

(b) An owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) can accomplish paragraph (a) required by this AD, and must enter the accomplished action into the aircraft records showing compliance with this AD in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).

(c) For Raytheon Models C90A, B200, and B300 airplanes that were manufactured on January 1, 1994, and after: within the next 200 hours time-in-service (TIS) after the effective date of this AD, replace the MIL-H-6000B fuel hoses in accordance with PART I of the ACCOMPLISHMENT INSTRUCTIONS section of Raytheon SB No. 2718, Rev. 1, Issued: January, 1997, Revised: June, 1997.

(d) As of the effective date of this AD, no person shall install a rubber fuel hose having spiral or diagonal external wrap with a 3/8-inch-wide red or orange-red, length-wise stripe running down the side of the hose, with the manufacturer's code, 94519, printed periodically along the line in red letters on any of the affected airplanes.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, Room 100, 1801 Airport Rd., Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita Aircraft Certification Office.

(g) The inspection and replacement required by this AD shall be done in accordance with Raytheon Aircraft Mandatory Service Bulletin No. 2718, Rev. 1, Issued: January, 1997; Revised: June, 1997. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201-0085. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(h) This amendment becomes effective on August 28, 1998.

Issued in Kansas City, Missouri, on July 9, 1998.

Michael Gallagher,
Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-18868 Filed 7-15-98; 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. 971128281-8165-02; I.D. 102197D]

RIN 0648-AG27

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Golden Crab Fishery Off the Southern Atlantic States; Amendment 8; 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 8 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). This final rule limits access to the commercial snapper-grouper fishery; allows the retention of snapper-grouper in excess of the bag limits on a permitted vessel that has a single bait net or cast nets on board; and, subject to specific conditions, exempts snapper-grouper lawfully harvested in Bahamian waters from the requirement that they be maintained on board a vessel in the exclusive economic zone (EEZ) of the South Atlantic with head and fins intact. This final rule also corrects the regulations for golden crab. 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 snapper-grouper resources off the southern Atlantic states.

DATES: This final rule is effective August 17, 1998, except that the amendments to 15 CFR 902.1(b), 50 CFR 622.4(g), 622.7(b), and 622.40(b)(3)(ii)(B), and the addition of § 622.18 to subpart B are effective July 16, 1998, and the amendments to § 622.4(a)(2)(vi) and § 622.44 introductory text and the revision of § 622.44(c) are effective December 14, 1998.

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 Eldridge, 813-570-5305.

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 October 30, 1997, NMFS announced the availability of Amendment 8 and requested comments on the amendment (62 FR 58703). On January 12, 1998, NMFS published a proposed rule to implement the measures in Amendment 8 and additional measures proposed by NMFS and requested comments on the rule (63 FR 1813). The background and rationale for the measures in the amendment and proposed rule, including a detailed explanation of the limited access program and key dates, are contained in the preamble to the proposed rule and are not repeated here. On January 28, 1998, after considering the comments received on the amendment and proposed rule, NMFS partially approved Amendment 8. Revised definitions of "overfishing," "overfished," and of "threshold level" were disapproved.

Definitions of Overfishing, Overfished, and Threshold Level

NMFS disapproved the revised definitions of overfished/overfishing and the threshold criterion for all snapper-grouper species because they were inconsistent with the Magnuson-Stevens Act requirement to prevent overfishing. Specifically, reducing the overfished/overfishing definitions from the 30-percent to the 20-percent level of the spawning potential ratio (SPR) could allow a higher level of fishing mortality that would jeopardize the capacity of the fisheries to produce maximum sustainable yield (MSY) on a continuing basis. Retention of the overfished/overfishing definitions at the 30-percent SPR level is more risk averse and more likely to assure the attainment of MSY on a continuing basis. The SPR Strategy

Committee advised the Council that the best estimate of OY for snapper-grouper species lies between 30 and 40 percent SPR. This advice constitutes the best scientific information available at this time.

The proposed overfishing threshold of 10 percent SPR was disapproved because it is inconsistent with the Magnuson-Stevens Act requirement to maintain a stock size that has the capacity to produce MSY on a continuing basis. Since the MSY level for species in the snapper-grouper complex is at least 30 percent SPR, the 10-percent criterion would be too low. Thus, the 10-percent criterion was disapproved because it was not consistent with national standard 1.

Comments and Responses

Comments on Amendment 8 and on the proposed rule were received from the Council and 11 individuals.

Comment: The Council reiterated its support for Amendment 8 and stated that it did not understand why NMFS disapproved the threshold level.

Response: NMFS agrees with the Council on the approved measures of Amendment 8. The proposed overfishing threshold of 10 percent SPR was disapproved because it is inconsistent with the Magnuson-Stevens Act requirement to maintain a stock size that has the capacity to produce MSY on a continuing basis.

Comment: One fisherman stated that he wanted snapper-grouper landings from Gulf statistical area number 2 to be included for eligibility purposes.

Response: Amendment 8 allows landings from Gulf statistical area number 2 to be included for eligibility purposes, provided these landings were harvested, landed, and sold in compliance with all state and Federal regulations.

Comment: Six individuals, who did not meet the criterion of having a Federal snapper-grouper permit during the period February 11, 1996, through February 11, 1997, oppose this criterion for the limited access program. They believe that all currently permitted vessels should be allowed to remain in the fishery.

Response: NMFS disagrees with these comments for the following reasons. The average number of permitted vessels between 1993 and 1996 has been approximately 2,100 vessels. Of these, over 1,200 did not report any landings of snapper-grouper species. It appears that many vessel owners obtained snapper-grouper permits for speculative purposes.

On July 30, 1991, a notice of control date for entry into the snapper-grouper

fishery was published in the **Federal Register** (56 FR 36052). This notice announced that anyone entering the snapper-grouper fishery in the EEZ off the South Atlantic states after July 30, 1991 (control date), may not be assured of future access to the fishery if a management regime is developed and implemented. Since that time, NMFS and the South Atlantic Council have informed the public on several occasions that entry to the fishery could be limited. The purpose of these announcements was to discourage new entry into the fishery based on economic speculation.

After extensive analysis, the Council concluded that the size and capacity of the fleet have increased significantly in recent years. Presently, there is excessive harvesting capacity in the fishery. The Council concluded that any gains from conservation measures would lead to new entries into the fishery, which would negate the positive impacts of conservation measures. In addition, the entry of new vessels would lead to gear and area conflicts as more vessels competed for available resources on the same fishing grounds.

The Council and NMFS believe that limiting participation to those vessels that held a permit between February 11, 1996, and February 11, 1997, will stabilize the number of vessels in the fishery. Further, the two-for-one transfer provision will reduce the number of vessels to the level that the resource can sustain. In summary, this measure will promote orderly utilization of the resource, promote stability in the fishery and facilitate long-term planning, minimize gear and area conflicts among fishermen, and decrease incentives for overcapitalization. Thus, NMFS supports the limited access program.

Comment: One individual believes everyone has a right to fish snapper-grouper commercially.

Response: The snapper-grouper resources belong to all citizens of the United States, including future generations. The Magnuson-Stevens Act directs that overfishing be prevented while achieving, on a continuing basis, the OY from each fishery. Further, the Magnuson-Stevens Act directs that overfished stocks be rebuilt. Given these statutory mandates and the fragile nature of the snapper-grouper resource, not everyone will be allowed to fish commercially. In fact, fishing pressure must be reduced substantially to rebuild currently overfished species in the snapper-grouper management unit within statutory time frames.

Comment: Two individuals, who will qualify for a trip-related commercial

permit, oppose the provision that a replacement vessel shall be equal to or less than the size (length and gross tonnage) of the replaced vessel.

Response: Although the Council is allowing low-volume fishermen to continue to fish, it does not want these fishermen to add to the overfishing problem. If low volume fishermen were allowed to increase the size or capacity of their vessel, they would increase the fishing power of the vessel which could lead to greater catches, thereby exacerbating the overfishing problem in the fishery. The comments do not provide substantive information that would provide a basis for disapproval of this provision. NMFS, therefore, disagrees with the comments and has approved this provision.

Delayed Effectiveness for Commercial Trip Limits

The revisions to the commercial trip limits in § 622.44 introductory text and paragraph (c) are made effective December 14, 1998 to avoid differential regulatory effects on permittees based solely on their birth month (date of permit expiration) and to minimize administrative problems related to permit issuance. December 14, 1998 is the date that limited access permits are required and that prior snapper-grouper commercial permits are no longer valid. If the commercial trip limits were effective prior to that date, permittees whose permits expire before that date and who would be eligible only for a trip-limited permit would be forced to obtain the trip-limited permit and to be constrained by the associated commercial trip limit. However, such permittees whose permits would not expire by that date could continue to fish until that date with their existing commercial permits and without a commercial trip limit. This differential regulatory impact based solely on birth month (permit expiration date) is undesirable. Also, it is likely that this group of permittees would defer application for a limited access (trip-limited) permit as long as possible, thus impeding orderly issuance of such permits.

Changes From the Proposed Rule

In § 622.4(a)(2)(vi), the proposed language regarding the terms "transferable commercial permit" and "trip-limited commercial permit" was determined to be unnecessary and was removed because the existing term, "commercial vessel permit" is adequate. The requirement to have either a transferable commercial permit or a trip-limited commercial permit is addressed specifically in § 622.18(a).

Minor editorial revisions are made in §§ 622.4(g) and 622.7(b) to conform to revisions implemented by the final rule for Amendment 15 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (62 FR 67714, December 30, 1997), which occurred after publication of the proposed rule for snapper-grouper Amendment 8.

In § 622.18 of the proposed rule, minor editorial changes were made in paragraph (b) to improve clarity. Further, the language in paragraph (d)(2)(iv) was inadvertently duplicated in paragraph (d)(3)(ii). In this final rule, § 622.18(d)(3)(ii) is removed, and § 622.18(d)(3)(iii) is redesignated as § 622.18(d)(3)(ii) to eliminate the redundancy and reorder the section.

In § 622.41 of the proposed rule, the headings of paragraphs (d)(3), (d)(4), and (d)(5) were revised to reflect more accurately the effect of the paragraphs, and minor editorial revisions to those paragraphs were made to state the provisions more concisely.

NMFS is also making a technical amendment to § 622.40(b)(3)(ii)(B), which was not included in the proposed rule. This technical amendment revises a phrase that did not appropriately express the intent of the Fishery Management Plan for the Golden Crab Fishery of the South Atlantic Region. Specifically, the phrase "hinges and fasteners" is revised to read "hinges or fasteners." The effect is that either hinges or fasteners must be constructed of degradable materials; the prior existing regulatory language incorrectly required both hinges and fasteners to be degradable.

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).

Classification

The Regional Administrator, Southeast Region, NMFS, with the concurrence of the AA, determined that the approved measures of Amendment 8 are necessary for the conservation and management of the snapper-grouper fishery off the southern Atlantic states and that, with the exception of the measures that were not approved, Amendment 8 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 FRFA based on an initial regulatory flexibility analysis (IRFA). No public comments were received on the IRFA and no other information was received that would alter the IRFA conclusions. Also, the disapproval of certain amendment measures did not result in changes to the final rule compared to the proposed rule. For these reasons, the FRFA adopts the analyses and findings of the IRFA without change. The FRFA concludes that a significant economic impact on a substantial number of small entities will result from implementation of Amendment 8. A summary of the FRFA follows.

The rule is based largely on the need to resolve overcapitalization problems in the fishery; the Council is revising the existing permit system to cap the number of participants in the fishery and to follow that with future actions to control the level of overall effort and catch. Other actions in the rule allow fishermen to catch bait with nets and also exempt recreational fishermen from the requirement to land snapper-grouper species with the head and fins intact if the fish were caught legally in Bahamian waters and the fisherman does not fish in the EEZ. The rule will affect about 2,500 commercial snapper-grouper fishermen who operate vessels and equipment worth from \$53,000 to \$237,000 per operation. A number of these operations land only a minor amount of the snapper-grouper species, and this is indicated by the observation that average annual snapper-grouper landings per vessel are valued at about \$6,200. The rule contains three new, minor data collection requirements that can be met by the fishermen without the need for additional reporting or recordkeeping skills. The Council considered a number of alternatives to the proposed options and, in all cases, rejected the status quo because the objectives of the rule would not be met. The options considered ranged from options that would create only slight changes relative to the status quo to options that would meet the objectives, but only at the cost of a considerable negative economic impact on existing fishermen. The Council chose the preferred options on the basis that progress toward the objectives would be made without imposing excessive negative impacts on existing small business entities.

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 three new, one-time collection-of-information requirements subject to the PRA—namely, the submission of applications for limited access commercial permits for snapper-grouper, reconsideration of determinations that applicants are not eligible for initial limited access commercial permits, and submission of contracts that provide for transfers of rights to limited access commercial permits. These requirements have been approved by OMB under OMB control number 0648-0340. The public reporting burdens for these collections of information are estimated at 20, 45, and 15 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. 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**).

Timely and orderly implementation of the new limited access program for South Atlantic snapper-grouper requires that § 622.18 and related provisions in §§ 622.4(g) and 622.7(b) be made effective as soon as possible, i.e., July 16, 1998. Section 622.18 deals exclusively with the administrative and operational aspects of the limited access program. The provisions of § 622.18 outline numerous deadlines for actions by persons seeking to obtain a limited access permit, criteria for permit eligibility, and administrative actions by NMFS that must precede actions by a permit applicant. These permit-related provisions are interrelated. To ensure adequate time for NMFS to perform prerequisite actions, such as determination of eligibility and notification of owners, to provide a reasonable amount of time for applicants to respond as required by the provisions of Amendment 8 and this rule, and to assure orderly implementation of the limited access program, § 622.18 must be made effective as soon as possible. Similarly, the provisions related to permit transferability in § 622.4(g), the prohibition on falsifying information on a permit application in § 622.7(b), and the OMB control numbers for the three new, one-time collection-of-information requirements contained in 15 CFR 902.1(b) are directly related to the initial implementation of the limited access

program and must also be made effective as soon as possible. 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 the amendments to §§ 622.4(g), 622.7(b), 622.18, and 15 CFR 902.1(b).

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: July 10, 1998.

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 July 16, 1998, 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.

* * * * *

(b) * * *

CFR part or section where the information collection requirement is located	Current OMB control number (all numbers begin with 0648—)
* * *	*
50 CFR	*
* * *	*
622.18	—0340
* * *	*

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 14, 1998, in § 622.4, the last sentence of paragraph (a)(2)(vi) is revised to read as follows:

§ 622.4 Permits and fees.

(a) * * *

(2) * * *

(vi) * * * See § 622.18 for limitations on the use, transfer, and renewal of a commercial vessel permit for South Atlantic snapper-grouper.

* * * * *

5. Effective July 16, 1998, in § 622.4, the first sentence of paragraph (g) is revised to read as follows:

§ 622.4 Permits and fees.

* * * * *

(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, in paragraph (n) of this section for a fish trap endorsement, in paragraph (p) of this section for a red snapper license, in paragraph (q) of this section for a king mackerel permit, in § 622.17(i) for a commercial vessel permit for golden crab, or in § 622.18(e) for a commercial vessel permit for South Atlantic snapper-grouper. * * *

* * * * *

6. Effective July 16, 1998, 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), (p), or (q), or in § 622.17, or in § 622.18.

* * * * *

7. Effective July 16, 1998, § 622.18 is added to subpart B to read as follows:

§ 622.18 South Atlantic snapper-grouper limited access.

(a) *Applicability.* Beginning December 14, 1998, the only valid commercial vessel permits for South Atlantic snapper-grouper are those that have been issued under the limited access criteria in this section. A vessel may have either a transferable commercial permit or a trip-limited commercial permit for South Atlantic snapper-grouper.

(b) *Initial eligibility.* A vessel is eligible for an initial limited access commercial permit for South Atlantic snapper-grouper if the owner owned a vessel with a commercial vessel permit for South Atlantic snapper-grouper at any time from February 11, 1996,

through February 11, 1997, and owned a permitted vessel that had at least one landing of snapper-grouper from the South Atlantic from January 1, 1993, through August 20, 1996, as reported on fishing vessel logbooks received by the SRD on or before August 20, 1996. An owner whose permitted vessels had landings of snapper-grouper from the South Atlantic of at least 1,000 lb (453.6 kg), whole weight, in any one of the years 1993, 1994, or 1995, or in 1996 through August 20, as reported on fishing vessel logbooks received by the SRD on or before August 20, 1996, is eligible for an initial transferable permit. All other qualifying owners are eligible for an initial trip-limited permit.

(c) *Determinations of eligibility*—(1) *Permit history.* The sole basis for determining whether a vessel had a commercial vessel permit for South Atlantic snapper-grouper at any time from February 11, 1996, through February 11, 1997, is NMFS' permit records. An owner of a currently permitted vessel who believes he/she meets the February 11, 1996, through February 11, 1997, permit history criterion based on ownership of a vessel under a different name, as may have occurred when ownership has changed from individual to corporate or vice versa, must document his/her continuity of ownership. No more than one owner of a currently permitted vessel will be credited with meeting the permit history criterion based on a vessel's permit history.

(2) *Landings.* (i) Landings of snapper-grouper from the South Atlantic during the qualifying period are determined from fishing vessel logbooks received by the SRD on or before August 20, 1996. State trip ticket data may be considered in support of claimed landings provided such trip ticket data were received by the state on or before September 20, 1996.

(ii) Only landings when a vessel had a valid commercial permit for snapper-grouper and only landings that were harvested, landed, and sold in compliance with state and Federal regulations may be used to establish eligibility.

(iii) For the purpose of eligibility for a limited access commercial permit for snapper-grouper, the owner of a vessel that had a commercial snapper-grouper permit during the qualifying period retains the snapper-grouper landings record of that vessel during the time of his/her ownership unless a sale of the vessel included a written agreement that credit for such landings was transferred to the new owner. Such transfer of credit must be for the vessel's entire

record of landings of snapper-grouper from the South Atlantic.

(d) *Implementation procedures*—(1) *Notification of status.* On or about July 27, 1998, the RD will notify each owner of a vessel that had a commercial permit for South Atlantic snapper-grouper at any time from February 11, 1996, through February 11, 1997, and each owner of a vessel that has a commercial permit for South Atlantic snapper-grouper on July 16, 1998, of NMFS' initial determination of eligibility for either a transferable or a trip-limited, limited access commercial permit for South Atlantic snapper-grouper. Each notification will include an application for such permit. Addresses for such notifications will be based on NMFS' permit records. A vessel owner who believes he/she qualifies for a limited access commercial permit for South Atlantic snapper-grouper and who does not receive such notification must obtain an application from the RD.

(2) *Applications.* (i) An owner of a vessel who desires a limited access commercial permit for South Atlantic snapper-grouper must submit an application for such permit postmarked or hand-delivered not later than October 14, 1998. Failure to apply in a timely manner will preclude permit issuance even when the vessel owner meets the eligibility criteria for such permit.

(ii) A vessel owner who agrees with NMFS' initial determination of eligibility, including type of permit (transferable or trip-limited), need provide no documentation of eligibility with his/her application.

(iii) A vessel owner who disagrees with the initial determination of eligibility or type of permit must specify the type of permit applied for and provide documentation of eligibility. Documentation and other information submitted on or with an application are subject to verification by comparison with state, Federal, and other records and information. Submission of false documentation or information may disqualify an owner from initial participation in the limited access commercial South Atlantic snapper-grouper fishery and is a violation of the regulations in this part.

(iv) If an application that is postmarked or hand delivered in a timely manner is incomplete, the RD will notify the vessel owner of the deficiency. If the owner fails to correct the deficiency within 20 days of the date of the RD's notification, the application will be considered abandoned.

(3) *Issuance.* (i) If a complete application is submitted in a timely manner and the eligibility requirements

specified in paragraph (b) of this section are met, the RD will issue an initial commercial vessel permit, transferable or trip-limited, as appropriate, and mail it to the vessel owner not later than December 3, 1998.

(ii) If the eligibility requirements specified in paragraph (b) of this section are not met, the RD will notify the vessel owner, in writing, not later than November 13, 1998 of such determination and the reasons for it.

(4) *Reconsideration.* (i) A vessel owner may request reconsideration of the RD's determination regarding initial permit eligibility by submitting a written request for reconsideration to the RD. Such request must be postmarked or hand delivered within 20 days of the date of the RD's notification denying initial permit issuance and must provide written documentation supporting permit eligibility.

(ii) Upon receipt of a request for reconsideration, the RD will forward the initial application, the RD's response to that application, the request for reconsideration, and pertinent records to an Application Oversight Board consisting of state directors (or their designees) from each state in the Council's area of jurisdiction. Upon request, a vessel owner may make a personal appearance before the Application Oversight Board.

(iii) If reconsideration by the Application Oversight Board is requested, such request constitutes the vessel owner's written authorization under section 402(b)(1)(F) of the Magnuson-Stevens Act for the RD to make available to the Application Oversight Board members such confidential catch and other records as are pertinent to the matter under reconsideration.

(iv) The Application Oversight Board may only deliberate whether the eligibility criteria specified in paragraph (b) of this section were applied correctly in the vessel owner's case, based solely on the available record, including documentation submitted by the owner. The Application Oversight Board may not consider whether an owner should have been eligible for a commercial vessel permit because of hardship or other factors. The Application Oversight Board members will provide individual recommendations for each application for reconsideration to the RD.

(v) The RD will make a final decision based on the eligibility criteria specified in paragraph (b) of this section and the available record, including documentation submitted by the vessel owner, and the recommendations and comments from members of the Application Oversight Board. The RD

may not consider whether a vessel owner should have been eligible for a commercial vessel permit because of hardship or other factors. The RD will notify the owner of the decision and the reason for it, in writing, within 15 days of receiving the recommendations from the Application Oversight Board members. The RD's decision will constitute the final administrative action by NMFS.

(e) *Transfers of permits.* A snapper-grouper limited access permit is valid only for the vessel and owner named on the permit. To change either the vessel or the owner, an application for transfer must be submitted to the RD.

(1) *Transferable permits.* (i) An owner of a vessel with a transferable permit may request that the RD transfer the permit to another vessel owned by the same entity.

(ii) A transferable permit may be transferred upon a change of ownership of a permitted vessel with such permit from one to another of the following: Husband, wife, son, daughter, brother, sister, mother, or father.

(iii) A transferable permit may be transferred to a vessel whose owner had, as of August 20, 1996, a written contract for the purchase of a vessel that included a provision transferring to the new owner the rights to any limited access permit to which the former owner might become entitled under the provisions for initial issue of limited access permits. To be considered, any such written contract must be submitted to the RD postmarked or hand-delivered on or before December 14, 1998.

(iv) Except as provided in paragraphs (e)(1)(i), (ii), and (iii) of this section, a person desiring to acquire a limited access, transferable permit for South Atlantic snapper-grouper must obtain and exchange two such permits for one new permit.

(v) A transfer of a permit that is undertaken under paragraph (e)(1)(ii), (e)(1)(iii), or (e)(1)(iv) of this section will constitute a transfer of the vessel's entire catch history to the new owner.

(2) *Trip-limited permits.* An owner of a vessel with a trip-limited permit may request that the RD transfer the permit to another vessel owned by the same entity provided the length and gross tonnage of the replacement vessel are equal to or less than the length and gross tonnage of the replaced vessel.

(f) *Renewal.* NMFS will not reissue a commercial vessel permit for South Atlantic snapper-grouper if the permit is revoked or if the RD does not receive an application for renewal within 60 days of the permit's expiration date.

8. In § 622.38, paragraph (a) is revised and paragraph (i) is added 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 (h) of this section; South Atlantic snapper-grouper in or from the South Atlantic EEZ, except as specified in paragraphs (e) and (i) 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.

(i) In the South Atlantic EEZ, snapper-grouper lawfully harvested in Bahamian waters are exempt from the requirement that they be maintained with head and fins intact, provided valid Bahamian fishing and cruising permits are on board the vessel and the vessel is in transit through the South Atlantic EEZ. For the purpose of this paragraph (i), a vessel is in transit through the South Atlantic EEZ when it is on a direct and continuous course through the South Atlantic EEZ and no one aboard the vessel fishes in the EEZ.

9. In § 622.39, paragraph (a)(3) is added to read as follows:

§ 622.39 Bag and possession limits.

(a) * * *

(3) Paragraph (a)(1) of this section notwithstanding, the bag and other limits specified in § 622.35(b) apply for South Atlantic snapper-grouper in or from the EEZ to a person aboard a vessel for which a commercial permit for South Atlantic snapper-grouper has been issued that has on board a longline in the longline closed area.

10. Effective July 16, 1998, in § 622.40(b)(3)(ii)(B), the last sentence is revised to read as follows:

§ 622.40 Limitations on traps and pots.

* * * * *

(b) * * *

(3) * * *

(ii) * * *

(B) * * * The hinges or fasteners of such door or panel must be made of either ungalvanized or uncoated iron wire no larger than 19 gauge (0.04 inch (1.0 mm) in diameter) or untreated

cotton string no larger than 3/16 inch (4.8 mm) in diameter.

* * * * *

11. In § 622.41, paragraph (d)(2)(ii) introductory text and paragraph (d)(3) are revised and paragraphs (d)(4) and (d)(5) are added to read as follows:

§ 622.41 Species specific limitations.

* * * * *

(d) * * *

(2) * * *

(ii) Except as specified in paragraphs (d)(3) through (d)(5) of this section, a person aboard a vessel with unauthorized gear on board, other than trawl gear, that fishes in the EEZ on a trip is limited on that trip to:

* * * * *

(3) *Possession allowance regarding sink nets off North Carolina.* A vessel that has on board a commercial permit for South Atlantic snapper-grouper, excluding wreckfish, that fishes in the EEZ off North Carolina with a sink net on board, may retain, without regard to the limits specified in paragraph (d)(2)(ii) of this section, otherwise legal South Atlantic snapper-grouper taken with bandit gear, buoy gear, handline, rod and reel, or sea bass pot. For the purpose of this paragraph (d)(3), a sink net is a gillnet with stretched mesh measurements of 3 to 4.75 inches (7.6 to 12.1 cm) that is attached to the vessel when deployed.

(4) *Possession allowance regarding bait nets.* A vessel that has on board a commercial permit for South Atlantic snapper-grouper, excluding wreckfish, that fishes in the South Atlantic EEZ with no more than one bait net on board, may retain, without regard to the limits specified in paragraph (d)(2)(ii) of this section, otherwise legal South Atlantic snapper-grouper taken with bandit gear, buoy gear, handline, rod and reel, or sea bass pot. For the purpose of this paragraph (d)(4), a bait net is a gillnet not exceeding 50 ft (15.2 m) in length or 10 ft (3.1 m) in height with stretched mesh measurements of 1.5 inches (3.8 cm) or smaller that is attached to the vessel when deployed.

(5) *Possession allowance regarding cast nets.* A vessel that has on board a commercial permit for South Atlantic snapper-grouper, excluding wreckfish, that fishes in the South Atlantic EEZ with a cast net on board, may retain, without regard to the limits specified in paragraph (d)(2)(ii) of this section, otherwise legal South Atlantic snapper-grouper taken with bandit gear, buoy gear, handline, rod and reel, or sea bass pot. For the purpose of this paragraph (d)(5), a cast net is a cone-shaped net thrown by hand and designed to spread

out and capture fish as the weighted circumference sinks to the bottom and comes together when pulled by a line.

* * * * *

12. Effective December 14, 1998, in § 622.44, the last sentence of the introductory text and paragraph (c) are revised to read as follows:

§ 622.44 Commercial trip limits.

* * * For fisheries governed by this part, commercial trip limits apply as follows (all weights are round or eviscerated weights):

* * * * *

(c) *South Atlantic snapper-grouper.* When a vessel fishes on a trip in the South Atlantic EEZ, the vessel trip limits specified in this paragraph (c) apply, provided persons aboard the vessel are not subject to the bag limits. See § 622.39(a) for applicability of the bag limits.

(1) *Trip-limited permits.* A vessel for which a trip-limited permit for South Atlantic snapper-grouper has been issued is limited to 225 lb (102.1 kg) of snapper-grouper.

(2) *Golden tilefish.* (i) Until the fishing year quota specified in § 622.42(e)(2) is reached, 5,000 lb (2,268 kg).

(ii) After the fishing year quota specified in § 622.42(e)(2) is reached, 300 lb (136 kg).

(3) *Snowy grouper.* (i) Until the fishing year quota specified in § 622.42(e)(1) is reached, 2,500 lb (1,134 kg).

(ii) After the fishing year quota specified in § 622.42(e)(1) is reached, 300 lb (136 kg).

* * * * *

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 522 and 556

Implantation or Injectable Dosage Form New Animal Drugs; Spectinomycin Solution; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that appeared in the **Federal Register** of May 1, 1998 (63 FR 24106). The document amended the animal drug regulations to reflect approval of a new animal drug application (NADA)