

species permit requirements in 50 CFR part 222, apply to the application, issuance, modification, revocation, suspension, and amendment of an incidental take permit for threatened, as well as for endangered sea turtles.

Classification

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

This rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA). This requirement has been approved previously by the Office of Management and Budget (OMB) (OMB Control Number 0648-0230). The reporting burden for this collection is estimated to average approximately 80 hours for permit applications, 0.5 hours for certificate of inclusion applications and 0.5 hours for reports. These estimates include the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these burden estimates or any other aspect of this collection of information, including suggestions for reducing this burden, to the National Marine Fisheries Service (F/PR), 1315 East-West Highway, Silver Spring, MD 20910, and to the Office of Information and Regulatory Affairs, OMB, Washington, D.C. 20503 (Attn: PRA Project 0648-0230).

The General Counsel of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this final rule will not have significant economic impact on a substantial number of small entities because the final rule establishes a discretionary permitting procedure that will, by itself, have no economic impact. As a result, a regulatory flexibility analysis was not prepared.

The AA prepared an EA for the proposed rule that concludes that the rule would have no significant impact on the human environment. A copy of the EA is available (see ADDRESSES) and comments on it are requested.

List of Subjects in 50 CFR Part 227

Endangered and threatened species, Exports, Imports, Marine mammals, Transportation.

Dated: February 10, 1995.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 227 is amended as follows:

PART 227—THREATENED FISH AND WILDLIFE

1. The authority citation for part 227 continues to read as follows:

Authority: 16 U.S.C. 1531 *et seq.*

2. In § 227.72, paragraph (e)(1) introductory text is revised and paragraph (e)(7) is added to read as follows:

§ 227.72 Exceptions to prohibitions.

* * * * *

(e) * * * (1) *General.* The prohibitions against taking in § 227.71(a) do not apply to the incidental take of any member of any species of sea turtle listed in § 227.4 (i.e., a take not directed toward such member) during fishing or scientific research activities, to the extent that those involved are in compliance with the requirements of paragraphs (e)(1), (2), (3), and (6) of this section, or in compliance with the terms and conditions of an incidental take permit issued pursuant to paragraph (e)(7) of this section.

* * * * *

(7) *Incidental-take permits.* The Assistant Administrator may issue permits authorizing activities that would otherwise be prohibited in § 227.71(a) of this chapter in accordance with section 10(a)(1)(B) of the Act (16 U.S.C. 1539(a)(1)(B)), and in accordance with, and subject to, the provisions of parts 220 and 222 of this chapter. Such permits may be issued for the incidental taking of both endangered and threatened species of sea turtles. This section supersedes restrictions on the scope of parts 220 and 222, including, but not limited to, the restrictions specified in §§ 220.3, 222.1, 222.2(a) and 222.22(a).

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50 CFR Part 625

[Docket No. 950206038-5038-01; I.D. #103194A]

RIN 0648-XX04

Summer Flounder Fishery; Final Specifications for 1995

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

ACTION: Final specifications for the 1995 summer flounder fishery.

SUMMARY: NMFS issues the final specifications for the 1995 summer flounder fishery, which include

commercial catch quotas and mesh size requirements. The intent of this document is to comply with implementing regulations for the fishery that require NMFS to publish measures for the upcoming fishing year that will prevent overfishing of the summer flounder resource. In order to comply with an Order issued by the U.S. District Court for the Eastern District of Virginia, this document adds 3.05 million lb (1.4 million kg) to the final commercial catch quota established under the implementing regulations.

EFFECTIVE DATE: February 10, 1995.

ADDRESSES: Copies of the Environmental Assessment and supporting documents used by the Monitoring Committee are available from: Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 S. New Street, Dover, DE 19901-6790.

FOR FURTHER INFORMATION CONTACT: Hannah Goodale, 508-281-9101.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Summer Flounder Fishery (FMP) was developed jointly by the Atlantic States Marine Fisheries Commission (ASMFC) and the Mid-Atlantic Fishery Management Council (Council) in consultation with the New England and South Atlantic Fishery Management Councils. The management unit for the FMP is summer flounder (*Paralichthys dentatus*) in U.S. waters of the Atlantic Ocean from the southern border of North Carolina northward to the Canadian border. Implementing regulations for the fishery are found at 50 CFR part 625.

Section 625.20 specifies the process for setting annual management measures for the summer flounder fishery. Pursuant to § 625.20, the Director, Northeast Region, NMFS, implements certain measures for the fishing year to ensure achievement of the appropriate fishing mortality rate. These measures include the following, which, with the exception of measure (1) below, are unchanged from the proposed 1995 specifications that were published in the **Federal Register** on December 2, 1994 (59 FR 61864); note that all quota figures are rounded for the convenience of the reader: (1) A coastwide commercial quota of 14.7 million lb (6.7 million kg); (2) a coastwide recreational harvest limit of 7.8 million lb (3.5 million kg); (3) no change from the present minimum commercial fish size of 13 inches (33 cm); and (4) no change in the present minimum mesh restriction of 5.5-inch (14.0 cm) diamond or 6-inch (15.2 cm) square.