

FOR FURTHER INFORMATION CONTACT:

Regina L. Spallone, Fishery Policy Analyst, 508-281-9221.

SUPPLEMENTARY INFORMATION:

Regulations implementing Amendment 2 to the Fishery Management Plan for the Summer Flounder Fishery (FMP) are found at 50 CFR part 625. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percentage allocated to each state is described in § 625.20.

The commercial quota for summer flounder for the 1995 calendar year was set equal to 14,690,407 lb (6,663,456 kg), and the allocations to each state were published February 16, 1995 (60 FR 8958). At that time, Maryland was allocated a quota of 299,551 lb (135,874 kg), and New York was allocated a quota of 1,123,374 lb (509,554 kg). On November 17, 1995, Maryland transferred 50,000 lb (22,680 kg) of its commercial quota to New York (60 FR 57685). As a result of that transfer, the commercial quotas for Maryland and New York were set to equal 249,551 lb (113,194 kg), and 1,173,374 lb (532,233 kg), respectively.

The final rule implementing Amendment 5 to the FMP was published December 17, 1993 (58 FR 65936), and allows two or more states, under mutual agreement and with the concurrence of the Director, Northeast Region, NMFS (Regional Director), to transfer or combine summer flounder commercial quota. The Regional Director is required to consider the criteria set forth in § 625.20(f)(1), in the evaluation of requests for quota transfers or combinations.

Section 625.20(f)(3) further states that a state may not submit a request to transfer or combine quota if a request to which it is a party is pending before the Regional Director. While New York is receiving two transfers from Maryland, the Regional Director considered and approved the first transfer request before the second transfer request was submitted. For efficiency's sake, these two transfers are being filed together.

Maryland has agreed to make two additional transfers of commercial quota to New York. The first is for 30,000 lb (13,608 kg) and the second for 20,000 lb (9,072 kg). The original transfer of 30,000 lb (13,608 kg) was arranged to prevent a state closure and allow federally-permitted vessels to land summer flounder that would otherwise be discarded. Subsequently, landings reports indicated that 30,000 lb (13,608 kg) would not be sufficient to prevent a

closure, and therefore, a second transfer was agreed upon. As a result, NMFS is filing these transfers totalling 50,000 lb (22,680 kg). The Regional Director has determined that the criteria set forth in § 625.20(f)(1) have been met, and publishes this notification of quota transfers. The revised quotas for the calendar year 1995 are: Maryland, 199,551 lb (90,515 kg); and New York, 1,223,374 lb (554,913 kg).

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 625 and is exempt from review under E.O. 12866.

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

Dated: December 12, 1995.

Richard W. Surdi,
*Acting Director, Office of Fisheries
Conservation and Management, National
Marine Fisheries Service.*

[FR Doc. 95-30599 Filed 12-14-95; 2:06 pm]
BILLING CODE 3510-22-F

50 CFR Part 641

[Docket No. 95081020-5286-04; I.D.
082395A]

RIN 0648-AG29

**Reef Fish Fishery of the Gulf of
Mexico; Amendment 11; OMB Control
Numbers**

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement certain provisions of Amendment 11 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). These provisions revise the framework procedure for modifying management measures, restrict the sale/purchase of reef fish harvested from the exclusive economic zone (EEZ) to permitted reef fish vessels/dealers, allow transfer of reef fish permits and fish trap endorsements under specified circumstances, implement a new reef fish permit moratorium, and require charter vessel and headboat permits. In addition, NMFS informs the public of the approval by the Office of Management and Budget (OMB) of the collection-of-information requirement contained in this rule. The intended effects of the final rule are to improve procedures for timely management, relieve restrictions and hardships, and enhance enforceability of the regulations.

EFFECTIVE DATES: The amendments in this rule are effective January 1, 1996, except for the amendments to, or additions of, the following sections, which are effective April 1, 1996: In § 641.4, paragraph (a)(3), the new paragraph (o), and the second amendment of paragraph (a)(4); in § 641.7, paragraphs (g), (r), and (x), (gg), and (jj)(1), and the second amendment of paragraph (bb); § 641.10, paragraphs (b)(4), (b)(6), and (b)(7).

ADDRESSES: Comments regarding the collection-of-information requirement 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, OMB, Washington, DC 20503 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Michael E. Justen or Robert Sadler, 813-570-5305.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf of Mexico is managed under the FMP. The FMP was prepared by the Gulf of Mexico Fishery Management Council (Council) and is implemented through regulations at 50 CFR part 641 under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

Based on a preliminary evaluation of Amendment 11 at the beginning of formal agency review, NMFS disapproved three of its measures after determining that they were inconsistent with the provisions of the Magnuson Act and other applicable law. NMFS published a proposed rule to implement