

SUMMARY: This document requests amendments on a petition by Fun Radio Inc., licensee of Station KDXR(FM), Channel 282C, Borger, Texas, proposing the substitution of Channel 282C1 for Channel 282C and modification of its license to specify operation on the Class C1 channel. The substitution can be made from the site specified in the construction permit (BPH-860312IF) at coordinates 35-30-33 and 101-38-54, which is 28.3 kilometers (17.6 miles) southwest of the Borger.

DATES: Comments must be filed on or before December 12, 1988, and reply comments on or before December 27, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: J. Dominic Monahan, Esquire, Peter H. Doyle, Esquire, Dow, Lohnes & Albertson, 1255 23rd Street, NW., Washington, DC 20037 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-492, adopted September 28, 1988, and released October 19, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.
Steve Kaminer,
Deputy Chief, Policy and Rules Division,
Mass Media Bureau.
[FR Doc. 88-24641 Filed 10-24-88; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 646

[Docket No. 81017-8217]

Snapper-Grouper Fishery of the South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.
ACTION: Proposed rule.

SUMMARY: NOAA proposes to implement Amendment 1 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). This proposed rule would prohibit the use of trawl nets in the snapper-grouper fishery in the exclusive economic zone (EEZ) between Cape Hatteras, North Carolina, and Cape Canaveral, Florida. NOAA also proposes to redefine the area south of Povey Rocks Light, Florida, wherein fish traps may not be placed. The intended effect of this proposed rule is to prevent habitat damage and prevent the harvest of undersized fish, thereby ensuring the continued productivity of the snapper-grouper resource, and to clarify the regulations.

DATE: Written comments must be received on or before December 5, 1988.

ADDRESS: Copies of Amendment 1 and documents supporting this action may be obtained from and comments may be sent to: Rodney C. Dalton, Southeast Region, NMFS, 9450 Koger Boulevard, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Rodney C. Dalton, 813-893-3722.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery is managed under the FMP, prepared by the South Atlantic Fishery Management Council (Council), and its implementing regulations at 50 CFR Part 646, under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMP, implemented September 28, 1983 (48 FR 39463, August 3, 1983), addressed growth overfishing of a number of the major species in the fishery and controversy regarding certain harvest techniques. Minimum sizes were established for five of the major species, and limitations were

imposed on the use of poisons, explosives, fish traps, and trawls in the fishery. A prohibition on use of roller trawls was considered in order to address concerns about trawl damage to live-bottom habitat and harvest of very small vermilion snapper. The prohibition was rejected because conclusive evidence of trawl-induced habitat damage was not available at that time. The FMP noted ongoing studies of the effects of trawls on live-bottom habitat and expressed the intent to address this issue via FMP amendment if evidence of significant damage was documented. Information is now available to document habitat damage resulting from use of bottom trawls in live-bottom areas.

Amendment 1 addresses the problems of habitat damage and trawl harvest of undersized fish by prohibiting the use of trawl gear in a directed snapper-grouper fishery between Cape Hatteras, North Carolina, and Cape Canaveral, Florida. A vessel possessing trawl gear and more than 200 pounds of fish in the snapper-grouper fishery (as listed in § 646.2) would be defined as a participant in a directed fishery. It would be a rebuttable presumption that a vessel possessing fish in the snapper-grouper fishery harvested those fish in the EEZ.

In addition to the prohibition of trawl gear, Amendment 1 updates the habitat section of the FMP and incorporates vessel safety considerations into the FMP.

Background

The FMP and supplemental habitat information in Amendment 1 confirm that live-bottom areas, characterized by low to moderate relief and presence of corals, sponges, and other sessile invertebrates, are the primary habitat for the major species in the snapper-grouper fishery. There is a limited amount of this habitat scattered irregularly over the continental shelf north of Cape Canaveral, Florida. The exact extent and distribution of these live-bottom areas is unknown. Current data suggest that 3 to 30 percent of the shelf contains suitable bottom for supporting the snapper-grouper fishery.

Experimental fishing cruises in the 1960's and 1970's established the feasibility of modifying trawls to harvest snapper-grouper species from live-bottom areas. Within the last 10 years, high-rise bottom trawls, often modified with large rollers to allow fishing over low-relief live-bottom areas, have been used to harvest species in the snapper-grouper fishery. Most vessels operating in this trawl fishery are converted shrimp vessels that target snapper-

grouper during the closed season for shrimp, generally January through March or April. The principal fishing areas are the productive live-bottom areas. The number of vessels participating in this seasonal trawl fishery has varied from 21 in 1981 to 2 in 1986; 7 vessels operated in 1987 and 1988.

Initial emergence of the trawl fishery for snapper-grouper species resulted in concerns and complaints from recreational fishermen, environmental groups, and other commercial fishermen regarding damage to live-bottom areas and substantial harvests of extremely small (i.e., six to the pound) vermilion snapper. The Council was concerned about these issues but was unable to address the habitat issue directly, because conclusive evidence of habitat damage was not available at that time. However, a minimum mesh size of 4 inches was implemented in 1984 to minimize the harvest of vermilion snapper less than 12 inches total length. Because small vermilion snapper comprised the majority of the catch in the trawl fishery, most trawl vessels left the fishery soon after the mesh-size requirement became effective. This temporarily mitigated concerns about habitat damage resulting from the trawl fishery. By 1987, the number of trawl vessels began to increase again and concerns about habitat damage reemerged. Based on additional evidence regarding the effects of trawling on live-bottom habitat and the continuing harvest of small vermilion snapper, the Council concluded that the use of trawls in the snapper-grouper fishery should be prohibited.

Evidence of Habitat Damage

The Council reviewed available information regarding effects of trawling on live-bottom habitat. A study conducted off the coast of Georgia analyzed the effects of a single pass of a roller trawl through a hard-bottom, sponge and coral community. Damage to individuals of all target species (i.e., sponges, corals, and octocorals) was observed immediately after trawling. The amount of damage varied according to species, but only barrel sponges exhibited a statistically significant reduction in density. Twelve months after the trawling, regeneration of tissue was sufficient to have rounded-off the tops of partially severed sponges and to have closed wounds on other sponges, but additional growth was limited; as indicated by some of the sponges being obviously shorter than before the trawling damage. The authors stressed, however that this damage resulted from a single pass of the trawls and that

commercial fishing, with repeated trawling of the same area, would probably cause much greater damage to sponge and coral populations. The study further suggests that trawling without rollers, which are designed to allow the trawl to move over low-relief structures, would result in even more serious adverse impacts on bottom communities.

Information from research cruises further documents the effects of trawling on live-bottom habitat. Trawling conducted by a research vessel off the coasts of Georgia and South Carolina resulted in substantial removal of attached invertebrates. During 56 trawl tows made in live-bottom habitat, more than 5,000 pounds of sponges, soft corals, tunicates, bryozoans, and hydroids were collected, resulting in an average removal of over 90 pounds per tow. The scientific paper reporting these results emphasized that these figures only account for the bottom material entirely removed; the additional damage caused by the trawl doors, ground cables, and leg lines could not be determined. Numerous other cruise reports involving bottom trawling reference removal of sponges and corals, as well as damage to trawl gear used in live-bottom areas.

A study conducted in Australia provides an example of the potential long-term effects of bottom trawling in live-bottom habitats. This study compared trawl catches and the condition of bottom habitat in 1966, prior to the development of a commercial bottom trawl fishery, with data collected from the same area and time of year in 1982. Major changes observed were a conversion of areas with dense epibenthos (sponge, corals, hydroids, and gorgonians) to areas with sparse epibenthos and a resulting shift in catch composition from species associated with live-bottom (i.e., reef fishes) to species associated with open, sandy bottom. The data suggested that many species of fish are associated with particular types of bottom topography and invertebrate animals, such as sponges and soft corals. The study concluded that at moderate to low levels of fishing the main effect of trawling on abundance of bottom fishes is by alteration of the frequency and distribution of habitat types.

Based on the above information, the Council concluded that the trawl fishery for snapper-grouper in the South Atlantic is damaging the limited live-bottom habitat and is likely to have an adverse impact on the long-term viability of the snapper-grouper fishery. The Council's Habitat and

Environmental Protection Policy declares the intent of the Council to protect, restore, and develop habitats upon which commercial and recreational marine fisheries depend, to increase their extent, and to improve their productive capacity for the benefit of present and future generations. The Council reviewed all relevant background information and concluded that continued habitat damage by trawl gear poses a significant risk to the long-term productivity of the snapper-grouper resource. Therefore, the Council is proposing to prohibit trawl gear in the snapper-grouper fishery in order to protect and restore habitats upon which commercial and recreational marine fisheries depend, as called for in recent amendments to the Magnuson Act and the Council's Habitat and Environmental Protection Policy.

Harvest of Undersized Vermilion Snapper

Vermilion snapper is one of the major species that is experiencing growth overfishing. The harvest of small vermilion snapper by the trawl fishery was discussed as a major problem in the original FMP. The FMP documented that the trawl fishery produced 83 percent of the commercial vermilion snapper landings in South Carolina and that 91 percent of these fish were significantly smaller than the desired 12-inch length. Numerous reports of substantial landings of trawl-caught vermilion snapper averaging one-sixth of a pound have been documented. Analysis in the FMP indicates that increasing the average size to 12 inches would increase yield by 34 percent.

The 4-inch mesh requirement implemented in September 1984 was designed to achieve a 12-inch average size for vermilion snapper, the principal component of the trawl fishery. The measure was effective initially, and trawl landings of vermilion snapper and the number of trawl vessels in the fishery declined significantly. This temporarily eased concerns about harvest of small fish and trawl damage to live-bottom habitat. However, in 1987 and 1988 the number of trawl vessels began increasing again. Confidential data available to the Council indicate that the 1988 trawl landings of vermilion snapper increased substantially and that the average size of fish was small. This apparent ineffectiveness of the 4-inch mesh requirement could be due to clogging of the meshes or possibly to illegal use of smaller-mesh liners in the trawl. Neither cause could be effectively resolved through enforcement of the existing regulation.

The Council believes that prohibition of the use of trawl gear in this fishery would minimize growth overfishing of vermilion snapper and increase potential yield from that species, in addition to protecting critical habitat. Vermilion snapper are harvested by commercial and recreational fishermen using hook-and-line gear; the average size and value per pound of these fish is consistently greater than that of trawl-caught vermilion snapper. In 1988, the average price per pound of hook-and-line caught vermilion snapper was \$2.20, compared to \$0.83 for trawl-caught fish. The Council has concluded that the losses resulting from prohibiting use of trawls would be exceeded by long-term benefits (i.e., increased yield and value) accruing to other traditional users of this resource.

The trawl prohibition is not applicable to waters north of Cape Hatteras because there is believed to be little, if any, live-bottom in this area due to different environmental and ecological conditions that exist north of Cape Hatteras. This prohibition is not applicable south of Cape Canaveral because fish trawling has not taken place within this area in the past, and the method of enforcing this regulation would unnecessarily impact the shrimp fishery in south Florida.

To provide effective enforcement of the prohibition on trawls in a directed snapper-grouper fishery between Cape Hatteras and Cape Canaveral, this proposed rule considers that a vessel with trawl gear and more than 200 pounds of fish in the snapper-grouper fishery aboard is in a directed snapper-grouper fishery. Further, it would be a rebuttable presumption that a vessel with more than 200 pounds of fish in the snapper-grouper fishery aboard harvested such fish in the EEZ. With this consideration and presumption, the prohibitions on trawls could be enforced dock-side instead of requiring expensive and relatively unavailable at-sea enforcement.

The Council evaluated the potential impacts of the 200-pound criterion on shrimp vessels that may occasionally land snapper-grouper as a result of a minor incidental catch or supplemental hook-and-line fishing. Landings data for North Carolina, South Carolina, and Georgia indicate that shrimp vessels do not land fish in the snapper-grouper fishery in excess of 200 pounds per trip. Information from Florida indicates that, from 1985 to 1987, in 8,396 shrimp trips, there were only three landings of snappers and groupers combined which were 200 pounds or more. The Council concluded that 200 pounds of fish in the

snapper-grouper fishery per trip is a reasonable and realistic indicator of a directed snapper-grouper trawl fishery and is essential to the effectiveness of the management measure.

Catch statistics for North Carolina, South Carolina, and Georgia, supported by life history information on fish in the snapper-grouper fishery, indicate that more than 94 percent of fish in the snapper-grouper fishery are caught in the EEZ. Catch statistics for the east coast of Florida are less conclusive, since they include the entire east coast. North of Cape Canaveral, where the rebuttable presumption applies, a similarly high percentage is applicable. In any case, the catch by a trawler of more than 200 pounds of fish in the snapper-grouper fishery per trip from a State's waters between Cape Hatteras and Cape Canaveral is highly unlikely. The Council concluded that the rebuttable presumption is reasonable and realistic and that it is essential to the effectiveness of the management measure.

To ensure that trawlers surreptitiously targeting on fish in the snapper-grouper fishery cannot avoid detection dock-side by transferring at sea such fish in excess of 200 pounds, this rule proposes to prohibit the transfer at sea of fish in the snapper-grouper fishery from a trawler. Transfers at sea are not a customary practice in the fisheries from Cape Hatteras to Cape Canaveral, and the proposed prohibition of transfers should not cause any change in fishing practices.

Additional Changes

In addition to the regulatory changes associated with Amendment 1, NOAA proposes additional changes to correct and clarify the regulations. The purpose and scope section (§ 646.1) would be modified to express the scope of the regulations in the broadest terms consistent with the FMP. The scope of any general provision or management measure would be specified in that provision or measure. The defined term *Fish in the snapper-grouper species* would be revised to *Fish in the snapper-grouper fishery* to conform to the term used in the regulations. The gear limitations section (§ 646.22) would be reorganized for clarity and to specify the geographic applicability of each limitation. The prohibition on fish traps shoreward of the 100-foot contour south of Fowey Rocks Light, Florida, would be revised to resolve two problems that have arisen in the practical application of the prohibition.

First, there are two charted pockets of water less than 100 feet deep which lie close to, but outside, the continuous 100-

foot contour. In these two areas, it is unclear how the prohibition of placing traps "shoreward" of the 100-foot contour is to be applied. The larger of these areas lies off Sand Key, Florida, just west of the Key West main ship channel. It is 10.2 nautical miles (nm) long, ranges from 0.25 to 0.6 nm wide, and is separated from the continuous 100-foot contour by 0.1 to 0.4 nm. The smaller area is south-southeast of Halfmoon Shoal in the Florida Keys. It is less than 1.0 nm long by 0.2 nm wide and is no more than 0.1 nm from the continuous 100-foot contour.

The second problem results from the lack of a 100-foot contour line on the available chart of the Florida Keys between 82°40' W. and 83°00' W. longitudes. (The FMP and the regulations at 50 CFR Part 646 are not applicable west of 83°00' W. longitude or north of the Florida Keys.) Unlike the Coast Charts (1:80,000 scale) applicable to the rest of the Florida Keys and coastline, National Ocean Service (NOS) chart 11434 shows soundings and contours in fathoms, rather than feet.

To address these problems and clarify the regulations, NOAA proposes to prescribe the line shoreward of which traps may not be placed as the 100-foot contour, shown on NOS charts 11462, 11452, 11442, and 11439, that is closest to the shore and that is continuous along the coast and Florida Keys from off Fowey Rocks Light to 82°40' W. longitude. West of 82°40' W. longitude, traps would be prohibited north of a line running from 24°24.86' N. latitude, 82°40' W. longitude (the western terminus of the charted 100-foot contour) to 24°28.6' N. latitude, 83°00' W. longitude. This line roughly equates to depths of 100 feet, is simple to plot, and terminates at 83°00' W. longitude at the outermost limit of Florida's waters in the Gulf of Mexico off Loggerhead Key.

NOAA considers the proposed specification of the line shoreward of which traps may not be placed, described above, to be the least restrictive of the possible alternatives for addressing the problems. The proposal relieves a restriction, and its effects on fishing practices are expected to be minimal.

NOAA proposes other minor, technical changes to remove redundant language and correct references.

Analysis of Impacts

The prohibition of the use of trawl gear in the directed snapper-grouper fishery between Cape Hatteras and Cape Canaveral is not expected to result in a significant impact on a substantial number of small business entities in the

overall fishery. However, the initial effect on the relatively few vessels engaged in the seasonal trawl fishery may be significant. The number of vessels in the trawl fishery is less than 1 percent of the total number of vessels in the snapper-grouper fishery. The number of trawl vessel speake at 21 in 1980 and 1981; then varied between 14 and 18 from 1982 to 1984; declined to 2 in 1986; and increased to 7 in 1987 and 1988. Landings per vessel are not available, and much of the catch and value data on a State basis are confidential. However, total trawl landings and value peaked in 1981 at approximately 800,000 pounds and \$600,000 and then declined steadily through 1986, when landings and value were less than 50,000 pounds and \$50,000, respectively. Trawl production increased in 1988 to 104,825 pounds and \$87,448, of which 70,061 pounds and \$58,489 were derived from vermilion snapper.

Based on the seven vessels fishing in 1988 and the 1988 catch data, the prohibition would result in each vessel foregoing the harvest of 14,975 pounds of trawl-caught fish valued at \$12,493. As previously noted, the primary source of revenue for these trawl vessels is the shrimp fishery; snapper-grouper trawling is supplemental during the 3 to 4-month closed shrimp season. The percent of total revenue derived from snapper-grouper trawling is not known precisely, but is believed to be relatively small. Further, the Council believes that the losses due to the trawl prohibition can be mitigated by these vessels using alternative gear (e.g., hook-and-line, longline, traps) to catch snapper-grouper species, or by participating in other fisheries, such as the calico scallop or sea scallop fisheries. The Council has concluded that the adverse impacts of the trawling prohibition on the relatively few affected vessels would be substantially exceeded by the benefits resulting from increased yield from the vermilion snapper resource and protection of habitat essential to the long-term viability of the snapper-grouper resource.

Classification

Section 304(a)(1)(D)(ii) of the Magnuson Act, as amended by Pub. L. 99-659, requires the Secretary of Commerce (Secretary) to publish regulations proposed by a Council within 15 days of receipt of an FMP amendment and regulations. At this time, the Secretary has not determined that Amendment 1, which this proposed rule would implement, is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in

making that determination, will take into account the data, views, and comments received during the comment period.

The Under Secretary for Oceans and Atmosphere, NOAA, has initially determined that this proposed rule is not a "major rule" requiring the preparation of a regulatory impact analysis under E.O. 12291. This proposed rule, if adopted, is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Council prepared a regulatory impact review which concludes that this rule will have the economic effects discussed above. A copy of the review may be obtained at the address listed above.

This proposed rule is exempt from the procedures of E.O. 12291 under section 8(a)(2) of that order. It is being reported to the Director, Office of Management and Budget, with an explanation of why it is not possible to follow the procedures of that order.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities for the following reasons. An estimated seven vessels (small entities) used trawls to fish for fish in the snapper-grouper fishery for approximately 3½ months during the last year. Those seven vessels, which would be adversely impacted by this proposed rule, constitute less than 1 percent of the commercial vessels in the snapper-grouper fishery. Those vessels' incomes from trawling for fish in the snapper-grouper fishery constitute a small portion of their total income. They can substitute other gear for trawls to fish for fish in the snapper-grouper fishery or their trawls may be used in other fisheries. As a result, a regulatory flexibility analysis was not prepared.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of North Carolina, South Carolina and Florida. Georgia does not have an approved coastal zone management program. This determination has been submitted for

review by responsible State agencies under Section 307 of the Coastal Zone Management Act.

The Council prepared an environmental assessment (EA) for this amendment that discusses the impact on the environment as a result of this rule. A copy of the EA may be obtained at the address listed above and comments on it are requested.

This proposed rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

List of Subject in 50 CFR Part 646

Fisheries, Fishing.

Dated: October 20, 1988.

William Matuszeski,
Executive Director.

For reasons set forth in the preamble, 50 CFR Part 646 is proposed to be amended as follows:

PART 646—SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC

1. The authority citation for Part 646 continues to read as follows:

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

2. In § 646.1, paragraph (b) is revised to read as follows:

§ 646.1 Purpose and scope.

* * * * *

(b) This part governs conservation and management of fish in the snapper-grouper fishery in the South Atlantic EEZ.

§ 646.2 [Amended]

3. In § 646.2, in the definition for *Black sea bass trap*, the phrase "fishes in the management unit" is removed and the phrase "fish in the snapper-grouper fishery" is added in its place; and in the term *Fish in the snapper-grouper species*, the word *species* is removed and the work *fishery* is added in its place.

§ 646.4 [Amended]

4. In § 646.4, in the first sentence, the phrase "for YPR analysis" is removed; and in the second sentence, the opening work "Those" is removed and the word "fishermen" is capitalized.

5. In § 646.6, in paragraph (b) the reference to "§ 646.20" is revised to read "§ 646.20(a)"; in paragraph (k) the reference to "§ 646.22(b)(5)" is revised to read "§ 646.22(b)(4)"; paragraphs (h) and (i) are revised and new paragraphs (o) and (p) are added to read as follows:

§ 646.6 Prohibitions.

* * * * *

(h) Fish with explosives or poisons, as specified in § 646.22(a).

(i) Fish with a fish trap, except as specified in § 646.22(b).

* * * * *

(o) Use trawl gear in a directed snapper-grouper fishery in the EEZ between Cape Hatteras, North Carolina, and Cape Canaveral, Florida, as specified in § 646.22(c)(1).

(p) Transfer at sea any fish in the snapper-grouper fishery from a vessel with trawl gear aboard to another vessel, or receive at sea any such fish, as specified in § 646.22(c)(2) and (3).

6. Section 646.22 is revised to read as follows:

§ 646.22 Gear limitations.

(a) *Explosives and poisons.* (1) Explosives (except explosives in powerheads) may not be used in the EEZ to fish for fish in the snapper-grouper fishery.

(2) Poisons may not be used in the EEZ to fish for fish in the snapper-grouper fishery except as authorized by permit under State or Federal law.

(b) *Fish traps.* (1) A fish trap in the EEZ is required to have on at least one side, excluding top and bottom, a panel or door with an opening equal to or larger than the interior axis of the trap's throat (funnel). The panel or door fasteners or hinges must be made of one of the following degradable materials:

(i) Untreated hemp, jute, or cotton string of 3/16-inch diameter or smaller;

(ii) Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners; or

(iii) Ungalvanized or uncoated iron wire of 0.062-inch diameter or smaller.

(2) A fish trap in the EEZ must meet all of the following mesh-size requirements (examples of fish trap mesh configurations which meet the minimum requirements are shown in Figure 1):

(i) Two square inch minimum open mesh area;

(ii) One inch minimum length for shortest side;

(iii) Minimum distance of 1 inch between parallel sides of rectangular openings, and one and one-half (1.5) inches between parallel sides of mesh openings with more than four sides; and

(iv) One and nine tenths (1.9) inches minimum distance for diagonal measurement.

(3) A fish trap may not be placed in the South Atlantic EEZ south and west of 25°35.5' N. latitude (off Fowey Rocks Light, Florida) to 80°40' W. longitude shoreward of the 100-foot contour that is closest to the shore and continuous along the coast and Florida Keys, as shown on the latest editions of National Ocean Service charts 11462, 11452, 11442, and 11439. West of 80°40' W. longitude, traps may not be placed in the South Atlantic EEZ north of a line connecting 24°24.86' N. latitude, 82°40' W. longitude and 24°28.6' N. latitude,

83°00' W. longitude. A fish trap so placed will be considered unclaimed or abandoned property and may be disposed of in any appropriate manner by the Secretary (including an authorized officer).

(4) A buoy line attached to a fish trap possessed or fished shoreward of the outer boundary of the EEZ and south of 25°35.5' N. latitude must be a minimum of 125 feet in length.

(c) *Trawl gear.* (1) In the EEZ between Cape Hatteras, North Carolina (35°15' N. latitude) and Cape Canaveral, Florida (28°35.1' N. latitude—due east of the NASA Vehicle Assembly Building), the use of trawl gear in a directed snapper-grouper fishery is prohibited. A vessel with trawl gear and more than 200 pounds of fish in the snapper-grouper fishery. It is a rebuttable presumption that a vessel with more than 200 pounds of fish in the snapper-grouper fishery aboard harvested such fish in the EEZ.

(2) A vessel with trawl gear aboard may not transfer at sea any fish in the snapper-grouper fishery—

(i) Taken in the EEZ between Cape Hatteras and Cape Canaveral; or

(ii) In the EES between Cape Hatteras and Cape Canaveral, regardless of where such fish were taken.

(3) No vessel may receive at sea any fish in the snapper-grouper fishery from a vessel with trawl gear aboard, as specified in paragraph (c)(2) (i) and (ii) of this section.

[FR Doc. 88-24659 Filed 10-20-88; 4:43 pm]
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Corrections

Federal Register

Vol. 53, No. 215

Monday, November 7, 1988

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

Food and Agricultural Sciences National Needs Graduate Fellowships Grants Program; Solicitation of Graduate Fellowships Grants Proposals

Correction

In notice document 88-24373 beginning on page 41391 in the issue of Friday, October 21, 1988, make the following corrections:

1. On page 41391, in the second column, in the third line from the bottom, "\$48,00" should read "\$48,000".
2. On the same page, in the third column, in the tenth line from the top, "\$1,00" should read "\$1,000".

BILLING CODE 1505-01-DS4734

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments; Pennsylvania State University et al.

Correction

In notice document 88-24876 beginning on page 43462 in the issue of Thursday, October 27, 1988, make the following corrections:

1. On page 43462, in the third column, in the seventh line, "Commission" should read "Commissioner".
2. On page 43463, in the first column, in the tenth line from the bottom, "Joel" should read "JEOL".
3. On the same page, in the third column, in the second paragraph, in the fourth line, "Intended Use" should read "Instrument" and in the seventh line, "Instrument" should read "Intended Use".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments; University of Dallas et al.

Correction

In notice document 88-24877 beginning on page 43464 in the issue of Thursday, October 27, 1988, make the following corrections:

1. On page 43464, in the third column, in the last paragraph, in the third line, "Instrument" should read "Institute".
2. On page 43465, in the first column, in the 15th line from the bottom, "Commission" should read "Commissioner".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 646

[Docket No. 81017-8217]

Snapper-Grouper Fishery of the South Atlantic

Correction

In proposed rule document 88-24659 beginning on page 42985 in the issue of Tuesday, October 25, 1988, make the following corrections:

1. On page 42985, in the second column, in the 6th and 7th lines from the bottom, the date "August 3, 1983" should read "August 31, 1983".

§ 646.2 [Corrected]

2. On page 42988, in the third column, under § 646.2, in the eighth line, "work" should read "word".

§ 646.4 [Corrected]

3. On the same page, in the same column, under § 646.4, in the fourth line, "work" should read "word".

§ 646.22 [Corrected]

4. On page 42989, in the third column, under § 646.22(c)(1), the 10th line should read "fishery aboard is considered to be in a directed snapper-grouper fishery. It is a rebuttable presumption".

5. On the same page, in the same column, under § 646.22(c)(2)(ii), in the first line, "EES" should read "EEZ".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

Northeast Multispecies Fishery

Correction

In proposed rule document 88-23402 beginning on page 39627 in the issue of Tuesday, October 11, 1988, make the following correction:

- On page 39628, in the third column, in the first complete paragraph, in the fourth line, "years" should read "days".

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DEPARTMENT OF DEFENSE

48 CFR Parts 227 and 252

Federal Acquisition Regulation Supplement; Patents, Data, and Copyrights

Correction

In rule document 88-24416 beginning on page 43698 in the issue of Friday, October 28, 1988, make the following correction:

- On page 43698, in the second column, under **DATES**, the second paragraph should read: *Comments:* Comments on the interim rule should be submitted to the address shown below no later than November 28, 1988.

BILLING CODE 1505-01-D

DEPARTMENT OF EDUCATION

Education Appeal Board

Correction

In notice document 88-19488 beginning on page 32643 in the issue of Friday, August 26, 1988, make the following corrections:

1. On page 32643, in the second column, under **FOR FURTHER INFORMATION CONTACT**, in the fourth line, the ZIP code "20202" should read "20202-3724" and, in the fifth line, the