

that the vermilion snapper resource, while not currently overfished, is undergoing overfishing based on decreasing trends in overall catch, mean size of individual fish, catch-per-unit-effort, and estimated numbers of age-1 fish in the population. The Council recommended implementation of the minimum size limit increase as an interim measure to help reduce overfishing in the short term and mitigate the need for more severe vermilion snapper management measures to reduce fishing mortality in the future. The 10-inch minimum size limit would reduce fishing mortality, increase yield per recruit, increase the vermilion snapper spawning potential ratio, and thereby improve the status of the resource while the Council develops corrective, long-term action (i.e., through FMP amendment).

The RFSAP suggested that a 10-inch minimum size limit would be an effective intermediate measure until a new stock assessment and additional analysis could be completed. The Council, in its discussion of the interim rule request, recognized that additional management measures may be needed to prevent overfishing on a long-term basis.

The NMFS Southeast Fisheries Science Center has determined that the Council's request is based on the best available scientific information. Given the determination of overfishing, this request for an interim measure is consistent with section 305(c) of the Magnuson-Stevens Act.

NMFS concurs with the Council's finding regarding the need to reduce overfishing of vermilion snapper in the Gulf of Mexico and the need for immediate regulatory action. Accordingly, NMFS issues this interim rule, effective for 180 days, as authorized by section 305(c) of the Magnuson-Stevens Act. This interim rule may be extended for an additional 180 days provided that the public has had an opportunity to comment on the interim rule and, at the time of extension, the Council is actively preparing a plan amendment or proposed regulations to address the overfishing on a permanent basis. Public comments on this interim rule will be considered in determining whether to maintain or extend this rule to address overfishing of vermilion snapper. Responses to comments will be provided if the interim rule is revoked, modified, or extended.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that this rule is necessary to reduce

overfishing of vermilion snapper in the Gulf of Mexico and is consistent with the Magnuson-Stevens Act and other applicable laws.

A delay in action to reduce overfishing increases the likelihood of a loss of long-term productivity of vermilion snapper in the Gulf of Mexico and increases the probable need for more severe restrictions in the future. The public is aware of this increased minimum size limit and has had an initial opportunity to comment on it at Council meetings and at hearings conducted on Amendment 15. Accordingly, pursuant to 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. Similarly, the need to implement these measures in a timely manner to address the overfishing of vermilion snapper constitutes good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness. However, to provide sufficient notification of the increased minimum size limit for vermilion snapper, particularly to vessels that may be at sea, NMFS makes this rule effective September 14, 1997.

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

Because prior notice and an opportunity for public comment are not required to be provided for this rule by 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.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: September 5, 1997.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

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

2. In § 622.37, paragraph (d)(1) is revised and paragraph (d)(6) is added to read as follows:

§ 622.37 Minimum sizes.

* * * * *

(d) *Gulf reef fish.* (1) Black sea bass and lane snapper—8 inches (20.3 cm), TL.

* * * * *

(6) Vermilion snapper—10 inches (25.4 cm), TL.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 970903225-7225-01; I.D. 081297G]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico

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

ACTION: Final rule, technical amendment.

SUMMARY: NMFS issues this final rule to correct two of the coordinates that specify the boundary of the Tortugas shrimp sanctuary and to redesignate a paragraph of the regulations pertaining to the sanctuary.

DATES: Effective on September 11, 1997.

FOR FURTHER INFORMATION CONTACT: W. Perry Allen, 813-570-5326.

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 and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act by regulations at 50 CFR part 622.

Under the FMP, the Tortugas shrimp sanctuary has been closed to trawling since 1981. Three small areas are excepted from that closure for specified periods of the year. The current regulations on the Tortugas shrimp sanctuary incorrectly state one latitude and one longitude in the list of coordinates that make up the sanctuary. In addition, a paragraph specifying one of the exceptions to the closure is incorrectly designated. These errors were introduced into the regulations when the regulations on the shrimp fishery, previously contained in 50 CFR

part 658, were consolidated with ten other parts into one part, part 622, covering fisheries of the Caribbean, Gulf of Mexico, and South Atlantic (61 FR 34930, July 3, 1996).

Classification

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

The Assistant Administrator for Fisheries (AA), NOAA, under 5 U.S.C. 553 (b)(B), for good cause, finds that providing prior notice and an opportunity for public comment on this rule is unnecessary. Since this rule merely corrects long established boundary coordinates that were incorrectly listed in a recent regulatory consolidation, providing prior notice and opportunity for public comment would serve no useful purpose. Similarly, the AA, under 5 U.S.C. 553 (d)(3), for good cause, finds that delaying the effective date of this correction for 30 days is unnecessary. The boundaries of the sanctuary have been long established and respected by the fishery participants.

Because prior notice and opportunity for public comment is not required for this 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.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: September 5, 1997.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

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

§ 622.34 [Amended]

2. In § 622.34(i), in paragraph (1), in the list of coordinates, the North Lat. for Point F is revised to read "24°50.7'" and the West Long. for Point P is revised to read "82°08.0'"; and paragraph (i)(3) is redesignated as paragraph (i)(2)(iii). [FR Doc. 97-24164 Filed 9-10-97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 961210346-7035-02; I.D. 090897B]

Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Connecticut

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

ACTION: Commercial quota harvest.

SUMMARY: NMFS announces that the summer flounder commercial quota available to the State of Connecticut has been harvested. Vessels issued a commercial Federal fisheries permit for the summer flounder fishery may not land summer flounder in Connecticut for the remainder of calendar year 1997, unless additional quota becomes available through a transfer. Regulations governing the summer flounder fishery require publication of this notice to advise the State of Connecticut that the quota has been harvested and to advise vessel and dealer permit holders that no commercial quota is available for landing summer flounder in Connecticut.

DATES: Effective September 9, 1997, through December 31, 1997.

FOR FURTHER INFORMATION CONTACT: Lucille L. Helvenston, Fishery Management Specialist, 508-281-9347.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the states from North Carolina through Maine. The process to set the annual commercial quota and the percentage allocated to each state are described in § 648.100.

The initial total commercial quota for summer flounder for the 1997 calendar year was set equal to 11,111,298 lb (5,040,000 kg) (March 7, 1997, 62 FR 10473). The percentage allocated to vessels landing summer flounder in Connecticut is 2.25708 percent, or 250,791 lb (113,767 kg).

Section 648.100(d)(2) stipulates that any overages of commercial quota landed in any state be deducted from that state's annual quota for the following year. In the calendar year 1996, a total of 278,776 lb (126,451 kg) were landed in Connecticut. The amount allocated for Connecticut

landings in 1996 was 250,791 lb (113,757 kg), creating a 27,985 lb (12,694 kg) overage that was deducted from the amount allocated for landings in that state during 1997 (March 7, 1997, 62 FR 10474). The resulting 1997 quota for Connecticut is 222,806 lb (101,063 kg).

Section 648.101(b) requires the Administrator, Northeast Region, NMFS (Regional Administrator), to monitor state commercial quotas and to determine when a state commercial quota is harvested. The Regional Administrator is further required to publish a notice in the **Federal Register** advising a state and notifying Federal vessel and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available for landing summer flounder in that state. Because the available information indicates that the State of Connecticut has attained its quota for 1997, the Regional Administrator has determined based on dealer reports and other available information, that the State's commercial quota has been harvested.

The regulations at § 648.4(b) provide that Federal permit holders agree as a condition of the permit not to land summer flounder in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, September 9, 1997, further landings of summer flounder in Connecticut by vessels holding commercial Federal fisheries permits are prohibited for the remainder of the 1997 calendar year, unless additional quota becomes available through a transfer and is announced in the **Federal Register**. Effective the date above, federally permitted dealers are also advised that they may not purchase summer flounder from federally permitted vessels that land in Connecticut for the remainder of the calendar year, or until additional quota becomes available through a transfer.

Classification

This action is required by 50 CFR part 648 and is exempt from review under E.O. 12286.

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

Dated: September 9, 1997.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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