



Figure 11 - Connector Test

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[Insert Figure 11 ]

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Issued on: November 4, 1998.

**James R. Hackney,**

*Acting Associate Administrator for Safety  
Performance Standards.*

[FR Doc. 98-29921 Filed 11-10-98; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 981006253-8253-01; 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

AGENCY: National Marine Fisheries  
Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA),  
Commerce.

**ACTION:** Proposed rule; request for  
comments.

**SUMMARY:** NMFS issues this proposed rule to implement Amendment 9 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). This proposed rule would increase the minimum size for red porgy, black sea bass, gag, and black grouper for all participants in the fishery; increase the minimum size for vermilion snapper for a person subject to the bag limit; establish bag limits for red porgy and black sea bass; during March and April, prohibit harvest and possession in excess of the bag limit and prohibit purchase and sale of red porgy, gag grouper, and black grouper; for greater amberjack, reduce the bag limit, establish a commercial quota and trip limit, prohibit sale of greater amberjack caught under the bag limit when the commercial fishery is closed, prohibit harvest and possession in excess of the bag limit during April, change the beginning of the fishing year to May 1, and prohibit coring (i.e., removing the head from the carcass); restrict possession of gag and black grouper

within the aggregate grouper bag limit; establish an aggregate bag limit for all snapper-grouper species currently not under a bag limit (excluding tomtate and blue runner); require escape vents and escape panels with degradable hinges and fasteners in black sea bass pots; and specify 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, blueline tilefish, and sand tilefish.) The intended effect of this rule is to reduce overfishing and to conserve and manage these snapper-grouper species.

**DATES:** Written comments must be received on or before December 28, 1998.

**ADDRESSES:** Comments on this proposed rule or on the initial regulatory flexibility analysis (IRFA) should be sent to 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 Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer).

Requests for copies of Amendment 9, which includes a final supplemental environmental impact statement, a regulatory impact review (RIR), an IRFA, and a social impact assessment/fishery impact statement should be sent to the South Atlantic Fishery Management Council, Southpark Building, One Southpark Circle, Suite 306, Charleston, SC 29407-4699; Phone: 843-571-4366; Fax: 843-769-4520.

**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.

### Background

Recent scientific stock assessments and public testimony have identified a number of snapper-grouper species as being overfished. The management measures in Amendment 9 are designed to prevent this overfishing, rebuild some of the overfished species, and manage the fishery in a more orderly manner. The Council has chosen management alternatives in Amendment 9 that would make substantial progress toward rebuilding stocks, where needed, by increasing the spawning potential ratio (SPR), which is used as a measure of stock status. For some species, up-to-date assessments were not available or data used for assessments were limited. For other species, recent landings trends and other information contradicted assessment information. The Council based decisions on the most recent and best scientific information available to ensure overfished stocks would be well on their way to recovery from the overfished status of below 30-percent SPR. For certain species, the Council chose alternatives that would further rebuild the species toward the optimum yield (OY) level, which is also expressed in terms of SPR.

### Overfishing

The OY for species in the snapper-grouper management unit is 40-percent (static) SPR. Species that are below 30-percent (transitional) SPR are considered overfished and must be rebuilt as soon as possible.

Red porgy, black sea bass, vermilion snapper, and gag are overfished and in need of rebuilding. The status of black grouper is uncertain. Declining commercial landings and the average size of fish landed indicate that greater amberjack may be approaching a condition of being overfished. Thus, the Council has recommended precautionary management measures for black grouper and greater amberjack to ensure that overfishing does not occur. A general description of the biological status and proposed management measures for each species is given below.

### Red Porgy

A 1994 stock assessment, based on data through 1992, indicated that red porgy is overfished, with an SPR of 13 percent. Fishing mortality needs to be reduced by 75 percent to achieve the OY of 40-percent SPR and must be reduced by 65 percent to eliminate overfishing.

This proposed rule would impose a 14-inch (35.6-cm) total length (TL) recreational and commercial minimum size limit, a 5-fish bag limit, and March-April seasonal harvest limitations. In combination, these measures should reduce total catch by 59 percent. This rule also proposes prohibiting all permitted dealers from purchasing red porgy during March and April regardless of where the red porgy is harvested or possessed (i.e., state or Federal waters). However, red porgy harvested from areas outside the South Atlantic could be purchased and possessed, provided appropriate documentation of the area of origin is maintained. The Council believes that conservation measures enacted in 1992 have resulted in some stock rebuilding and that these proposed management measures should result in rebuilding the stock within 10 years in accordance with the FMP's current stock rebuilding schedule.

Decreased landings resulting from the March-April seasonal harvest limitations and the increase in minimum size should result in a loss in gross revenues from red porgy sales of about \$268,500 in the first year. However, the increase in minimum size would result in an increase in yield-per-recruit, which should lead to increased commercial landings in future years. In addition, fishermen likely would increase effort for red porgy during the open season, which would reduce the estimated loss in revenues. There would be unquantified losses for the for-hire industry and a reduction in consumer surplus related to canceled private recreational trips. The reduction in landings in the short term would result

in progress toward rebuilding the red porgy stocks; however, the offsetting benefits cannot be calculated precisely because there is insufficient information available to predict future yields that may be possible from a rebuilt stock.

### Black Sea Bass

A 1996 stock assessment, based on data through 1995, indicates that black sea bass are overfished, with an SPR of 26 percent. In addition, the catch-per-unit-effort of headboats off South Carolina has declined from just over 11 fish per angler day in 1980 to just over 1 fish per angler day in 1995. In 1995, the commercial sector harvested about 49 percent of the total catch.

Fishing mortality needs to be reduced by 56 percent to achieve OY and by 22 percent to eliminate overfishing. This proposed rule would increase the minimum size limit to 10 inches (25.4 cm) and impose a 20-fish bag limit. In combination, these measures should reduce total catch by 34 percent. This proposed rule also would require escape vents and escape panels with degradable fasteners in black sea bass pots. This would minimize bycatch of juvenile fish and reduce release mortality from this component of the fishery. Also, handling of undersized fish would be reduced, which should result in a more efficient fishing operation. In the first year these measures would reduce commercial revenues by about \$242,300 and reduce recreational landings by about 40 percent. However, revenues and landings are expected to increase as the resource rebuilds toward OY. The proposed management measures are expected to rebuild the black sea bass stock within 10 years in accordance with the FMP's current stock rebuilding schedule.

### Greater Amberjack

A 1996 stock assessment, based on data through 1995, indicates an SPR of 84 percent. However, in a recent review of the status of fisheries required by the Magnuson-Stevens Act, NMFS' Southeast Fisheries Science Center (SEFSC) determined that the status of the stock relative to the FMP's current overfishing definition is unknown. The SEFSC found that the scant data and analyses used in the assessment yielded results inconsistent with subsequent data showing declines in average size and landings of greater amberjack. Accordingly, the Council is recommending precautionary measures to ensure that this species does not approach an overfished condition.

This rule proposes to: (1) Reduce the recreational bag limit from 3 to 1 greater

amberjack per person per day; (2) prohibit throughout the EEZ harvest and possession in excess of the bag limit during April; (3) establish a 1,000-lb (454-kg) daily commercial trip limit; (4) establish a commercial quota of 1,169,931 lb (530,672 kg) (63 percent of the 1995 landings); (5) begin the fishing year May 1; (6) prohibit sale of fish harvested under the bag limit when the season is closed; and (7) prohibit coring (i.e., removing the head from the carcass). In 1995, the commercial sector harvested 66 percent of the total catch, although formerly most greater amberjack were taken by the recreational sector.

NMFS believes that the Council intended immediate implementation of the measures for greater amberjack that establish a quota and begin the fishing year on May 1. Therefore, NMFS will apply this quota to greater amberjack that have been landed since May 1, 1998.

In addition, this proposed rule would prohibit all permitted dealers from purchasing greater amberjack in April regardless of where the greater amberjack is harvested or possessed (i.e., state or Federal waters), with the exception that greater amberjack harvested from areas outside the South Atlantic could be purchased and possessed, provided appropriate documentation of the area of origin is maintained, as specified in this proposed rule.

In combination, these measures should reduce total recreational and commercial landings of greater amberjack by 11 percent and 41 percent, respectively. This would result in a loss of commercial revenues of about \$352,000–\$397,000 in the first year. The reduction in landings in the short term would result in a more stable greater amberjack stock. The potential benefits of the proposed measures cannot be calculated precisely because there is insufficient information available to predict future yields that may result from the proposed measures.

#### **Vermilion Snapper**

A 1997 assessment, based on data through 1996, indicated that vermilion snapper were overfished, with an SPR of 27 percent. Fishing mortality must be reduced by between 39 and 51 percent to achieve OY and by between 11 and 31 percent to eliminate overfishing. In 1995, the commercial sector harvested about 75 percent of the catch.

This proposed rule would increase the recreational minimum size limit for vermilion snapper from 10 inches (25.4 cm) to 11 inches (27.9 cm) TL. This should reduce the recreational catch by

about 9 percent in the short term. The associated reduction in fishing mortality and the increase in yield-per-recruit should result in sustainable increases in catch levels as the resource rebuilds. The Council believes that the proposed increase in minimum size limit would be sufficient to rebuild the stock within 10 years in accordance with the FMP's current stock rebuilding schedule. The Council will continue to monitor this species and, if necessary, implement additional measures to rebuild this resource.

#### **Gag**

The SPR for gag in a 1996 stock assessment, based on data through 1993, was 13 percent. This proposed rule would increase the minimum size limit for gag from 20 inches (50.8 cm) to 24 inches (61.0 cm) TL. This proposed rule also would prohibit the harvest and possession of gag in excess of the bag limit during March and April. This would protect the spawning stock, particularly males, which are more aggressive during this period and more susceptible to being caught. In 1995, about 71 percent of all gag were landed by commercial fishermen.

Further, this proposed rule would prohibit all permitted dealers from purchasing gag during March and April regardless of where the gag is harvested or possessed (i.e., state or Federal waters), with the exception that gag harvested from areas outside the South Atlantic could be purchased and possessed, provided appropriate documentation of the area of origin is maintained, as specified in this proposed rule.

The proposed March-April seasonal harvest restrictions and the proposed increase in minimum size, in combination, should reduce commercial landings by about 37 percent in the first year. This represents a potential loss of up to \$1,186,000 in annual gross revenues. The proposed increase in minimum size would substantially increase yield-per-recruit, which should lead to increased commercial landings in future years. The initial reduction in landings would result in progress toward rebuilding the gag resource, but the offsetting benefits cannot be calculated precisely because there is insufficient information available to predict future yields that may be possible from a rebuilt stock. The Council believes that the proposed measures would rebuild the gag stock above the 30-percent SPR level, if the natural mortality rate is 0.15 or higher, within 15 years in accordance with the FMP's current stock rebuilding schedule.

#### **Black Grouper**

The 1997 stock assessment, based on data through 1995, indicated that the SPR was about 5 percent. Because of the uncertainty of this estimate, the status of the stock is listed as unknown in NMFS' Report to Congress on Status of Fisheries of the United States, September 1997. In 1994, about 80 percent of the catch of black grouper was harvested by commercial fishermen.

This proposed rule would prohibit all permitted dealers from purchasing black grouper in March and April regardless of where the black grouper is harvested or possessed (i.e., state or Federal waters), with the exception that black grouper harvested from areas outside the South Atlantic could be purchased and possessed, provided appropriate documentation of the area of origin is maintained, as specified in this proposed rule.

This proposed rule would prohibit the harvest of black grouper in March and April (the spawning season) and would increase the minimum size limit (from 20 to 24 inches (50.8 to 61 cm)) TL. In combination, these measures should reduce commercial landings by 35 percent, which represents a potential \$90,000 loss in gross revenues in the first year. The increase in the minimum size limit would reduce headboat landings by 71 percent (based on number of fish) or by 44 percent (based on weight). The reduction in landings in the short term would result in progress toward rebuilding the black grouper stocks, but the offsetting benefits cannot be calculated precisely because there is insufficient information available to predict future yields that may be possible from a rebuilt stock. However, the increase in minimum size limit would increase yield-per-recruit, and future recruitment should be enhanced by these measures, which should result in increased landings. The Council will continue to monitor the status of the stock and propose new measures, should they be required to rebuild the stock further.

#### **Gag and Black Grouper Bag Limit Restriction**

This proposed rule would impose a recreational bag limit of no more than two gag or black grouper, individually or in combination. This would help to minimize compliance problems associated with anglers' general inability to distinguish between these species, and would enhance enforcement efforts. The Council concluded that the bag limit would have little effect on the headboat sector and

an unknown economic effect on the charterboat or private/rental boat sectors. Although the impact of this measure can not be quantified, it should result in some conservation benefit. Also, it may help to direct fishing effort to species that are not overfished and not subject to such restrictive limits.

#### **South Atlantic Snapper-Grouper 20-Fish Aggregate Bag Limit**

This proposed rule would establish an aggregate bag limit of 20 South Atlantic Snapper-Grouper. No bag limit currently exists for these species. The proposed bag limit would provide some biological protection for these species and discourage commercial fishing by recreational fishermen. The 20-fish bag limit should reduce headboat catches by 1 percent and private/rental catches by about 7 percent. There would be no catch reduction for charter vessels. Total reduction in recreational catch should be less than 1 percent. This measure should help encourage anglers to conserve marine fishery resources and would enhance enforcement efforts.

#### **Longline Restriction**

Currently, bottom longline gear is allowed only in waters deeper than 50 fm and only north of St. Lucie Inlet, Florida. This restriction is designed to conserve mid-shelf species (i.e., those typically found in depths less than 50 fm) and to protect critical coral and live-bottom habitat. This proposed rule would further restrict vessels with longline gear on board to possession of only the following deep-water South Atlantic snapper-grouper species: Snowy grouper, warsaw grouper, yellowedge grouper, misty grouper, golden tilefish, blueline tilefish, and sand tilefish.

Landings data indicate that longline vessels are catching species that are commonly found in depths of 50 fm or less, i.e., mid-shelf species. The proposed restriction would limit vessels with longline gear on board to possession of South Atlantic snapper-grouper that are typically found only in depths greater than 50 fm. This measure is designed to complement the existing prohibition on use of longline gear in depths shoreward of 50 fm.

Based on landings from 1994 to 1996, an average of 104,397 lb (47,354 kg) of mid-shelf species were landed annually by vessels with longline gear on board. Assuming an exvessel price of \$1.50 per pound, annual gross revenue of up to \$157,000 could be lost by longline vessels as a result of this proposed measure. This assumes that the number of fishing trips would remain the same as during the 1994–1996 period.

The Council is also concerned that bottom longlines are being used in areas that could suffer damage to bottom habitat. This proposed measure would further support keeping bottom longlines out of sensitive habitat areas, thereby meeting the Magnuson-Stevens Act mandate to protect essential fish habitat.

#### **Availability of Amendment 9**

Additional background and rationale for the measures discussed above are contained in Amendment 9, the availability of which was announced in the **Federal Register** (63 FR 47461; September 8, 1998). Written comments on Amendment 9 must be received on or before November 9, 1998. Comments that are received by November 9, 1998, whether specifically directed to the amendment or the proposed rule, will be considered in the approval/disapproval decision. All comments received on Amendment 9 or on this proposed rule during their respective comment periods will be addressed in the preamble to the final rule.

#### **Changes Proposed by NMFS**

In § 622.36(b)(2), NMFS proposes to revise the wording of the seasonal harvest limitation for mutton snapper to improve clarity and provide consistency with other similar provisions in the regulations.

For the convenience of the reader, NMFS proposes to reorder the minimum sizes in § 622.37 based on species rather than on minimum size.

NMFS proposes to add language to § 622.39(a)(1) to advise vessel operators of their responsibility for ensuring compliance with bag and possession limits.

#### **Classification**

At this time, NMFS has not determined that Amendment 9 is consistent with the national standards of the Magnuson-Stevens Act and other applicable laws. NMFS, in making that determination, will take into account the data, views, and comments received during the comment period on Amendment 9.

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

The Council prepared an IRFA, based on the RIR, that describes the impact this proposed rule, if adopted, would have on small entities. Based on the IRFA, NMFS agrees with the Council's

conclusion that Amendment 9, if approved and implemented through final regulations, would have a significant economic impact on a substantial number of small entities. A summary of the IRFA's assessment of the significant impacts on small entities follows.

The rule is designed to meet five specific objectives, the most important being the prevention of overfishing for a number of the snapper-grouper species. The Magnuson-Stevens Act provides the legal basis for the rule and no duplicative, overlapping or conflicting Federal rules were identified.

Under Amendment 8 to the FMP, about 2,000 commercial fishing businesses are expected to qualify for limited access permits when § 622.44(c) becomes effective on December 14, 1998. Most or all of these would be affected by Amendment 9 and are considered small entities for the purposes of the Regulatory Flexibility Act because their annual gross revenues are less than \$3 million. Accordingly, it was determined that a substantial number of small entities would be expected to be affected for purposes of the Regulatory Flexibility Act. The Council concluded that the red porgy, black sea bass, amberjack, gag, black grouper actions, and the gear regulation addressing the possession of longline gear and certain snapper-grouper species could reduce revenues by as much as \$2.3 million, or approximately 15 percent of the 1995 estimated exvessel value of the snapper grouper fishery. Although some actions would decrease recreational satisfaction due to restrictions of size or bag limits, there would be no decline in charterboat or headboat trips. The proposed rule would create a new recordkeeping requirement for permitted dealers in certain situations. The rule generally prohibits possession of red porgy, greater amberjack, gag, and black grouper during the closed seasons for these species. However, permitted dealers that have a documented paper trail showing that the fish were harvested in areas not under the jurisdiction of the Council would be allowed to possess these species during the closed seasons. The total cost of the public burden in terms of the value of the time spent by permitted dealers to create and/or maintain the paper trail record is estimated at \$1,000. There would also be a compliance cost associated with a new requirement for escape panels and escape vents with biodegradable fasteners for black sea bass pots. The aggregate estimated cost

to make the necessary alterations to all existing black sea bass pots is \$25,000.

Significant alternatives were identified for most of the actions proposed in Amendment 9. The status quo was identified as an alternative for all the actions under consideration but was rejected in all cases because continuing the status quo is not a feasible alternative under the Magnuson-Stevens Act. A number of other alternatives were identified for all the actions being considered and although some of these would minimize the adverse economic effects relative to the preferred alternatives, they did not meet the objectives, especially the biological objectives, specified as the basis for the amendment.

A copy of the IRFA is available for comment (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 a new collection-of-information requirement subject to the 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 submitted to OMB for approval. 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.

Public comment is sought regarding: Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information would have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments on these, or any other aspects of the collections of information, to NMFS and OMB (see **ADDRESSES**).

## List of Subjects in 50 CFR Part 622

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

Dated: November 5, 1998.

**Andrew A. Rosenberg,**

*Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.*

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

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

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

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

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

### § 622.30 Fishing years.

\* \* \* \* \*

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

3. In § 622.36, headings for paragraphs (a) and (b) and new paragraphs (b)(4) and (b)(5) are added; paragraph (b) introductory text is removed; and paragraphs (b)(1) and (b)(2) are 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.

\* \* \* \* \*

(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).

4. 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.

\* \* \* \* \*

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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 paragraph (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.

11. Section 622.44(c), which was published at 63 FR 38303, July 16, 1998, is proposed to be amended by adding paragraph (c)(4) to read as follows:

**§ 622.44 Commercial trip limits.**

(c) \* \* \*

(4) *Greater amberjack.* Until the fishing year quota specified in § 622.42(e)(3) is reached, 1,000 lb (454 kg).

12. 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.

\* \* \* \* \*

13. Figure 2 of Appendix C to Part 622 is amended by removing the reference to "length for deheaded greater amberjack. [FR Doc. 98-30230 Filed 11-10-98; 8:45 am]

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