

additional fatal takings of listed sea turtles. In addition, good cause exists because NMFS has addressed comments or similar provisions in the proposed rule in the context of this temporary action.

Pursuant to section 553(d) of the APA, the AA finds there is good cause to waive the 30-day delay in effective date. In addition to the immediate need to protect listed sea turtles, these restrictions are expected to impose only a minor burden on shrimp fishers. The predominant TED designs in use in the affected area are single-grid hard TEDs, which will not require any modifications. Trawlers equipped with only soft TEDs may be required to move out of the affected area, or to equip their nets with hard TEDs. However, these trawlers are expected to be few in number given that many may have already equipped their nets with hard TEDs in response to the previous rules requiring the use of such TEDs in waters off Georgia in 1995. For those trawlers who have yet to equip their nets with hard TEDs, single-grid hard TEDs are available for \$75.00 to \$350.00 and take only several hours to install. While some fishers may not elect to equip their larger try nets with hard grid TEDs, and thus, would be unable to monitor their catch rate during long tows, they could monitor their catch rate with smaller try nets not required to have an NMFS-approved hard TED installed. The burden of this action on shrimp fishers is expected to be minimized by the fact that fishers in most of the affected areas have previously modified or acquired gear to comply with earlier restrictions that were identical or more stringent than the present action.

The AA prepared an EA for the final rule (57 FR 57348, December 4, 1992) requiring TED use in shrimp trawls and establishing the 30-day notice procedures. An EA has been prepared for this action. Copies of the EA are available (see **ADDRESSES**).

Dated: June 21, 1996.

Charles Karnella,

Acting Director, Office of Management Information, National Marine Fisheries Service.

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50 CFR Part 625

[Docket No. 960314074-6074-01; I.D. 061896B]

Summer Flounder Fishery; Extension of Scup Fishery Emergency

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Emergency interim rule; extension.

SUMMARY: NMFS issues an extension to an emergency interim rule that implements minimum fish size and minimum mesh requirements for the scup fishery north of Cape Hatteras. Emergency implementation of the measures is necessary because of the overexploited status of the stock. The emergency interim rule for scup that is effective from March 22, 1996, through June 25, 1996, is extended another 90 days by this action.

EFFECTIVE DATE: The emergency interim rule published on March 27, 1996 at 61 FR 13452 is extended through September 23, 1996.

FOR FURTHER INFORMATION CONTACT: Regina Spallone, Fishery Policy Analyst, (508) 281-9221.

SUPPLEMENTARY INFORMATION: In November 1995, the Mid-Atlantic Fishery Management Council (Council) initially requested emergency action to implement management measures for the scup fishery, which include a minimum fish size of 9 inches (22.9 cm) total length (TL) for the commercial scup fishery and 7 inches (17.8 cm) TL for the recreational fishery, and a mesh restriction for any vessel fishing in the Exclusive Economic Zone (EEZ) and possessing 4,000 lb (1,814 kg) or more of scup. An emergency rule to implement immediately these measures was published in the Federal Register on March 27, 1996 (61 FR 13452), with effective dates of March 22, 1996, through June 25, 1996. A full discussion of the status of the scup stock and the need for emergency action is found in the preamble to that emergency interim rule and is not repeated here.

In November 1995, the Council adopted the same measures contained in the emergency rule in Amendment 8 to the Fishery Management Plan for the Summer Flounder Fishery (FMP), which it has submitted for Secretarial review. Amendment 8 also contains many additional provisions not contained in the emergency rule. A proposed rule to implement Amendment 8 to the FMP was published in the Federal Register on June 3, 1996 (61 FR 27851), with an ending date for public comments of July 18, 1996. Therefore, if Amendment 8 is approved, the final rule to implement it will not be published prior to end of the first 90-day effective period of this emergency rule (June 25, 1996), thus leaving a gap between the ending date of the emergency interim rule and the final rule implementing Amendment 8.

This would leave the already overfished scup stock unprotected from increased exploitation. Therefore, an extension to the emergency rule is needed. The Council, at its April 1996 meeting requested an extension of the emergency interim rule implementing management measures for the scup fishery. This extension of the emergency rule is in effect from June 26, 1996, through September 23, 1996, or until regulations implementing Amendment 8 become effective.

Classification

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

Extension of the emergency rule is intended to prevent the possible collapse of the scup fishery. The AA finds good cause to extend the emergency rule in accordance with section 305(c)(3)(B) of the Magnuson Act. It would be contrary to the public interest to provide notice and opportunity for comment, or to delay for 30 days the effective date of this emergency rule under the provisions of sections 553(b) and (d) of the Administrative Procedure Act. Failure to implement an extension of the emergency measures would leave the overfished scup stock unprotected.

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

This rule is exempt from the procedures of the Regulatory Flexibility Act because the rule is issued without opportunity for prior public comment.

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

Dated: June 20, 1996.

Henry R. Beasley,
*Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

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50 CFR Part 679

[Docket No. 960321089-6175-02; I.D. 031396B]

RIN 0648-AG41

Fisheries of the Exclusive Economic Zone off Alaska; Allow Processing of Non-Individual Fishing Quota Species

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