

Federalism Assessment

The agency has analyzed this rule in accordance with the principles and criteria contained in Executive Order 12612, and has determined that the interim final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The interim final rule merely re-promulgates existing exemptions to the odometer disclosure requirements, and does not alter the effect on the states of existing statutory or regulatory requirements.

Rulemaking Analyses

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

NHTSA has analyzed this rule and determined that it is neither "major" nor "significant" within the meaning of Executive Order 12866 or of Department of Transportation regulatory policies and procedures. Because the agency estimates that this rule would not have a significant impact, it has not prepared a regulatory evaluation.

B. Regulatory Flexibility Act

The agency has also considered the effects of this action under the Regulatory Flexibility Act. I certify that this action will not have a substantial economic impact upon a substantial number of small entities. Because it is limited to amending the statutory authority for existing exemptions to agency regulations, it does not affect the impact of those regulations on small businesses.

C. National Environmental Policy Act

The agency has analyzed this rule under the National Environmental Policy Act and determined that it will not have a significant impact on the human environment. Accordingly, it has not prepared an environmental impact statement.

D. Paperwork Reduction Act

The interim final rule is not a collection of information as that term is defined by OMB in 5 CFR Part 1320. It amends the statutory authority for exemptions to the odometer disclosure requirements in 49 CFR Part 580. Those exemptions do not require the collection of any information. The information collection requirements established by Part 580 have been approved by OMB. (OMB 2127-0047).

E. Civil Justice Reform

This rule will not have any retroactive effect. States may not adopt laws on disconnecting, altering, or tampering with an odometer with intent to defraud

that are inconsistent with 49 U.S.C. Chapter 327. 49 U.S.C. Chapter 327 does not exempt persons from complying with state laws on disconnecting, altering or tampering with an odometer with intent to defraud. Agency regulations issued under 49 U.S.C. Chapter 327 are subject to judicial review under 5 U.S.C. 704. There is no requirement for a petition for reconsideration or other administrative proceeding before a party may file a suit in court.

List of Subjects in 49 CFR Part 580

Odometers, consumer protection.

In consideration of the foregoing, 49 CFR Part 580 is amended as follows:

PART 580—ODOMETER DISCLOSURE REQUIREMENTS

1. The authority citation for 49 CFR Part 580 is revised to read as follows:

Authority: 49 U.S.C. 32705; Sec. 332, Public Law No. 104-205; delegation of authority at 49 CFR 1.50(f) and 501.8(e)(1).

§ 580.6 [Redesignated as § 580.17]

2. Section 580.6 is redesignated as § 580.17 and republished without change to read as follows:

§ 580.17 Exemptions.

Notwithstanding the requirements of §§ 580.5 and 580.7:

(a) A transferor or a lessee of any of the following motor vehicles need not disclose the vehicle's odometer mileage:

(1) A vehicle having a Gross Vehicle Weight Rating, as defined in § 571.3 of this title, of more than 16,000 pounds;

(2) A vehicle that is not self-propelled;

(3) A vehicle that is ten years old or older; or

(4) A vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications.

(b) A transferor of a new vehicle prior to its first transfer for purposes other than resale need not disclose the vehicle's odometer mileage.

(c) A lessor of any of the vehicles listed in paragraph (a) of this section need not notify the lessee of any of these vehicles of the disclosure requirements of § 580.7.

Issued: September 5, 1997.

Ricardo Martinez,
Administrator.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 970804190-7190-01; I.D. 070997A]

RIN: 0648-AJ89

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Vermilion Snapper Size Limit

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

ACTION: Interim rule with request for comments.

SUMMARY: This rule increases the minimum size limit for vermilion snapper. The intended effect is to reduce overfishing of vermilion snapper in the Gulf of Mexico.

DATES: This rule is effective September 14, 1997 through March 10, 1998. Comments must be received not later than October 14, 1997.

ADDRESSES: Comments on this interim rule must be mailed to, and copies of documents supporting this action may be obtained from, the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Robert Sadler, 813-570-5305.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf of Mexico is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council (Council) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The Council, by non-unanimous vote, requested that NMFS issue this interim rule to increase the vermilion snapper minimum size limit from 8 to 10 inches (20.3 to 25.4 cm) total length, pending NMFS' review and approval of Amendment 15 to the FMP. Amendment 15 contains a 10-inch minimum size limit and additional details regarding such limit. This size limit responds to the 1996 vermilion snapper stock assessment, the 1997 Addendum to that assessment, and the 1996 and 1997 Reef Fish Stock Assessment Panel (RFSAP) Reports. In those documents, scientists concluded

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.

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(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