

**§ 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.

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**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.

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**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