

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****15 CFR Part 902****50 CFR Part 622**

[Docket No. 980608151-8255-02; I.D. 122497B]

RIN 0648-AK43

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Golden Crab Fishery of the South Atlantic Region; Gear and Vessel 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 a regulatory amendment prepared by the South Atlantic Fishery Management Council (Council) in accordance with framework procedures for adjusting management measures of the Fishery Management Plan for the Golden Crab Fishery of the South Atlantic Region (FMP). For the golden crab fishery in the South Atlantic exclusive economic zone (EEZ), the regulatory amendment revises the vessel size limitations applicable when a vessel permit is transferred to another vessel and extends through December 31, 2000, the authorization to use wire cable for a mainline attached to a golden crab trap. In addition, NMFS is removing from the regulations the eligibility criteria and procedures for obtaining initial commercial vessel permits in the South Atlantic golden crab fishery. Such criteria and procedures are no longer applicable. NMFS is also revising the list of control numbers applicable to Title 50 of the Code of Federal Regulations to reflect removal of the eligibility criteria and procedures for obtaining initial commercial vessel permits for this fishery. The intended effects of this rule are to allow for additional evaluation of cable used as mainlines for traps, to provide greater flexibility for fishermen to fish with vessels of different lengths without adversely affecting the FMP's cap on fishing effort, and to simplify the regulations.

DATES: This rule is effective October 28, 1998.

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

SUPPLEMENTARY INFORMATION: The golden crab fishery in the EEZ of the

South Atlantic is managed under the FMP. The FMP was prepared by the 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.

The Council proposed adjusted management measures (a regulatory amendment) for the South Atlantic golden crab fishery. The Council submitted this regulatory amendment to NMFS for its review, approval, and implementation. These measures were developed and submitted to NMFS under the FMP's framework procedure for adjustments in gear regulations and permit requirements. Additional background for these measures and for measures proposed by NMFS to simplify the regulations was published in the preamble to the proposed rule (63 FR 34842, June 26, 1998) and is not repeated here.

Comments and Responses

Two comments on the proposed rule were received from the Council.

Comment: The Council requested that wire cable be allowed to be used for a main line in the golden crab fishery through December 31, 2000, rather than through January 31, 1999, as proposed. The Council concluded that this additional time was needed to collect sufficient data to evaluate properly the use of wire cable in the fishery. In its comment, the Council noted that the opportunity for public comment on this issue was provided at the June 1998 Council meeting; however, no public comment was received.

Response: NMFS concurs and has modified § 622.40(d)(2)(ii) of this final rule accordingly.

Comment: The Council noted that § 622.40(d)(2)(ii) of the proposed rule included the outdated phrase, "except that wire cable is allowed for a buoy line through January 31, 1998." The Council recommended deletion of that phrase.

Response: NMFS concurs and has modified § 622.40(d)(2)(ii) of this final rule accordingly.

Changes From the Proposed Rule

In response to public comment noted above, in § 622.40(d)(2)(ii), the phrase, "for a buoy line through January 31, 1998, and" has been removed, and "January 31, 1999" has been revised to read "December 31, 2000."

NMFS also is making a technical amendment, which was not included in the proposed rule. In 15 CFR 902.1(b), in the listing of sections in title 50 of the CFR where information collection requirements are located, the entry

"622.17" and the entry for the corresponding OMB control number, "-0205," are removed. These removals correspond with the removal from the regulations of the eligibility criteria and procedures for obtaining initial commercial vessel permits in this fishery.

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

Classification

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

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce, based on the Council's regulatory impact review (RIR) that assesses the economic impacts of the management measures in this rule on fishery participants, certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not prepared.

This final rule relieves a restriction regarding use of wire cable for main line and a restriction related to vessel transfer. Both of these provisions provide greater flexibility to fishery participants in terms of their prosecution of the fishery. Accordingly, the AA finds that these reasons constitute good cause, under 5 U.S.C. 553(d)(3), to waive the 30-day delay in the effectiveness of this rule.

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: October 22, 1998.

Gary C. Matlock,

Acting 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.*

§ 902.1 [Amended]

2. In § 902.1, paragraph (b) table, under 50 CFR, in the left column, the entry “622.17” is removed and the corresponding entry in the right column, “-0205”, is also removed.

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 § 622.4, paragraph (a)(2)(x) is added to read as follows:

§ 622.4 Permits and fees.

(a) * * *

(2) * * *

(x) For a person aboard a vessel to fish for golden crab in the South Atlantic EEZ, possess golden crab in or from the South Atlantic EEZ, off-load golden crab from the South Atlantic EEZ, or sell golden crab in or from the South Atlantic EEZ, a commercial vessel permit for golden crab must be issued to the vessel and must be on board. It is a rebuttable presumption that a golden crab on board a vessel in the South Atlantic or off-loaded from a vessel in a port adjoining the South Atlantic was harvested from the South Atlantic EEZ. See § 622.17 for limitations on the use, transfer, and renewal of a commercial vessel permit for golden crab.

* * * * *

§ 622.5 [Amended]

5. In § 622.5, in paragraph (a)(1)(v), the reference to “§ 622.17(a)” is removed and “§ 622.4(a)(2)(x)” is added in its place.

§ 622.6 [Amended]

6. In § 622.6, in paragraph (a)(1)(i) introductory text, the phrase “or § 622.17” is removed.

§ 622.7 [Amended]

7. In § 622.7, in paragraph (a), the phrase “or § 622.17” is removed, in paragraph (b), the phrase “or in § 622.17,” is removed, in paragraph (c), the phrase “or § 622.17(g)” is removed,

and in paragraph (z), the reference to “§ 622.17(h)” is removed and “§ 622.17(b)” is added in its place.

§ 622.8 [Amended]

8. In § 622.8, in paragraph (a), the reference to “§ 622.17(a)” is removed and “§ 622.4(a)(2)(x)” is added in its place.

9. Section 622.17 is revised to read as follows:

§ 622.17 South Atlantic golden crab controlled access.

(a) *General.* In accordance with the procedures specified in the Fishery Management Plan for the Golden Crab Fishery of the South Atlantic Region, initial vessel permits have been issued for the fishery. No additional permits may be issued.

(b) *Fishing zones.* (1) The South Atlantic EEZ is divided into three fishing zones for golden crab. A permitted vessel may fish for golden crab only in the zone shown on its permit. A vessel may possess golden crab only in that zone, except that other zones may be transited if the vessel notifies NMFS, Office of Enforcement, Southeast Region, St. Petersburg, FL, by telephone (813-570-5344) in advance and does not fish in an unpermitted zone. The designated fishing zones are as follows:

(i) Northern zone—the South Atlantic EEZ north of 28° N. lat.

(ii) Middle zone—the South Atlantic EEZ from 25° N. lat. to 28° N. lat.

(iii) Southern zone—the South Atlantic EEZ south of 25° N. lat.

(2) An owner of a permitted vessel may request that NMFS change the zone specified on a permit from the middle or southern zone to the northern zone. A request for such change and the existing permit must be submitted from an owner of a permitted vessel to the RD.

(c) *Transfer.* (1) An owner of a vessel with a valid golden crab permit may request that NMFS transfer the permit to another vessel by returning the existing permit(s) to the RD with an application for a permit for the replacement vessel.

(2) To obtain a commercial vessel permit via transfer, the owner of the replacement vessel must submit to the RD a valid permit for a vessel with a documented length overall, or permits for vessels with documented aggregate lengths overall, of at least 90 percent of the documented length overall of the replacement vessel.

(3) In addition to the provisions of paragraph (c)(2) of this section, the owner of a permitted vessel who has requested that NMFS transfer that permit to a smaller vessel (i.e.,

downsized) may subsequently request NMFS transfer that permit to a vessel of a length calculated from the length of the permitted vessel immediately prior to downsizing.

(d) *Renewal.* In addition to the procedures and requirements of § 622.4(h) for commercial vessel permit renewals, for a golden crab permit to be renewed, the SRD must have received reports for the permitted vessel, as required by § 622.5(a)(1)(v), documenting that at least 5,000 lb (2,268 kg) of golden crab were landed from the South Atlantic EEZ by the permitted vessel during at least one of the two 12-month periods immediately prior to the expiration date of the vessel permit.

§ 622.31 [Amended]

10. In § 622.31, in paragraph (a) the phrase “or 622.17” is removed.

§ 622.35 [Amended]

11. In § 622.35, in paragraph (f), the reference to “§ 622.17(h)” is removed and “§ 622.17(b)” is added in its place.

12. In § 622.40, in paragraph (c)(3)(ii), the reference to “§ 622.17(h)” is removed and “§ 622.17(b)” is added in its place, and paragraph (d)(2)(ii) is revised to read as follows:

§ 622.40 Limitations on traps and pots.

* * * * *

(d) * * *

(2) * * *

(ii) Rope is the only material allowed to be used for a buoy line or mainline attached to a golden crab trap, except that wire cable is allowed for a mainline through December 31, 2000.

§ 622.45 [Amended]

13. In § 622.45, in paragraph (f)(2), the reference to “§ 622.17(a)” is removed and “§ 622.4(a)(2)(x)” is added in its place.

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SOCIAL SECURITY ADMINISTRATION**20 CFR Part 404**

RIN 0960-AE30

Application of State Law in Determining Child Relationship

AGENCY: Social Security Administration (SSA).

ACTION: Final rules.

SUMMARY: These final regulations revise our rules on determining whether a natural child has inheritance rights under appropriate State law and therefore may be entitled to Social