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SUPPLEMENTARY INFORMATION: The shrimp fishery of the Gulf of Mexico is managed under the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council (Council) and was approved and implemented by NMFS, under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), through regulations at 50 CFR part 622.

In response to a request from the Council, NMFS published an interim rule (65 FR 56500, September 19, 2000), under section 305(c)(1) of the Magnuson-Stevens Act, that prohibits the use of trap gear in the royal red shrimp fishery within the EEZ of the Gulf of Mexico. This action was, and remains, necessary to prevent gear conflict and overfishing in the royal red shrimp fishery.

Under section 305(c)(3)(B) of the Magnuson-Stevens Act, NMFS may extend the effectiveness of an emergency interim rule for one additional period of 180 days, provided the public has had an opportunity to comment on the rule and the Council is actively preparing an FMP amendment to address the emergency on a permanent basis. NMFS solicited comments on the initial emergency rule; no public comments were received. The Council recently adopted final measures for FMP Amendment 11 that would address gear conflicts in the royal red shrimp fishery and overfishing of the royal red shrimp resource. If approved and implemented by NMFS, those measures would replace this emergency interim rule. The effectiveness of the initial emergency interim rule is being extended because the potential for gear conflicts and overfishing remain, and action to address these issues through Amendment 11 cannot be taken by March 18, 2001.

Additional details concerning the basis for emergency action to prohibit the use of trap gear in the royal red shrimp fishery are contained in the preamble to the initial emergency interim rule and are not repeated here.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that the extension of this emergency

interim rule is necessary to prevent gear conflict and overfishing in the royal red shrimp fishery. The AA has also determined that this rule is consistent with the Magnuson-Stevens Act and other applicable laws.

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

NMFS prepared an economic evaluation of the regulatory impacts associated with the emergency interim rule that is summarized as follows.

Currently, trap gear is not an authorized gear in the royal red shrimp fishery in the Gulf of Mexico. Trap gear is not on the list of authorized fishing gear for this fishery (see 50 CFR 600.725) and, therefore, is not allowed. However, consistent with the guidelines contained in 50 CFR 600.725, an individual fisherman may notify the Council of the intent to use a gear not on the list. Ninety days after such notification, the individual may use the gear unless regulatory action is taken to prohibit the use of such gear. The Council was notified on June 16, 2000, of an intent to use trap gear in the royal red fishery. This emergency interim rule is designed to maintain the status quo in the fishery until such time as the Council can prepare and submit to NMFS for review and approval FMP Amendment 11 that would prohibit the use of trap gear in the royal red shrimp fishery on a permanent basis. Because the emergency interim rule is designed to maintain the status quo situation where trap gear is not authorized in the royal red shrimp fishery, there are no economic consequences to the current participants in the fishery.

Copies of the economic evaluation are available (see **ADDRESSES**).

This extension of the interim rule will help to ensure avoidance of gear conflict and overfishing in the royal red shrimp fishery until a more permanent regulatory solution can be implemented. This extension of the emergency interim rule does not impose new or additional restrictions, rather, it maintains the status quo condition regarding allowable gear in the royal red shrimp fishery (i.e., trap gear is not allowed). Accordingly, under authority set forth at 5 U.S.C. 553(b)(B), the AA finds that these reasons constitute good cause to waive the requirement to provide prior notice and the opportunity for prior public comment, as such procedures would be contrary to the public interest. For these same reasons, under 5 U.S.C. 553(d)(3), the AA finds for good cause that a delay in the effective date of this emergency interim rule would be contrary to the public interest.

Because prior notice and an opportunity for public comment are not required to be provided for this emergency interim rule by 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

The President has directed Federal agencies to use plain language in their communications with the public, including regulations. To comply with this directive, we seek public comment on any ambiguity or unnecessary complexity arising from the language used in this emergency interim rule. Comments should be sent to the Southeast Regional Office (see **ADDRESSES**).

Dated: March 6, 2001.

William T. Hogarth

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

[FR Doc. 01-6351 Filed 3-13-01; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 010112013-1013-01; I.D. 030801B]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Mothership Component in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the mothership component in the Steller sea lion conservation area (SCA) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary because the A season limit of pollock total allowable catch (TAC) specified to the mothership component for harvest within the SCA has been reached.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 9, 2001, until 1200 hrs, A.l.t., April 1, 2001.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the

BSAI exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The amount of the 2001 A season limit of pollock TAC specified to the mothership component for harvest within the SCA was established as 14,607 metric tons by the Final 2001 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska (66 FR 7276, January 22, 2001).

In accordance with § 679.22(a)(11)(iv)(A)&(C) the Administrator, Alaska Region, NMFS, has determined that the A season limit of pollock TAC allocated to the

mothership component for harvest within the SCA has been reached. Consequently, in accordance with § 679.22(a)(11)(iv)(D), NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the mothership component within the SCA in the BSAI.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action to prevent exceeding the amount of the 2001 A season limit of pollock TAC specified to the mothership component for harvest within the SCA constitutes good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set

forth at 5 U.S.C. 553(b)(3)(B) and 50 CFR 679.20(b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly, the need to implement these measures in a timely fashion to prevent exceeding the 2001 A season limit of pollock total allowable catch specified to the mothership component for harvest within the SCA constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.22 and is exempt from review under Executive Order 12866.

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

Dated: March 9, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 01-6345 Filed 3-9-01; 2:50 pm]

BILLING CODE 3510-22-S