rule specifies among other things, that allowable bycatch species have been added to the exempted fisheries as defined in the existing emergency interim rule, that a bycatch fishery for longhorn sculpin will be allowed in the Northern Shrimp Exemption Area, and that transitting through closed areas established by the existing emergency interim rule will be allowed for vessels seeking safe haven.

EFFECTIVE DATE: January 10, 1995, through March 12, 1995.

FOR FURTHER INFORMATION CONTACT: Susan A. Murphy, NMFS, Fishery Policy Analyst, 508-281-9252 or Bridgette S. Davidson, NMFS, Fishery Management Specialist, 508-281-9347.

SUPPLEMENTARY INFORMATION: The New **England Fishery Management Council** (Council) submitted Amendment 5 to the Northeast Multispecies Fishery Management Plan on

September 27, 1993. Amendment 5, with some exceptions, was approved on January 3, 1994. The final rule for Amendment 5 was published, and effective for the most part, on March 1, 1994 (59 FR 9872). On December 12, 1994, an emergency interim rule was published (59 FR 63926), and became effective. This action makes several modifications or clarifications to the December 12 emergency interim rule.

Section 651.20(a)(8) and (9) are revised to clarify that transit is allowed through the Stellwagen Bank/Jeffreys Ledge (SB/JL) juvenile protection area, if nets that are not of proper configuration for trawling in this area are properly stowed. Net stowage requirements at § 651.20(c)(7) are revised to incorporate the SB/JL juvenile protection area transit provision.

Provisions at § 651.21(d)(1)(ii) and (d)(3)(ii) are modified to include, in Closed Area I and the Nantucket Lightship Closed Area, entry of vessels seeking safe haven from storm conditions. These sections are modified due to safety concerns.

Section 651.21(d)(2)(ii) is revised to include a reference to §651.21(d)(1)(iii), which will define the stowage provision for scallop dredge gear. This definition of a stowed scallop dredge is added due to the inability of scallop dredge gear to be stowed in compliance with the net stowage requirements specified under § 651.21(c)(7)

Sections 651.20(a)(7)(i) and (iii) are revised to clarify that in the Northern Shrimp Exemption Area, a vessel fishing for northern shrimp may direct its fishing effort on northern shrimp only and may not possess or retain any other species with the exception of an allowable bycatch of longhorn sculpin.

Sections 651.20(c)(6)(ii) and (d)(5)(ii) are revised to specify additional bycatch species allowed to be retained in the exempted fisheries as defined by the December 12 emergency interim rule. The bycatch species allowed under this amendment meet the same criteria as those bycatch species allowed under the December 12 emergency interim rule. These species were not raised as potential bycatch species in time to be considered for the December 12 emergency interim rule. Specifically, these species are caught incidentally to the exempted fisheries as defined by the December 12 emergency interim rule. It is unlikely that there would be an incentive to direct on these bycatch species, or if a vessel did direct on them, it is unlikely that they would catch regulated multispecies. This addition preserves the original intent of the requirement without overly burdening the industry or creating unnecessary discards.

This action also adds scientific names for the other allowable bycatch to help in species identification.

All exempted small-mesh fisheries and species which are caught incidentally to them, are subject to any applicable fishery management plans and their implementing regulations contained within Title 50, CFR.

Classification

This emergency interim rule amends an existing emergency interim rule, for the remainder of its short duration, for safety considerations and to clarify an exemption to the existing emergency interim rule. Given the limited time of these rules' applicability and that these modifications serve to refine and broaden an existing exemption, prior notice and opportunity for public comment would be impracticable and unnecessary. As such, good cause exists to waive these requirements pursuant to authority at 5 U.S.C. section 553(b)(B). Further, because this emergency interim rule relieves a regulatory restriction and amends an existing rule for safety concerns there is good cause under 5 U.S.C. sections 553(d)(1) and (3) to waive the 30-day delay in effective date.

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

List of Subjects in 50 CFR Part 651

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: January 10, 1995.

Charles Karnella,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 651 is amended as follows:

PART 651—NORTHEAST **MULTISPECIES FISHERY**

1. The authority citation for part 651 continues to read as follows:

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

2. In §651.9, paragraph (e)(36), which was temporarily added at 59 FR 63929, December 12, 1994, effective December 12, 1994, through March 12, 1995, is temporarily revised, effective January 10, 1995, through March 12, 1995, to read as follows. On March 12, 1995, § 651.9(e)(36) will expire.

§651.9 Prohibitions.

(e) * * *

(36) Fish with or possess within the areas described in

§ 651.20(a)(1) nets of mesh smaller than the minimum size specified in § 651.20(a)(6), unless the vessel is exempted under § 651.20(a)(7), (a)(9), (e) or (f), or unless the vessel qualifies for the exception specified in paragraph (e)(1)(ii) of this section.

3. In § 651.20, paragraphs (a)(7)(i), (a)(7)(iii), (a)(8) introductory text, (a)(9), (c)(6)(ii), (c)(7) introductory text, and (d)(5)(ii), which were temporarily added at 59 FR 63929, December 12, 1994, effective December 12, 1994, through March 12, 1995, are temporarily revised, effective January 10, 1995, through March 12, 1995, to read as follows. On March 12, 1995, § 651.20(a)(7)(i), (a)(7)(iii), (a)(8) introductory text, (a)(9), (c)(6)(ii), (c)(7) introductory text and (d)(5) will expire.

§651.20 Regulated mesh areas and restrictions on gear and methods of fishing.

(a) * * * (7) * * *

(i) Possession limit. A vessel fishing

under this exemption may not fish for, possess on board or land any species of fish other than shrimp. However, vessels may retain longhorn sculpin (Myoxocephalus octodecimspinosus) as an allowable bycatch species in the Northern Shrimp Exemption Area as described in this section.

(iii) A vessel may only fish for or harvest northern shrimp, with the exception that a vessel may retain longhorn sculpin as an allowable bycatch species, during the northern