

regarding the requirement for charter vessel/headboat permits.

At § 641.4(n)(4), the criteria for eligibility to receive a transferred fish trap endorsement is clarified. An owner of a vessel that had qualifying landings for such transfer may obtain by transfer a fish trap endorsement for that vessel even if the owner currently has a fish trap endorsement based on the landings of another vessel.

This final rule removes § 641.24(g). The management measure currently in § 641.24(g) is included in § 641.28(a) in this final rule.

Classification

The Regional Director, Southeast Region, NMFS, determined that Amendment 11 is necessary for the conservation and management of the reef fish fishery of the Gulf of Mexico and that it is consistent with the Magnuson Act and other applicable law, with the exception of those measures that were previously disapproved. (See the proposed rule (60 FR 47341, September 12, 1995) for a discussion of the disapproved measures.)

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

The Council prepared an initial regulatory flexibility analysis (IRFA) as part of its regulatory impact review of Amendment 11. The IRFA described the impacts the proposed rule would have on small entities, if adopted. Those impacts were summarized in the proposed rule. NMFS has adopted the IRFA as a final regulatory flexibility analysis without change.

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 unless that collection of information displays a currently valid OMB control number.

This rule contains a collection-of-information requirement subject to the Paperwork Reduction Act, specifically, applications for charter vessel/headboat permits. This collection has been approved by OMB under OMB control number 0648-0205. The public reporting burden for this collection of information is estimated to average 20 minutes per response. This rule revises the collections of information relating to applications for commercial vessel permits and applications for fish trap endorsements, which are currently approved under OMB control number 0648-0205 and have public reporting burdens estimates of 20 minutes per response, each. The reporting burden

estimates are unchanged. This rule repeats the collection-of-information requirement for dealer permits, which is currently approved under OMB control number 0648-0205 and has a public reporting burden estimate of 5 minutes per response. Each of the above reporting burden estimates includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information. Send comments regarding any of these reporting burden estimates or any other aspects of the collections of information, including suggestions for reducing the burdens, to NMFS and OMB (see ADDRESSES).

The provisions in this final rule that implement a new reef fish permit moratorium must be effective January 1, 1996, immediately following the current permit moratorium. Otherwise, the number of vessels with reef fish permits could increase, thus subverting the intended effects of the new moratorium, as discussed in Amendment 11 and the proposed rule. Accordingly, under section 553(d)(3) of the Administrative Procedure Act (APA), the Assistant Administrator for Fisheries, NOAA (AA), finds for good cause that it is contrary to the public interest to delay for 30 days the effective date of the provisions for a new reef fish permit moratorium.

The provisions in this final rule that allow transfer of reef fish permits and fish trap endorsements relieve restrictions. Accordingly, under section 553(d)(1) of the APA, a 30-day delay in effectiveness of these provisions is not required.

All permitted reef fish dealers and all owners of permitted reef fish vessels were advised in writing on or about December 1, 1995, that the provisions in this final rule that restrict the sale/purchase of reef fish harvested from the EEZ to permitted reef fish vessels/dealers would be implemented on January 1, 1996. Thus, actual notice approximately 30 days prior to effectiveness has been provided to persons affected. In view of the proliferation of effective dates for changes to the reef fish regulations under Amendments 8 and 11, that is, November 24, 1995, and April 1, 1996, under Amendment 8 and January 1 and April 1, 1996, under Amendment 11, avoidance of yet another effective date is highly desirable for ease of understanding and transition to the new management measures for reef fish. Accordingly, under section 553(d)(3) of the APA, the AA finds for good cause that it is contrary to the public interest

to delay for 30 days the effective date of the restrictions on sale/purchase of reef fish harvested from the EEZ.

To allow time for the dissemination, completion, receipt, and processing of applications, and for issuance of permits, NMFS makes the provisions of this final rule requiring charter vessel/headboat permits effective on April 1, 1996.

List of Subjects in 50 CFR Part 641

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: December 7, 1995.

Rolland A. Schmittin,
Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 641 is amended as follows:

PART 641—REEF FISH FISHERY OF THE GULF OF MEXICO

1. The authority citation for part 641 continues to read as follows:

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

2. In § 641.4, paragraphs (o) and (p) are removed; paragraphs (a) and (b), the first sentence of paragraph (f)(1), the first sentence of paragraph (h), and paragraphs (m) and (n) are revised to read as follows. (Note: This amendment supersedes the amendment to § 641.4(a)(2) that was published on November 29, 1995 (60 FR 61207).)

§ 641.4 Permits and fees.

(a) *Applicability*—(1) *Commercial vessel permits*.

(i) As a prerequisite to selling reef fish in or from the EEZ and to be eligible for exemption from the bag limits specified in § 641.24(b) for reef fish in or from the EEZ, an annual commercial vessel permit for reef fish must be issued to the vessel and must be on board. However, see paragraph (m) of this section regarding a moratorium on commercial vessel permits.

(ii) To obtain or renew a commercial vessel permit, the owner or operator of the vessel must have derived more than 50 percent of his or her earned income from commercial fishing, that is, sale of the catch, or from charter or headboat operations during either of the 2 calendar years preceding the application. (See paragraph (m)(3) of this section for a limited exception to this requirement.) For a vessel owned by a corporation or partnership, the earned income requirement must be met by an officer or shareholder of the corporation, a general partner of the partnership, or the vessel operator. A commercial vessel permit issued upon the qualification of