

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to implement the provisions of a regulatory amendment prepared by the Gulf of Mexico Fishery Management Council (Council) in accordance with framework procedures for adjusting management measures of the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The regulatory amendment and this final rule maintain the current minimum size limit for red snapper of 15 inches (38.1 cm), total length (TL). The minimum size limit had been scheduled to increase to 16 inches (40.6 cm), TL, on January 1, 1998. The intended effect of this action is to maximize the economic benefits from the red snapper resource within the constraints of the rebuilding program for this overfished resource.

**DATES:** This rule is effective January 1, 1998.

**FOR FURTHER INFORMATION CONTACT:** Robert A. Sadler, 813-570-5305.

**SUPPLEMENTARY INFORMATION:** The reef fish fishery in the exclusive economic zone of the Gulf of Mexico 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 by regulations at 50 CFR part 622.

The Council proposed an adjusted management measure (a regulatory amendment) for the Gulf red snapper fishery for NMFS' review, approval, and implementation. This measure was developed and submitted to NMFS under the terms of the FMP's framework procedure for annual adjustments in total allowable catch and related measures for the red snapper fishery (framework procedure). Additional background for this measure was published in the proposed rule (62 FR 65056, December 10, 1997) and is not repeated here.

#### Comments and Responses

One comment was received that supported leaving the minimum size limit for Gulf red snapper at 15 inches (38.1 cm), TL, and one comment was received that supported increasing the minimum size limit to 16 inches (40.6 cm), TL.

*Comment 1:* A commenter stated that it was difficult for fishermen with small vessels to go far enough offshore to catch legal-sized 15-inch (38.1-cm) red snapper. A size increase to 16 inches (40.6 cm) would pose even a greater

burden on such fishermen to find legal-sized fish. He also stated that a size limit change to 16 inches (40.6 cm) would increase the number of released undersized fish killed by dolphins and sharks. Thus, he supported leaving the size limit at 15 inches (38.1 cm).

*Response:* NMFS concurs.

*Comment 2:* A commenter stated that the minimum size length should be increased to 16 inches (40.6 cm). He did not offer any reason for his conclusion.

*Response:* The rationale for maintaining the red snapper minimum size limit at 15 inches (38.1 cm) is contained in the proposed rule and is not repeated here.

The final rule is being issued to implement the regulatory amendment as proposed and submitted by the Council.

#### Classification

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

When the proposed rule was published, the Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that, if adopted, it would not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis was not prepared. No comments were received regarding this certification.

This final rule maintains the minimum size limit for red snapper at 15 inches (38.1 cm), TL, in lieu of allowing the scheduled regulatory increase to 16 inches (40.6 cm), TL. Thus, this final rule relieves a restriction and, pursuant to 5 U.S.C. 553(d)(1), is not subject to a 30-day delay in the effective date.

#### List of Subjects in 50 CFR Part 622

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

Dated: December 30, 1997.

#### Hilda Diaz-Soltero,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is 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 § 622.37, paragraph (d)(3) is revised to read as follows:

#### § 622.37 Minimum sizes.

\* \* \* \* \*

(d) \* \* \*

(3) Red snapper—15 inches (38.1 cm), TL.

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[I.D. 122997B]

#### Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries: Summer Flounder Commercial Quota Transfer from New Jersey to Connecticut

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

**ACTION:** Commercial quota transfer.

**SUMMARY:** NMFS announces that the State of New Jersey is transferring 24,118 lb (10,940 kg) of summer flounder commercial quota to the State of Connecticut. NMFS adjusted the quotas and announces the revised commercial quota for each state involved.

**DATES:** December 31, 1997.

**FOR FURTHER INFORMATION CONTACT:** Regina Spallone (978) 281-9221.

**SUPPLEMENTARY INFORMATION:** Regulations for the summer flounder fishery are found at 50 CFR part 648, subparts A and G. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.100.

Final specifications for the 1997 summer flounder fishery and adjustments to state commercial quotas were published March 7, 1997 (62 FR 10473). At that time, the State of New Jersey was allocated a 1997 quota of 1,371,266 lb (621,996 kg) and the State of Connecticut was allocated a 1997 quota of 222,806 lb (101,063 kg). These annual quotas for New Jersey and Connecticut were set after deducting for 1996 overages.

A readjustment to the 1997 quotas, based upon additional 1996 landings information contained in late and/or additional reports was published July

15, 1997 (62 FR 37741). As a result of this action, the quota for the State of New Jersey was set equal to 1,347,592 lb (611,257 kg). The quota for the State of Connecticut was unchanged.

The final rule implementing Amendment 5 to the Fishery Management Plan for the Summer Flounder Fishery (FMP) published on December 17, 1993 (58 FR 65936), allows two or more states, under mutual agreement and with the concurrence of the Administrator, Northeast Region, NMFS (Regional Administrator), to transfer or combine summer flounder commercial quota. The Regional Administrator is required to consider the criteria set forth in § 648.100(e)(1) in the evaluation of requests for quota transfers or combinations.

The State of New Jersey has agreed to transfer 24,118 lb (10,940 kg) of commercial quota to the State of Connecticut. The Regional Administrator having determined that the criteria set forth in § 648.100(e)(1)

have been met, publishes this notification of quota transfers. The revised quotas for the calendar year 1997 are as follows: New Jersey, 1,323,474 lb (600,318 kg); and Connecticut, 246,924 lb (112,003 kg).

This action does not affect a notification concerning the commercial quota harvest that prohibited further landings of summer flounder by federally permitted vessels in Connecticut made effective September 11, 1997 (62 FR 47767).

This action does not alter any of the conclusions reached in the environmental impact statement prepared for Amendment 2 to the FMP regarding the effects of summer flounder fishing activity on the human environment. Amendment 2 established procedures for setting an annual coastwide commercial quota for summer flounder and a formula for determining commercial quotas for each state. The quota transfer provision was established by Amendment 5 to the FMP and the

environmental assessment prepared for Amendment 5 found that the action had no significant impact on the environment. Under section 6.02b.3(b)(i)(aa) of NOAA Administrative Order 216-6, this action is categorically excluded from the requirement to prepare additional environmental analyses. This is a routine administrative action that reallocates commercial quota within the scope of previously published environmental analyses.

#### **Classification**

This action is taken under 50 CFR part 648 and is exempt from review under E.O. 12866.

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

Dated: December 30, 1997.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 97-34241 Filed 12-31-97; 1:00 pm]

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