

and a utility employee working with that crew.

\* \* \* \* \*

*Locomotive servicing track area* means one or more tracks, within an area in which the testing, servicing, repair, inspection, or rebuilding of locomotives is under the exclusive control of mechanical department personnel.

\* \* \* \* \*

3. By amending § 218.22 to remove the word "ranking" and add, in its place, the word "designated" in the following places:

- a. Section 218.22(c)(3);
- b. Section 218.22(c)(4);
- c. Section 218.22(d); and
- d. Section 218.22(e).

4. Add a new § 218.24 to read as follows:

**§ 218.24 One-person crew.**

(a) An engineer working alone as a one-person crew shall not perform duties on, under, or between rolling equipment, without blue signal protection that complies with § 218.27 or § 218.29, unless the duties to be performed are listed in § 218.22(c)(5) and the following protections are provided:

(1) Each locomotive in the locomotive engineer's charge is either:

(i) Coupled to the train or other railroad rolling equipment to be assisted; or

(ii) Stopped a sufficient distance from the train or rolling equipment to ensure a separation of at least 50 feet; and

(2) Before a controlling locomotive is left unattended, the one-member crew shall secure the locomotive as follows:

(i) The throttle is in the IDLE position;

(ii) The generator field switch is in the OFF position;

(iii) The reverser handle is removed (if so equipped);

(iv) The isolation switch is in the ISOLATE position;

(v) The locomotive independent (engine) brake valve is fully applied;

(vi) The hand brake on the controlling locomotive is fully applied (if so equipped); and

(vii) A bright orange engineer's tag (a tag that is a minimum of three by eight inches with the words ASSIGNED LOCOMOTIVE—DO NOT OPERATE) is displayed on the control stand of the controlling locomotive.

(b) When assisting another train or yard crew with the equipment the other crew was assigned to operate, a single engineer must communicate directly, either by radio in compliance with Part 220 of this chapter or by oral telecommunication of equivalent integrity, with the crew of the train to

be assisted. The crews of both trains must notify each other in advance of all moves to be made by their respective equipment. Prior to attachment or detachment of the assisting locomotive(s), the crew of the train to be assisted must inform the single engineer that the train is secured against movement. The crew of the train to be assisted must not move the train or permit the train to move until authorized by the single engineer.

**Appendix A to Part 218 [Amended]**

5. In Appendix A to Part 218—Schedule of Civil Penalties, a new entry is added in numerical order under Subpart B to the penalty schedule to read as follows:

Section	Violation	Willful violation
Subpart B—Blue signal protection of workers:		
* * *	*	*
218.24 One-person crew:		
(a)(1) equipment not coupled or insufficiently separated .....	\$2,000	\$4,000
(a)(2) unoccupied locomotive cab not secured .....	5,000	7,500
(b) helper service .....	2,000	4,000
* * *	*	*

Issued in Washington, DC, on February 15, 1995.

**Jolene M. Molitoris,**

*Federal Railroad Administrator.*

[FR Doc. 95-4761 Filed 2-28-95; 8:45 am]

BILLING CODE 4910-06-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 204**

[Docket No. 950203036-5036-01; I.D. 012495B]

**OMB Control Numbers for NOAA Information Collection Requirements; Revision of Table**

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

**ACTION:** Final rule, technical amendment.

**SUMMARY:** NMFS corrects and updates the table containing Office of Management and Budget (OMB) control numbers for NOAA information collection requirements. The intent is to comply with the requirement of the Paperwork Reduction Act (PRA) that

agencies display current OMB control numbers for each agency information collection requirement, and to make this information available to the public.

**EFFECTIVE DATE:** March 1, 1995.

**FOR FURTHER INFORMATION CONTACT:** George H. Darcy, NMFS, 301/713-2344.

**SUPPLEMENTARY INFORMATION:** Part 204 of title 50 CFR displays control numbers assigned to NMFS information collection requirements by OMB, pursuant to the PRA, for the public's information. Part 204 fulfills the requirements of sec. 3507(f) of the PRA, which requires that agencies display a current control number, assigned by the Director of OMB, for each agency information collection requirement.

This final rule, technical amendment, brings part 204 up to date and corrects omissions and errors by revising the table in § 204.1(b) to reflect the most current list of OMB control numbers associated with NMFS information collection requirements contained in regulations appearing in title 50. All of the collection-of-information requirements displayed in § 204.1(b) have previously been submitted to OMB for approval during implementation of regulations appearing in the individual parts of title 50; this final rule does not involve any new reporting or recordkeeping requirements.

**Classification**

Because this rule only corrects omissions and other errors and brings an existing table up to date for the purposes of public information, it is strictly administrative in nature; no useful purpose would be served by providing prior notice and opportunity for comment on this rule. Accordingly, under 5 U.S.C. 553(b)(B), it is unnecessary to provide such notice and opportunity for comment. Also, because this rule is only administrative in nature and imposes no new requirements or restrictions on the public, NMFS finds good cause to make it immediately effective under 5 U.S.C. 553(d).

This rule is exempt from review under E.O. 12866.

**List of Subjects in 50 CFR Part 204**

Reporting and recordkeeping requirements.

Dated: February 23, 1995.

**Gary Matlock,**

*Program Management Officer, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 204 is amended as follows:

**PART 204—OMB CONTROL NUMBERS FOR NOAA INFORMATION COLLECTION REQUIREMENTS**

Authority: Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

**§ 204.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.**

\* \* \* \* \*

2. In § 204.1, the table in paragraph (b) is revised to read as follows:

(b) \* \* \*

1. The authority citation for part 204 is revised to read as follows:

50 CFR part or section where the information collection requirement is located	Current OMB control number (all numbers begin with 0648-)
§ 216.22	-0178.
§ 216.23	-0179.
§ 216.24(b)	-0083.
§ 216.24(c)	-0083.
§ 216.24(d)	-0083, -0084, -0099 and -0217.
§ 216.24(e)	-0040.
§ 216.31	-0084.
§ 216.33	-0084.
§ 216.45	-0084.
§ 222.11-2	-0078.
§ 222.11-8	-0079.
§ 222.12-7	-0078.
§ 222.12-8	-0078.
§ 222.22	-0230.
§ 222.23	-0084.
§ 227.72	-0230 and -0267.
§ 228.4	-0151.
§ 228.6	-0151.
§ 228.14	-0151.
§ 228.25	-0151.
§ 228.37	-0151.
§ 228.55	-0151.
§ 229.5	-0224.
§ 229.6	-0225.
§ 229.7	-0225.
§ 255.4	-0012.
§ 259.30	-0090.
§ 259.35	-0041.
§ 260.103	-0266.
§ 270.3	-0215.
§ 270.8	-0215.
§ 270.11	-0215.
§ 270.12	-0215.
§ 270.13	-0215.
§ 270.19	-0215.
§ 280.10	-0148.
§ 280.50	-0202.
§ 280.51	-0239.
§ 280.53	-0040.
§ 282.3	-0218.
§ 282.5	-0218.
§ 285.7	-0202.
§ 285.8	-0202.
§ 285.21	-0202.
§ 285.28	-0202.
§ 285.29	-0239.
§ 285.53	-0168.
§ 285.54	-0168.
§ 285.151	-0239.
§ 285.202	-0040.
§ 296.5	-0082.
§ 299.3	-0228.
§ 299.4	-0228.
§ 299.5	-0228.
§ 380.4	-0194.
§ 380.5	-0194.
§ 380.6	-0194.
§ 380.8	-0194.
§ 380.20	-0194.
§ 380.24	-0194.
§ 380.28	-0194.
§ 601.37	-0192.
§ 611.3	-0089.
§ 611.4	-0075.

50 CFR part or section where the information collection requirement is located	Current OMB control number (all numbers begin with 0648-)
§ 611.6	-0075.
§ 611.8	-0075.
§ 611.9	-0075.
§ 611.12	-0075.
§ 611.50	-0075.
§ 611.61	-0075.
§ 611.70	-0075.
§ 611.80	-0075.
§ 611.81	-0075.
§ 611.82	-0075.
§ 611.90	-0075.
§ 611.92	-0075.
§ 611.93	-0075.
§ 611.94	-0075.
§ 625.4	-0202.
§ 625.5	-0202.
§ 625.6	-0018, -0212 and -0229.
§ 625.20	-0202.
§ 625.27	-0202.
§ 628.4	-0202.
§ 630.4	-0205.
§ 630.5	-0013 and -0016.
§ 630.10	-0016.
§ 630.31	-0277.
§ 638.4	-0205.
§ 638.5	-0016.
§ 638.27	-0016.
§ 640.4	-0205.
§ 641.4	-0205.
§ 641.5	-0013 and -0016.
§ 642.4	-0205.
§ 642.5	-0013 and -0016.
§ 644.24	-0216.
§ 645.4	-0205.
§ 645.6	-0205.
§ 646.4	-0205.
§ 646.5	-0013 and -0016.
§ 646.6	-0205.
§ 646.10	-0262.
§ 649.4	-0202.
§ 649.5	-0202.
§ 649.6	-0202.
§ 650.4	-0202.
§ 650.5	-0202.
§ 650.6	-0202.
§ 650.7	-0018, -0212 and -0229.
§ 650.24	-0202.
§ 650.25	-0202.
§ 650.26	-0202.
§ 650.28	-0202.
§ 651.4	-0202.
§ 651.5	-0202.
§ 651.6	-0202.
§ 651.7	-0018, -0212 and -0229.
§ 651.20	-0202.
§ 651.21	-0202.
§ 651.22	-0202.
§ 651.28	-0202.
§ 651.29	-0202.
§ 652.4	-0202.
§ 652.5	-0202.
§ 652.6	-0212 and -0229.
§ 652.9	-0202.
§ 652.20	-0238.
§ 652.24	-0240.
§ 653.5	-0013.
§ 655.4	-0202.
§ 658.5	-0013.
§ 661.4	-0222.

50 CFR part or section where the information collection requirement is located	Current OMB control number (all numbers begin with 0648-)
§ 661.20 .....	-0222.
§ 663.4 .....	-0271.
§ 663.10 .....	-0203.
§ 663.11 .....	-0203.
§ 663.33 .....	-0203.
§ 669.6 .....	-0205.
§ 672.4 .....	-0206.
§ 672.5 .....	-0213.
§ 672.6 .....	-0206.
§ 674.4 .....	-0206.
§ 675.4 .....	-0206.
§ 675.5 .....	-0213.
§ 675.6 .....	-0206.
§ 675.27 .....	-0269.
§ 676.13 .....	-0272.
§ 676.14 .....	-0272.
§ 676.17 .....	-0272.
§ 676.20 .....	-0272.
§ 676.21 .....	-0272.
§ 676.25 .....	-0269.
§ 677.4 .....	-0206.
§ 677.6 .....	-0280.
§ 677.10 .....	-0280.
§ 678.4 .....	-0205.
§ 678.5 .....	-0013, -0016 and -0229.
§ 678.10 .....	-0016.
§ 680.4 .....	-0204.
§ 680.5 .....	-0214.
§ 680.10 .....	-0204.
§ 681.4 .....	-0204.
§ 681.5 .....	-0214.
§ 681.10 .....	-0214.
§ 681.24 .....	-0214.
§ 681.25 .....	-0214.
§ 681.30 .....	-0204.
§ 683.4 .....	-0214.
§ 683.9 .....	-0204 and -0214.
§ 683.21 .....	-0204.
§ 683.25 .....	-0204.
§ 683.27 .....	-0214.
§ 683.29 .....	-0214.
§ 685.4 .....	-0214.
§ 685.9 .....	-0204.
§ 685.11 .....	-0214.
§ 685.13 .....	-0214.
§ 685.14 .....	-0214.
§ 685.15 .....	-0204.
§ 685.24 .....	-0214.
§ 695.4 .....	-0205.
§ 695.5 .....	-0016.

[FR Doc. 95-5033 Filed 2-28-95; 8:45 am].  
BILLING CODE 3510-22-W

## 50 CFR Part 673

[Docket No. 950223058-5058-01; I.D. 022395A]

RIN 0648-AH93

### Scallop Fishery Off Alaska; Closure of Federal Waters To Protect Scallop Stocks

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

**ACTION:** Emergency interim rule; request for comments.

**SUMMARY:** NMFS is closing the exclusive economic zone (EEZ) off Alaska to fishing for scallops in response to resource conservation concerns that result from unanticipated fishing for scallops in the EEZ by vessels outside the jurisdiction of Alaska State regulations governing the scallop fishery. This action is necessary to prevent localized overfishing of scallop stocks. This emergency closure is intended to control an unregulated scallop fishery in the EEZ until a Federal fishery management plan (FMP) can be implemented.

**DATES:** Effective February 23, 1995, through May 30, 1995. Comments must be submitted by March 10, 1995.

**ADDRESSES:** Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802, Attention: Lori Gravel. Copies of the Environmental Assessment prepared for the emergency rule may be obtained from the same address.

**FOR FURTHER INFORMATION CONTACT:** Susan Salvesson, 907-586-7228.

#### SUPPLEMENTARY INFORMATION:

##### Background

Fishing for scallops by U.S. vessels off Alaska is managed by the State of Alaska under regulations implemented by the Alaska Department of Fish and Game (ADF&G) at 5 AAC 38.076. These regulations establish guideline harvest levels for different scallop registration areas, fishing seasons, open and closed fishing areas, observer coverage requirements, gear restrictions, and measures to control the processing efficiency of undersized scallops that include a ban on the use of mechanical shucking machines and a limitation on vessel crew size.

Section 306(a)(3) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (Magnuson Act) provides that a state may not directly or indirectly regulate a fishing vessel in Federal waters unless the vessel is registered under the law of that state. As a result, regulations implemented by the State of Alaska to manage the scallop fishery only apply in the EEZ off Alaska to vessels registered under the laws of the State. Until now, all vessels fishing in the EEZ have been registered with the State and have been subject to ADF&G fishing regulations at 5 AAC 38.076.

The ADF&G recently became aware of a vessel fishing for scallops in the EEZ that is not registered under the laws of the State. The vessel is fishing for scallops in waters closed to Alaska registered vessels by the ADF&G. The State does not have authority to stop this activity because the vessel is not registered with the State and does not fall under its jurisdiction.

Section 305(c) of the Magnuson Act authorizes NMFS to implement emergency regulations necessary to respond to fishery conservation and management problems that cannot be addressed within the time frame of the normal procedures provided by the Magnuson Act. These emergency regulations may remain in effect for not more than 90 days after publication in the **Federal Register**, with a possible 90-day extension.

The North Pacific Fishery Management Council (Council) convened an emergency teleconference meeting on February 17, 1995, to address the situation of unregistered vessels fishing for scallops in the EEZ outside the management jurisdiction of the State of Alaska. The Council requested NMFS to implement emergency rulemaking to close the EEZ to fishing for scallops to prevent further unregulated and uncontrolled fishing for scallops in Federal waters. Continued fishing for scallops by vessels not registered with the State poses significant conservation and management concerns that can be effectively addressed in a timely manner only through emergency closure of the EEZ. A brief discussion of the State's management program for scallops and the Council's concerns and justification for emergency rule action follow.

##### Alaska State's Scallop Management Program

The primary pectinid harvested off Alaska is the weathervane scallop (*Patinopecten caurinus*). Since the early 1980's, between 4 and 20 vessels annually have participated in the Alaska

scallop fishery. Gross earnings experienced by the fleet during this same period of time has ranged from almost \$.9 million in 1983 to over \$7 million in 1992.

The ADF&G initiated development of a management plan for the scallop fishery in response to overfishing concerns resulting from recent changes in the weathervane scallop fishery off Alaska. Weathervane scallops possess biological traits (e.g., longevity, low natural mortality rate, and variable recruitment) that render them vulnerable to overfishing. Record landings occurred in the late 1960's (about 1.8 million lbs (816.47 mt) shucked scallop meat), followed by a significant decline in catch through the 1970's and 1980's when landed catch ranged between 0.2 (90.72 mt) and 0.9 million lbs (408.23 mt). The ADF&G believes this decline was due, in part, to reduced abundance of scallop stocks. Landings since 1989 have increased to near record levels. Since 1989, the number of vessels fishing for scallops has not increased (about 10-15 vessels annually), although an increase in fishing power is evidenced by a substantial increase in average vessel length (from 84 ft (25.6 m) registered length in 1981 to 110 ft (33.5 m) in 1991) a predominance of full-time scallop vessels, and an increased number of deliveries. Until 1993, the State did not have a data collection program, although some indication exists that overfishing, or at least localized depletion, may have occurred. Data voluntarily submitted by participants in the scallop fishery during the early 1990's showed that an increase in meat counts per pound has occurred, indicating that smaller scallops now account for a greater proportion of the harvest. These data also suggest that catch-per-unit-of-effort in traditional fishing grounds has decreased.

Limited age data suggest that the scallop stock historically exploited off west Kodiak Island experienced an age-structure shift from predominately age 7 and older scallops in the late 1960's to an age structure predominated by scallops less than age 6 during the early 1970's. This shift indicated that harvest amounts had exceeded sustainable levels. Changes in fleet distribution from historical fishing grounds primarily in State waters to previously unfished grounds in the EEZ compounded management concerns.

In response to these concerns, the ADF&G implemented a management plan for the scallop fishery in 1993 that established a total of eight fishery registration areas corresponding to the