

**Note**

The Department has determined that changes to the Convention Appendices, which result from actions of the Parties to the treaty, do not require preparation of Environmental Assessments as defined under authority of the National Environmental Policy Act (42 U.S.C. 4321-4347). This document recognizes Brazil's decision to include one of their native species in CITES Appendix III and serves as public notice of their decision to potential importers and exporters, as well as other persons who may have a need to know of this Appendix III amendment. Because this amendment to 50 CFR 23.23 is simply a notification to the public on an action that has been taken by Brazil under the terms of CITES, this document does not constitute a "rule" for purposes of the Administrative Procedure Act (5 U.S.C. 551 (4)). Accordingly, the provisions of Executive Order 12866, the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*),

and the Small Business Regulatory Enforcement Fairness Act of 1996 do not apply to this notice.

No new information collection is required as a result of this rulemaking action. For any permits or certificates required for re-export from the United States of this or any other CITES-listed species, the Office of Management and Budget has approved the collection of information under 44 U.S.C. 3501 *et seq.* and assigned clearance numbers 1018-0093 and 1018-0012.

This document was prepared by Dr. Bruce MacBryde and Dr. Susan Lieberman, Office of Scientific Authority, under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*, 87 Stat. 884, as amended).

**List of Subjects in 50 CFR Part 23**

Endangered and threatened species, Exports, Imports, Treaties.

**Regulation Promulgation**

Accordingly, for the reasons set out above in this document, the Service amends Part 23 of Title 50, chapter I, subchapter B, of the Code of Federal Regulations as set forth below:

**PART 23—ENDANGERED SPECIES CONVENTION**

1. The authority citation for Part 23 continues to read as follows:

**Authority:** Convention on International Trade in Endangered Species of Wild Fauna and Flora, 27 U.S.T. 1087; and Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

2. Section 23.23(f) is amended in the table by revising the entry for *Swietenia macrophylla* under the plant family Meliaceae to read as follows:

**§ 23.23 Species listed in Appendices I, II, and III.**

\* \* \* \* \*

(f) \* \* \*

Species	Common name	Appendix	First listing date (month/day/year)
PLANT KINGDOM.	PLANTS.		
Family Meliaceae	Mahogany family		
<i>Swietenia macrophylla</i> populations in the Americas (including logs, sawn wood, and veneer sheets, but no other parts or derivatives, <i>e.g.</i> , products).	Bigleaf mahogany	III (Bolivia, Brazil, Costa Rica)	11/16/95

Dated: October 13, 1998.

**Donald J. Barry,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 98-28927 Filed 10-29-98; 8:45 am]

BILLING CODE 4310-55-P

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

[I.D.102698A]

**Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the Commercial Red Snapper Component**

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

**ACTION:** Closure.

**SUMMARY:** NMFS closes the commercial fishery for red snapper in the exclusive economic zone (EEZ) of the Gulf of Mexico. NMFS has determined that the

annual commercial quota for red snapper was reached on October 15, 1998. This closure is necessary to protect the red snapper resource.

**DATES:** Closure is effective 12:01 a.m., local time, November 1, 1998, until noon, local time, February 1, 1999.

**FOR FURTHER INFORMATION CONTACT:** Robert Sadler, 727-570-5305.

**SUPPLEMENTARY INFORMATION:** The reef fish fishery of the Gulf of Mexico is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act by regulations at 50 CFR part 622. Those regulations set the commercial quota for

red snapper in the Gulf of Mexico at 4.65 million lb (2.11 million kg) for the current fishing year, January 1 through December 31, 1998. Those regulations split the red snapper commercial fishing season into two time periods, the first commencing at noon on February 1 with two-thirds of the annual quota (3.06 million lb (1.39 million kg)) available, and the second commencing at noon on September 1 with the remainder of the annual quota available. During the commercial season, the red snapper commercial fishery opens at noon on the first of each month and closes at noon on the 15th of each month, until the applicable commercial quotas are reached.

Under 50 CFR 622.43(a), NMFS is required to close the commercial fishery for a species or species group when the quota for that species or species group is reached or is projected to be reached by publishing a notification to that effect in the **Federal Register**. Based on current statistics, NMFS has determined that the annual commercial quota of 4.65 million lb (2.11 million kg) for red snapper was reached on October 15, 1998. The commercial red snapper fishery was closed on October 15, 1998, at noon and was scheduled to reopen on November 1, 1998. However, because NMFS has determined that the commercial red snapper quota was reached on October 15, the commercial red snapper fishery will not reopen on November 1; it will remain closed until noon on February 1, 1999.

During the closure, the bag and possession limits specified in 50 CFR 622.39(b) apply to all harvest or possession of red snapper in or from the EEZ in the Gulf of Mexico, and the sale or purchase of red snapper taken from the EEZ is prohibited. In addition, the bag and possession limits for red snapper apply on board a vessel for which a commercial permit for Gulf reef fish has been issued, without regard to where such red snapper were harvested. However, when the recreational quota for red snapper has been reached and the bag and possession limit has been reduced to zero, such possession during a closed period is prohibited. The recreational red snapper fishery was closed on September 30, 1998 (63 FR 45760).

#### Classification

This action is taken under 50 CFR 622.43(a) and is exempt from review under E.O. 12866.

Dated: October 26, 1998.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 98-29090 Filed 10-27-98; 1:58 pm]

BILLING CODE 3510-22-F

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 648

[Docket No. 980715175-8254-02; I.D. 070198B]

RIN 0648-AL35

##### Fisheries of the Northeastern United States; Vessel Monitoring System Power Down Exemption

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to amend the regulations implementing the Atlantic Sea Scallop and Northeast Multispecies Fishery Management Plans (FMP). This action changes the name "Vessel Tracking System (VTS)" to "Vessel Monitoring System (VMS)" and changes the VMS operating requirements for vessels to allow the VMS unit to be turned off if the vessel is out of the water continuously for more than 72 consecutive hours, provided the owner of the vessel obtains and complies with a letter of exemption issued to the vessel. The change in VMS operating requirements is necessary to address the lack of available power required to keep VMS units operational when vessels are removed from the water for repair and maintenance.

**DATES:** Effective November 30, 1998.

**ADDRESSES:** Copies of the Regulatory Impact Review supporting this action may be obtained from Jon C. Rittgers, Acting Regional Administrator, Northeast Regional Office, NMFS, One Blackburn Drive, Gloucester, MA 01930.

Comments regarding burden-hour estimates for collection-of-information requirements contained in this final rule should be sent to Jon C. Rittgers and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20502 (Attention: NOAA Desk Officer).

**FOR FURTHER INFORMATION CONTACT:** Paul H. Jones, Fishery Policy Analyst, 978-281-9273.

**SUPPLEMENTARY INFORMATION:** A proposed rule for this action was

published on July 28, 1998 (63 FR 40253). Details of this action are described in the preamble to the proposed rule and will not be repeated here.

#### Approved Management Measures

Under current regulations, required VTS units, hereinafter referred to as VMS units, in the Atlantic sea scallop fishery must be fully operational at all times and transmit a signal indicating a vessel's accurate position at least every hour, 24 hours a day, without interruption, throughout the year. A vessel out of the water for repair and maintenance may not have an operational power supply available with which to power its VMS unit so that it may transmit hourly position reports. This action amends the operating requirements for a VMS to allow vessels in those fisheries to turn off the VMS unit if the vessel will be out of the water continuously for more than 72 hours. Owners of such vessels must first obtain a letter of exemption issued to the vessel from the Regional Administrator. This amendment is consistent with the primary intent of the original requirement, which was to monitor the at-sea activity of these vessels for compliance with the regulatory requirements.

In addition to the management measure described above, this final rule also changes the names and related definitions for "Vessel Tracking System (VTS)" to "Vessel Monitoring System (VMS)" and "VTS unit" to "VMS unit" to provide consistency with other NMFS Regions.

#### Comments and Responses

NMFS received written comments on the proposed rule from one individual and one fishing industry association. Specific comments are discussed and responded to here.

**Comment:** The fishing industry association supports implementation of the amendment that would allow vessels to turn off the VMS unit if the vessel will be out of the water continuously for more than 72 consecutive hours.

**Response:** The comment has been noted and the regulatory amendment is approved.

**Comment:** One individual and one fishing industry association expressed concern over the requirement of requiring VMS units to be fully operational at all times and transmit a signal indicating a vessel's accurate position at least every hour, 24 hours a day, without interruption, throughout the year. They state that most docks do not have shore power hook-ups, and