

guidelines for the use of emergency rules as published on January 6, 1992 (57 FR 375). The situation: (1) Results from recent, unforeseen events or recently discovered circumstances; (2) presents a serious management problem; and (3) can be adequately handled only by an emergency rule for which the immediate benefits would outweigh the value of advance notice, public comment, and deliberative consideration provided under the normal FMP amendment and rulemaking process. The basis for the conclusions regarding these emergency guidelines is summarized above.

NMFS concurs with the Council's findings about the biological emergency and the need for immediate regulatory action. Accordingly, NMFS publishes this emergency interim rule, effective initially for 90 days, as authorized by section 305(c) of the Magnuson Act. By agreement of NMFS and the Council, this emergency interim rule may be extended for an additional period of 90 days.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that this rule is necessary to respond to an emergency situation and is consistent with the Magnuson Act and other applicable law.

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

The AA finds that the immediate need to commence the necessary data collection on the sex ratio of gag during the current spawning season constitutes good cause to waive the requirement to provide prior notice and an opportunity for public comment, pursuant to authority set forth at 5 U.S.C. 553(b)(B), as such procedures would be contrary to the public interest. Similarly, the need to implement these measures in a timely manner to address the biological emergency described above constitutes good cause, under authority contained in 5 U.S.C. 553(d)(3), to waive the 30-day delay in effective date.

List of Subjects in 50 CFR Part 646

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: January 10, 1995.

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National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 646 is amended, effective January 18, 1995 through April 18, 1995, as follows:

PART 646—SNAPPER-GROUPER FISHERY OFF THE SOUTHERN ATLANTIC STATES

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

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

2. In § 646.7, paragraph (zz) is added to read as follows:

§ 646.7 Prohibitions.

* * * * *

(zz) Fail to maintain gag in a whole condition, as specified in § 646.21(b)(3).

3. In § 646.21, paragraph (b)(3) is added to read as follows:

§ 646.21 Harvest limitations.

* * * * *

(b) * * *

(3) The provisions of paragraph (b)(1) of this section notwithstanding, the owner or operator of a vessel for which a permit for snapper-grouper, excluding wreckfish, has been issued, as required by § 646.4(a)(1), and that is selected in writing by the Science and Research Director, must maintain gag in a whole condition, that is, not eviscerated, through off-loading and after off-loading for such time as will provide a reasonable opportunity for the Science and Research Director to collect biological samples.

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