

§ 1185.5 Common control.

It shall not be necessary for any person to secure authorization to hold the position of officer or director of two or more carriers if such carriers are operated under common control or management either:

(a) Pursuant to approval and authority of the ICC granted under former 49 U.S.C. 11343-44 or by the STB granted under 49 U.S.C. 11323-24; or

(b) Pursuant to an exemption authorized by the ICC under former 49 U.S.C. 10505 or by the STB under 49 U.S.C. 10502; or

(c) Pursuant to a controlling, controlled, or common control relationship which has existed between such carriers since before June 16, 1933.

§ 1185.6 Jointly used terminal properties.

Any person holding the position of officer or director of a carrier is relieved from the provisions of this part to the extent that he or she may also hold a directorship and any other position to which that person may be elected or appointed with a terminal railroad the properties of which are operated or used by the carrier jointly with other carriers.

[FR Doc. 97-953 Filed 1-14-97; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 960502124-6190-02; I.D. 010997A]

Fisheries of the Exclusive Economic Zone Off Alaska; Scallop Fishery; Registration Area E

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

ACTION: Inseason adjustment to prevent overfishing; request for comments.

SUMMARY: NMFS has determined that the currently specified total allowable catch (TAC) amount for scallops in Registration Area E is incorrect. Therefore, NMFS is reducing the TAC and apportioning it between parts of Registration Area E that are east and west of 146° W. long. NMFS also is apportioning the current *C. bairdi* crab bycatch limit (CBL) specified for Registration Area E between the area east and west of 146° W. long. These actions are necessary to avoid localized overfishing of the scallop resource and achieve the optimum yield from the

scallop fishery. They are intended to promote the goals and objectives of the Fishery Management Plan for the Scallop Fishery off Alaska (FMP).

DATES: 1200 hrs, Alaska local time (A.l.t.), January 10, 1997, until 2400 hrs, A.l.t., June 30, 1997. Comments must be received at the following address no later than 1630 hrs, A.l.t., January 27, 1997.

ADDRESSES: Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel, or be delivered to the fourth floor of the Federal Building, 709 West 9th Street, Juneau, AK.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: The scallop fishery off Alaska in the exclusive economic zone is managed by NMFS according to the FMP prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR part 679. General regulations that pertain to the U.S. fisheries appear at 50 CFR part 600.

The 1996-1997 TAC for scallops and the *C. bairdi* CBL in Registration Area E are established by the 1996-1997 Harvest Specifications (61 FR 38099, July 23, 1996) as 50,000 lbs (22,686 kg) of shucked scallop meat and 630 *C. bairdi* crab.

The Alaska Department of Fish and Game (ADF&G) conducted a survey that assessed the scallop abundance and age structure of the scallop population within Registration Area E after the 1996-1997 Harvest Specifications were published. This information indicated that recruitment to the area was very low and that a harvest of the 50,000 lbs (22,686 kg) of shucked scallop meat would risk localized overfishing of the scallop stock in Registration Area E.

The Administrator, Alaska Region, NMFS (formerly Regional Director), has determined, in accordance with §§ 679.25(a)(2)(i)(A) and 679.63(a), that recent resource survey data collected by the ADF&G warrants an adjustment of the scallop TAC and *C. bairdi* CBL specified for Registration Area E to prevent overfishing of scallops.

NMFS, therefore, is reducing the TAC specified for Registration Area E from 50,000 lbs (22,686 kg) to 22,300 lbs (10,115 kg) of shucked scallop meat. Furthermore, consistent with resource distribution determined by the ADF&G survey, NMFS is subdividing

Registration Area E into parts east and west of 146° W. long. and is apportioning the reduced TAC for Registration Area E as follows: In the part of Registration Area E east of 146° W. long., 17,300 lbs (7,847 kg) of shucked scallop meat is authorized for harvest; in the area of Registration Area E west of 146° W. long., 5,000 lbs (2,268 kg) of shucked scallop meat is authorized for harvest. Consistent with this action, the CBL of *C. bairdi* crab in the area of Registration Area E east of 146° W. long.; 130 *C. bairdi* crab in the area of Registration Area E west of 146° W. long. The apportionment of TAC and CBL between waters east and west of 146° W. long. is necessary to prevent localized overfishing in either of these subareas within Registration Area E.

The Assistant Administrator for Fisheries, NOAA, finds for good cause that providing prior notice and public comment or delaying the effective date of this action is impracticable and contrary to the public interest. Immediate effectiveness is necessary to prevent overfishing scallops in Registration Area E. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until January 27, 1997.

Classification

This action is taken under § 679.63 and is exempt from review under E.O. 12866.

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

Dated: January 9, 1997.

Gary Matlock,

Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.

[FR Doc. 97-941 Filed 1-10-97; 12:29 pm]

BILLING CODE 3510-22-F

50 CFR Part 679

[Docket No. 950727194-6365-04; I.D. 111296B]

RIN 0648-AG54

Fisheries of the Exclusive Economic Zone Off Alaska; Technical Amendment; Correction and Clarification

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

ACTION: Final rule; technical amendment.

SUMMARY: NMFS is correcting several sections of regulations that contain

minor errors. These errors resulted from NMFS' consolidation of six parts in title 50 of the CFR, related to the Alaska regulations, into one CFR part in response to the President's Regulatory Reform Initiative, and from an earlier consolidation and reorganization of management measures for use in the groundfish fisheries of the Gulf of Alaska (GOA) and the Bering Sea and Aleutian Islands management area (BSAI). NMFS is also revising terms that have changed resulting from recent changes in legislation and a reorganization within NMFS.

EFFECTIVE DATE: February 14, 1997.

ADDRESSES: Comments on the collection-of-information requirements may be sent to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB) (0648-0213), Washington, D.C. 20503, and to Patsy A. Bearden, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, NMFS, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

NMFS manages groundfish fisheries in the exclusive economic zone (EEZ) off Alaska under authority of the following fishery management plans (FMPs): The Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area. These FMPs are implemented by regulations at 50 CFR part 679. General regulations that also pertain to these fisheries appear in subpart H of 50 CFR part 600. The FMPs were prepared by the North Pacific Fishery Management Council under the authority of the Magnuson-Stevens Fishery Conservation and Management Act.

On February 13, 1996, NMFS published a final rule in the Federal Register (61 FR 5608) implementing new and consolidated recordkeeping and reporting regulations for the GOA and BSAI groundfish fisheries that: Removed and consolidated several sections of regulations in 50 CFR parts 672 and 675; simplified and streamlined the remaining regulations, including the recordkeeping and reporting requirements; consolidated area descriptions and coordinates into maps and tables; consolidated codes, values, and descriptions into tables; corrected errors; and clarified vague text. Some errors were inadvertently added to the regulatory text of the final rule, including the addition of the word

"estimated" in recordkeeping and reporting requirements of discards and donations, and the omission of a sentence in the definition of "fishing trip" with respect to the groundfish directed fishing standards.

As part of the President's Regulatory Reform Initiative, NMFS issued a final rule (61 FR 31228, June 19, 1996) removing parts 671, 672, 673, 675, 676, and 677 of title 50 CFR, and consolidating the regulations contained therein into one new part (50 CFR part 679). No substantive changes were made to the regulations by the consolidation of the six parts. However, due to the complexity of the reorganization, some errors were introduced into the regulatory text.

This action makes no substantive changes and corrects: (1) Check-in/check-out requirements for land-based buying stations, Western Alaska Community Development Quota fisheries, and catcher/processors; (2) reporting requirements by stipulating that landings, products, and discards on weekly production reports and daily production reports be recorded in metric tons only; (3) closure requirements for groundfish as prohibited species by adding text related to total allowable catch levels for gear types, because the regulations contain closure requirements for groundfish as prohibited species; the text was inadvertently omitted during prior regulatory consolidations; (4) requirements for recording discards by removing the word "estimated," which was inadvertently added during consolidation of regulations; (5) catcher vessel logbook exemption language by requiring all catcher vessels to submit a U.S. vessel activity report; (6) Table 2 by adding black rockfish to the category, "pelagic shelf rockfish" and the definition of "fishing trip" with respect to directed fishing standards; (7) prohibitions related to the careful release of halibut caught with hook-and-line gear as applicable to both the GOA and the BSAI rather than just limited to the GOA; and (8) the definition for the Bering Sea and Aleutian Islands Area as it relates to the king and Tanner crab fishery. This action also adds several cross references and clarifies the CDQ sablefish fishing season and the definition of "Buying station."

On April 13, 1995, NMFS announced that the NMFS Reorganization Plan had been approved by NOAA leadership and that, within each of the five regions of the country, the Regional Director would assume the role of Regional Administrator and have direct responsibility for all science and management programs, personnel, and

financial resources. Therefore, this final rule replaces references to the Regional Director contained in part 679 with Regional Administrator.

On October 11, 1996, the President signed into law the Sustainable Fisheries Act. This law amended the Magnuson Fishery Conservation and Management Act (Magnuson Act). The Magnuson Act was retitled the "Magnuson-Stevens Fishery Conservation and Management Act." Therefore, all references in part 679 to the Magnuson Act have been revised to refer to the retitled Magnuson-Stevens Act.

Classification

Because this technical amendment makes only minor, non-substantive corrections to an existing rule, prior notice and opportunity for public comment would serve no purpose. Accordingly, the Assistant Administrator for Fisheries, under 5 U.S.C. 553(b)(B), for good cause finds that prior notice and opportunity for public comment are unnecessary.

Because this rule is being issued without prior comment, it is not subject to the Regulatory Flexibility Act requirement for a regulatory flexibility analysis and none has been prepared.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection-of-information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection-of-information displays a currently valid OMB control number.

This rule contains collection-of-information requirements subject to the PRA. These collections have been approved by OMB under control number 0648-0213.

The estimated response times for these requirements are: 0.25 hours for a Daily Fishing Logbook, 0.42 hours for a Daily Cumulative Logbook, 0.45 hours for a Daily Cumulative Production Logbook, 0.17 hours for a Daily Production Report, and 0.13 hours for check-in and check-out reports. The estimated response times include the time to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection-of-information.

Send comments regarding this burden estimate or any other aspect of this collection-of-information, including suggestions for reducing this burden, to NMFS and to OIRA, OMB (see **ADDRESSES**).

This rule makes minor technical changes to a rule that has been

determined to be not significant under E.O. 12866. No changes in the regulatory impact previously reviewed and analyzed will result from implementation of this technical amendment.

List of Subjects in 50 CFR Part 679

Fisheries, Reporting and recordkeeping requirements.

Dated: January 9, 1997.

Nancy Foster,
Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For reasons set forth in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*

2. In § 679.1, paragraphs (c) and (g) are revised to read as follows:

§ 679.1 Purpose and scope.

(c) *Moratorium on entry (applicable through December 31, 1998).* Regulations in this part govern a moratorium on the entry of new vessels in the commercial fisheries for groundfish in the GOA and BSAI and in the commercial fisheries for king and Tanner crabs in the Bering Sea and Aleutian Islands Area (see subparts A and D of this part).

(g) *Fishery Management Plan for the Commercial King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands Area.* Regulations in this part govern commercial fishing for king and Tanner crab in the Bering Sea and Aleutian Islands Area by vessels of the United States, including regulations superseding State of Alaska regulations applicable to the commercial king and Tanner crab fisheries in the Bering Sea and Aleutian Islands Area EEZ that are determined to be inconsistent with the FMP (see subparts A, B, and E of this part).

3. In § 679.2, the definition of "Bering Sea and Aleutian Islands Area" is added and the definitions of "Bering Sea and Aleutian Islands Management Area (BSAI)", "Buying station", paragraph (1) of the definition of "Fishing trip", "Moratorium crab species", and "Superexclusive registration area" are revised to read as follows:

§ 679.2 Definitions.

Bering Sea and Aleutian Islands Area, for purposes of regulations governing the commercial King and Tanner crab fisheries, means those waters of the EEZ off the west coast of Alaska lying south of Point Hope (68°21' N. lat), and extending south of the Aleutian Islands for 200 nm west of Scotch Cap Light (164°44'36" W. long).

Bering Sea and Aleutian Islands Management Area (BSAI), for purposes of regulations governing the groundfish fisheries, means the Bering Sea and Aleutian Islands subareas (see Figure 1 of this part).

Buying station means a person or tender vessel that receives unprocessed groundfish from a vessel for delivery to a shoreside processor or mothership and that does not process those fish.

Fishing trip means:
(1) With respect to groundfish directed fishing standards, an operator of a vessel is engaged in a fishing trip from the time the harvesting, receiving, or processing of groundfish is begun or resumed after the effective date of the notification prohibiting directed fishing in a management area under § 679.20(d), § 679.21(d) or § 679.21(e) until:

- (i) The offload or transfer of all fish or fish product from that vessel;
- (ii) The vessel enters or leaves an area to which a directed fishing prohibition applies;
- (iii) The end of a weekly reporting period, whichever comes first.

Moratorium crab species (applicable through December 31, 1998) means species of king or Tanner crabs harvested in the Bering Sea and Aleutian Islands Area, the commercial fishing for which is governed by this part.

Superexclusive registration area means any State of Alaska designated registration area within the Bering Sea and Aleutian Islands Area where, if a vessel is registered to fish for crab, that vessel is prohibited from fishing for crab in any other registration area during that registration year.

4. In § 679.3, paragraph (d) is revised to read as follows:

§ 679.3 Relation to other laws.

(d) *King and Tanner crab.* Additional regulations governing conservation and management of king crab and Tanner crab in the Bering Sea and Aleutian Islands Area are contained in Alaska Statutes at A.S. 16 and Alaska

Administrative Code at 5 AAC Chapters 34, 35, and 39.

5. In § 679.4, paragraphs (c)(3)(iii) and (c)(4)(iii)(A) are revised to read as follows:

§ 679.4 Permits.

(c) ***
(3) ***
(iii) Catcher vessels or catcher/processor vessels less than or equal to 32 ft (9.8 m) LOA that catch and retain moratorium crab species in the Bering Sea and Aleutian Islands Area or that conduct directed fishing for moratorium groundfish species in the BSAI.

(4) ***
(iii) ***
(A) Fishing gear requirements for the Bering Sea and Aleutian Islands Area crab fisheries are set forth in the Alaska Administrative Code at title 5, chapters 34 and 35.

6. In § 679.5, paragraphs (a)(1)(iii), (a)(7)(v)(E), (a)(10)(i)(A) and (B), (h)(2)(ii)(A), (h)(2)(ii)(D), (h)(3)(i)(E), (i)(3)(ii) through (v), (j)(2), and (j)(4)(ii) through (iv) are revised, and paragraphs (h)(2)(i)(C) and (h)(2)(ii)(F) are added to read as follows:

§ 679.5 Recordkeeping and reporting.

(a) ***
(1) ***
(iii) A catcher vessel less than 60 ft (18.3 m) LOA, is not required to comply with recordkeeping and reporting requirements contained in § 679.5(a) through (j).

(7) ***
(v) ***
(E) Whether harvest is under a CDQ program; if yes, the CDQ number. If fishing under more than one CDQ number, use a separate page for each.

(10) ***
(i) ***
(A) The operator or manager must record the daily total, balance brought forward, and cumulative total round fish weight in the DFL, DCL, or DCPL each day on the day discards and donations occur for each discard or donation of groundfish species, groundfish species groups, and Pacific herring in pounds, or to at least the nearest 0.01 mt.

(B) The operator or manager must record the daily total balance brought forward, and cumulative total numbers in the DFL, DCL, or DCPL each day on the day discards or donations occur for

each discard and donation of Pacific salmon, steelhead trout, halibut, king crab, and Tanner crab.

* * * * *

(h) * * *

(2) * * *

(i) * * *

(C) *Directed fishing under a CDQ allocation.* The operator must submit by fax a check-in report to the Regional Director prior to directed fishing for each CDQ allocation.

(ii) * * *

(A) *Catcher/processor.* If a catcher/processor departs a reporting area or moves between Alaska State and Federal waters in a reporting area, and gear retrieval is complete from that area, the operator must submit by fax a check-out report to the Regional Director within 24 hours after departing a reporting area or leaving either the Alaska State or Federal part of a reporting area but prior to checking-in another reporting area or either the Alaska State or Federal part of a reporting area.

* * * * *

(D) *Buying station delivering to a shoreside processor.*

(1) If a land-based buying station delivering to a shoreside processor, the manager must submit by fax a check-out report to the Regional Director within 24 hours after delivery of groundfish ceases for the fishing year or for a period greater than one weekly reporting period.

(2) If a buying station vessel delivering to a shoreside processor, the operator must submit by fax a check-out report to the Regional Director within 24 hours after departing a reporting area.

* * * * *

(F) *Directed fishing under a CDQ allocation.* The operator must submit by fax a check-out report to the Regional Director within 24 hours after directed fishing for each species under each CDQ allocation has ceased.

(3) * * *

(i) * * *

(E) Whether harvest is under a CDQ program; if yes, the CDQ number. If fishing under more than one CDQ number, use a separate report for each.

* * * * *

(i) * * *

(3) * * *

(ii) *Landings information.* The manager of a shoreside processor must report landings information as described in paragraph (a)(8) of this section, except that each groundfish landing must be reported only in metric tons to at least the nearest 0.01 mt.

(iii) *Discarded/donated species information (Part ID).* The operator of a

catcher/processor or mothership, or the manager of a shoreside processor must report discarded/donated species information as described in paragraph (a)(10) of this section, except that each groundfish or herring discard/donation must be reported only in metric tons to at least the nearest 0.01 mt.

(iv) *Product information.* The operator of a catcher/processor or mothership, or the manager of a shoreside processor must report product information as described in paragraph (a)(9) of this section, except that each groundfish product must be reported only in metric tons to at least the nearest 0.01 mt.

(v) *Catcher vessel delivery information.* If ADF&G fish tickets are issued, the operator of the mothership or manager of the shoreside processor must list the fish ticket numbers issued to catcher vessels for the weekly reporting period, including the fish ticket numbers issued by an associated buying station.

(j) * * *

(2) *Applicability.* (i) If a catcher/processor or mothership is checked in to the specified reporting area and is harvesting, receiving, processing, or discarding the specified species or is receiving reports from a catcher vessel of discard at sea of the specified species, the operator must submit a DPR.

(ii) If a shoreside processor is receiving, processing, or discarding the specified species or is receiving reports from a catcher vessel of discard at sea of the specified species, the manager must submit a DPR.

(iii) The operator of a catcher/processor or mothership or the manager of a shoreside processor must use a separate DPR for each gear type, processor type, and CDQ number.

* * * * *

(4) * * *

(ii) *Landings information.* The manager of a shoreside processor must report landings information as described in paragraph (a)(8) of this section, except that each groundfish landing must be reported only in metric tons to at least the nearest 0.01 mt.

(iii) *Product information.* The operator of a mothership or catcher/processor must report product information as described in paragraph (a)(9) of this section, except that each groundfish product must be reported only in metric tons to at least the nearest 0.01 mt.

(iv) *Discarded/donated species information.* The operator of a mothership or catcher/processor or the manager of a shoreside processor must report discarded/donated species information as described in paragraph

(a)(10) of this section, except that each groundfish or herring discard/donation must be reported only in metric tons to at least the nearest 0.01 mt.

* * * * *

7. In § 679.7, paragraph (b)(1) is removed. Paragraph (b)(2) is redesignated as paragraph (a)(13) and the paragraph designation for (b)(3) is removed.

8. In § 679.20, paragraph (d)(2) is revised to read as follows:

§ 679.20 General limitations.

* * * * *

(d) * * *

(2) *Groundfish as prohibited species closure.* When the Regional Director determines that the TAC of any target species or the "other species" category specified under paragraph (c) of this section, or the share of any TAC assigned to any type of gear, has been or will be achieved prior to the end of a year, NMFS will publish notification in the Federal Register requiring that target species or the "other species" be treated in the same manner as a prohibited species, as described under § 679.21(b), for the remainder of the year.

* * * * *

9. In § 679.22, paragraph (g) is added to read as follows:

§ 679.22 Closures

* * * * *

(g) *Scallop closures and closed areas.* See § 679.62(c) and § 679.62(d).

10. In § 679.23, paragraphs (e)(2)(ii)(B) and (e)(3)(ii) are revised to read as follows:

§ 679.23 Seasons.

* * * * *

(e) * * *

(2) * * *

(ii) * * *

(B) Directed fishing for pollock by the offshore component, or vessels delivering pollock to the offshore component is prohibited through 1200 hours, A.l.t., February 5, for those vessels that are used to fish prior to 1200 hours, A.l.t., January 26, for groundfish in the BSAI, groundfish in the GOA, as defined at § 679.2, or king or Tanner crab in the Bering Sea and Aleutian Islands Area, as defined at § 679.2.

* * * * *

(3) * * *

(ii) *CDQ sablefish.* Fishing for CDQ sablefish with fixed gear under an approved CDQ allocation may begin on the effective date of the allocation, except that it may occur only during the

IFQ fishing season specified in paragraph (g)(1) of this section.

* * * * *

11. In Table 2 under Group Codes, the entry for Code 169 is amended by adding the term "black", in alphabetical order, to the terms in parentheses.

Nomenclature Changes

12. In part 679, remove the term "Regional Director" wherever it occurs

and add in its place the term "Regional Administrator".

13. In part 679, remove the term "Regional Director's" wherever it occurs and add in its place the term "Regional Administrator's".

14. In part 679, remove the term "Director, Alaska Region, NMFS," wherever it occurs and add in its place the term "Administrator, Alaska Region, NMFS,".

15. In part 679, remove the term "Magnuson Act" wherever it occurs and add in its place the term "Magnuson-Stevens Act".

[FR Doc. 97-1005 Filed 1-14-97; 8:45 am]

BILLING CODE 3510-22-F