3/4 inches (2.9 by 14.6 cm) for a rectangular vent.

(2) 1.75 by 1.75 inches (4.5 by 4.5 cm) for a square vent.

(3) 2.0-inch (5.1-cm) diameter for a round vent.

* * * * *

10. In § 622.41, paragraph (d)(6) is added to read as follows:

§ 622.41 Species specific limitations.

* * * * *

(d) * * *

(6) *Longline species limitation*. A vessel that has on board a valid Federal commercial permit for South Atlantic snapper-grouper, excluding wreckfish, that fishes in the EEZ on a trip with a longline on board, may possess only the following South Atlantic snapper-grouper: snowy grouper, warsaw grouper, yellowedge grouper, misty grouper, golden tilefish, blueline tilefish, and sand tilefish. For the purpose of this paragraph, a vessel is considered to have a longline on board when a power-operated longline hauler,

a cable of diameter suitable for use in the longline fishery on any reel, and gangions are on board. Removal of any one of these three elements constitutes removal of a longline.

* * * * *

11. In § 622.42, paragraph (e)(3) is added to read as follows:

§ 622.42 Quotas.

* * * * *

(e) * * *

(3) *Greater amberjack*—1,169,931 lb (530,672 kg), gutted weight, that is, eviscerated but otherwise whole.

* * * * *

12. In § 622.43, paragraphs (a)(5) and (b)(1) are revised to read as follows:

§ 622.43 Closures.

(a) * * *

(5) *South Atlantic snapper-grouper, excluding wreckfish.*—(i) *Greater amberjack.* The bag limit specified in § 622.39(d)(1)(i) and the possession limits specified in § 622.39(d)(2) apply to all harvest or possession of greater amberjack in or from the South Atlantic EEZ, and the sale or purchase of greater amberjack taken from the EEZ is prohibited. In addition, the bag and possession limits for greater amberjack and the prohibition on sale/purchase apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such greater amberjack were harvested.

(ii) *Golden tilefish and snowy grouper.* Golden tilefish and snowy grouper, for which there are quotas, are managed under the commercial trip limits specified in § 622.44(c) in lieu of the closure provisions of this section.

* * * * *

(b) * * *

(1) The prohibition on sale/purchase during a closure for Gulf reef fish, king and Spanish mackerel, royal red shrimp, greater amberjack, or wreckfish in paragraphs (a)(1), (a)(3)(iii), (a)(4), (a)(5)(i), or (a)(6) of this section does not apply to the indicated species that were harvested, landed ashore, and sold prior to the effective date of the closure and were held in cold storage by a dealer or processor.

* * * * *

13. In § 622.45, paragraphs (d)(5) and (d)(6) are added to read as follows:

§ 622.45 Restrictions on sale/purchase.

* * * * *

(d) * * *

(5) During March and April, no person may sell or purchase a red porgy, gag, or black grouper harvested from the South Atlantic EEZ or, if harvested by a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, harvested from the South Atlantic. The prohibition on sale/purchase during March and April does not apply to red porgy, gag, or black grouper that were harvested, landed ashore, and sold prior to March 1 and were held in cold storage by a dealer or processor. This prohibition also does not apply to a dealer's purchase or sale of red porgy, gag, or black grouper harvested from an area other than the South Atlantic, provided such fish is accompanied by documentation of harvest outside the South Atlantic. Such documentation must contain:

(i) The information specified in 50 CFR part 300 subpart K for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce;

(ii) The official number, name, and home port of the vessel harvesting the red porgy, gag, or black grouper;

(iii) The port and date of offloading from the vessel harvesting the red porgy, gag, or black grouper; and

(iv) A statement signed by the dealer attesting that the red porgy, gag, or black grouper was harvested from an area other than the South Atlantic.

(6) During April, no person may sell or purchase a greater amberjack harvested from the South Atlantic EEZ or, if harvested by a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, harvested from the South Atlantic. The prohibition on sale/purchase during April does not apply to greater amberjack that were harvested, landed ashore, and sold prior to April 1 and were held in cold storage by a dealer or processor. This prohibition also does not apply to a dealer's purchase or sale of greater amberjack harvested from an area other than the South Atlantic, provided such fish is accompanied by documentation of harvest outside the South Atlantic. Such documentation must contain:

(i) The information specified in 50 CFR part 300 subpart K for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce;

(ii) The official number, name, and home port of the vessel harvesting the greater amberjack;

(iii) The port and date of offloading from the vessel harvesting the greater amberjack; and

(iv) A statement signed by the dealer attesting that the greater amberjack was harvested from an area other than the South Atlantic.

* * * * *

14. Figure 2 of Appendix C to Part 622 is revised to read as follows:

BILLING CODE 3510-22-P

Figure 2 to Appendix C to Part 622— Illustration of Length Measurements

