

although this occurred infrequently in 1997.

(3) The purpose of the third EFP was to collect reproductive samples for sablefish to test assumptions in the stock assessment for that species. An EFP was requested because a vessel would have been authorized to land 500 lb (227 kg) in excess of the cumulative trip limit for trawl-caught sablefish (for a total of 5 mt in 1996), and would have been able to sell the scientific samples. A state or Federal scientist would have been aboard every trip to gather the biological data. Although this permit was approved and issued, it had not been used at the time this notice was prepared in late 1997—fish were obtained directly from processors and the EFP was not needed.

VII. EFPs Requested for 1998

NMFS has approved requests to renew the whiting and enhanced data collection EFPs for 1998. The whiting EFP described in paragraph VI. will be continued, pending development and implementation of a regulation that would authorize salmon to be retained and landed in appropriate circumstances. Fishers are concerned that their practice of dumping codends directly into the hold would make monitoring of trip limits difficult, if not impossible, and wanted the EFP continued because it results in the forfeiture of overages but does not impose penalties for overages. The scope of the experiment and level of participation will be the same as in 1997.

Continuation of the enhanced data collection program described in paragraph VI. will also include several minor changes. The major change will enable data to be obtained on a vessel throughout its fishing activities in a month, even if the vessel is not fishing for groundfish. This will provide information on groundfish bycatch in other fisheries (particularly shrimp fisheries) and on a fisher's choice to pursue alternative fisheries or fishing strategies. The program also could be expanded to include whiting fisheries when the whiting EFP no longer is in effect.

Requests for these EFPs were presented at the Council's November 1997 meeting. Comments on the EFP programs were invited at the November 1997 Council meeting and the Council recommended approval. Now that NMFS has approved the renewal, the whiting EFPs could be issued as early as March 1 for vessels delivering in the State of California, and in the spring for vessels operating under the enhanced data collection EFP.

Classification

The final specifications and management measures for 1998 are issued under the authority of, and are in accordance with, the Magnuson-Stevens Act and 50 CFR parts 600 and 660 subpart G (the regulations implementing the FMP).

Much of the data necessary for these specifications and management measures came from the current fishing year. Because of the timing of the receipt, development, review, and analysis of the fishery information necessary for setting the initial specifications and management measures, and the need to have these specifications and management measures in effect at the beginning of the 1998 fishing year, the AA has determined that there is good cause under 5 U.S.C. 553(b)(B) to waive prior notice and opportunity for public comment for the specifications and management measures. Amendment 4 to the FMP, implemented on January 1, 1991, recognized these timeliness considerations and set up a system by which the interested public is notified, through **Federal Register** publication and Council mailings, of meetings and of the development of these measures and is provided the opportunity to comment during the Council process. The public participated in GMT, Groundfish Advisory Subpanel, Scientific and Statistical Committee, and Council meetings in September and November 1997 where these recommendations were formulated. Additional public comments on the specifications and management measures will be accepted for 30 days after publication of this document in the **Federal Register**. The Assistant Administrator (AA) will consider all comments made during the public period and may make modifications as appropriate.

The harvest specifications and the management measures designed to achieve those specifications announced by this rule do not require any time to come into compliance with. As described above, the interested public has participated in the Council process where these regulations were formulated. The Council has provided information to the industry on the above management measures and specifications through the U.S. Coast Guard Notice to Mariners and the States of Washington, Oregon, and California will also disseminate information. Therefore, the AA finds, under 5 U.S.C. 553(d)(3), as applicable, that it would be unnecessary or contrary to the public interest to delay the effective date of the

specifications and management measures.

NEPA: For the Annual Specifications and Management Measures and Exempted Fishing Permits—An Environmental Impact Statement (EIS) was prepared for the FMP in 1982 and Supplemental EISs was prepared for Amendments 4 and 6 in accordance with the National Environmental Policy Act (NEPA). The alternatives considered and environmental impacts of the actions in this notice are not significantly different than those considered in either the EIS or SEISs for the FMP, and the actions fall within the scope of these analyses. The Council prepared an environmental assessment (EA) which was the basis for this conclusion.

For the Makah Whiting Allocation: An EA also was prepared for the tribal groundfish rule at 61 FR 28786 which concluded that the proposed 1996 Makah allocation would have no significant impact on the human environment. NMFS updated the EA for 1997 and concluded, as it did in 1996, that the 1997 Makah allocation would have no significant impact on the human environment. The 1998 whiting HG and allocation are the same as in 1997 and are within the scope previously analyzed; therefore an additional EA was not prepared. Therefore this action is categorically excluded from the NEPA requirements to prepare an environmental assessment in accordance with paragraph 6.02b3(a) of the NOAA Administrative Order 216-6.

Dated: December 30, 1997.

Hilda Diaz-Soltero,

Acting Assistant Administrator, for Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 971205289-7313-02; I.D. 120497C]

RIN 0648-AK28

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Minimum Size Limit

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 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