

29. Section 90.217 is amended by revising the introductory text and the first sentence in paragraph (a) to read as follows:

§ 90.217 Exemption from technical standards.

Except as noted herein, transmitters used at stations licensed in the Business Radio Service and at stations licensed in the 150–174 MHz and 421–512 MHz bands in any Radio Service listed in Subparts B, C, D, and E of this Part which have an output power not exceeding 120 milliwatts are exempt from the technical requirements set out in this subpart, but must instead comply with the following:

(a) For equipment designed to operate with a 25 kHz channel bandwidth, * * *

* * * * *

§ 90.267 [Amended]

30. Section 90.267 is amended by removing and reserving paragraph (b).

31. Section 90.283 is amended by revising the table in paragraph (a), revising paragraph (c) and adding paragraph (g) to read as follows:

§ 90.283 Inter-service sharing of maritime frequencies in the 156–162 MHz band.

(a) * * *

FREQUENCY (MHZ)

Mobile station transmit	Mobile station transmit
157.200	161.800
157.20625 ¹	¹ 161.80625
157.2125 ²	² 161.8125
157.21875 ¹	¹ 161.81875
157.225	161.825
157.23125 ¹	¹ 161.83125
157.2375 ²	² 161.8375
157.24375 ¹	¹ 161.84375
157.250	161.850
157.25625 ¹	¹ 161.85625
157.2625 ²	² 161.8625
157.26875 ¹	¹ 161.86875
157.275	161.875
157.28125 ¹	¹ 161.88125
157.2875 ²	² 161.8875
157.29375 ¹	¹ 161.89375
157.300	161.900
157.30625 ¹	¹ 161.90625
157.3125 ²	² 161.9125
157.31875 ¹	¹ 161.91875
157.325	161.925
157.33125 ¹	¹ 161.93125
157.3375 ²	² 161.9375
157.34375 ¹	¹ 161.94375
157.350	161.950
157.35625 ¹	¹ 161.95625
157.3625 ²	² 161.9625
157.36875 ¹	¹ 161.96875
157.375	161.975
157.38125 ¹	¹ 161.98125
157.3875 ²	² 161.9875
157.39375 ¹	¹ 161.99375

FREQUENCY (MHZ)—Continued

Mobile station transmit	Mobile station transmit
157.400	162.000

¹This frequency will be assigned with an authorized bandwidth not to exceed 6 kHz.

²This frequency will be assigned with an authorized bandwidth not to exceed 11.25 kHz.

* * * * *

(c) Station power, as measured at the output terminals of the transmitter, must not exceed 50 watts for base stations and 20 watts for mobile stations, except in accordance with the provisions of paragraph (g) of this section. Antenna height (HAAT) must not exceed 122 meters (400 feet) for base stations and 4.5 meters (15 feet) for mobile stations, except in accordance with paragraph (g) of this section. Such base and mobile stations must not be operated on board aircraft in flight.

* * * * *

(g) Applicants seeking to be licensed for stations exceeding the power/ antenna height limits of the table in paragraph (d) of this section are required to secure a waiver and must submit with the application, an interference analysis, based upon any of the generally-accepted terrain-based propagation models, that shows that co-channel protected entities, described in paragraph (d) of this section, would receive the same or greater interference protection than provided in the table.

32. Section 90.311 is amended by revising the introductory text of paragraph (b) to read as follows.

§90.311 Frequencies.

* * * * *

(b) Miami, FL, Dallas, TX, and Houston, TX urbanized areas. Only the first and last assignable frequencies are shown. Assignable frequencies will occur in increments of 6.25 kHz.

Frequencies listed in paragraph (a)(3) of this section will only be assigned with a maximum authorized bandwidth of 6 kHz.

* * * * *

[FR Doc. 97–831 Filed 1–14–97; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1185

[STB Ex Parte No. 543]

Revision of Regulations for Interlocking Rail Officers

AGENCY: Surface Transportation Board.

ACTION: Final rules.

SUMMARY: The ICC Termination Act of 1995 (ICCTA) abolished the Interstate Commerce Commission (ICC) and transferred certain rail regulatory functions to the Surface Transportation Board (Board). The ICCTA revised the statute concerning restrictions on officers and directors. Under new 49 U.S.C. 11328, individuals seeking to hold the position of officer or director only of Class III railroads are no longer required to seek Board authorization. This publication contains our final rules implementing the statute.

EFFECTIVE DATE: The rules are effective on February 14, 1997.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927–5660. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: In a notice of proposed rulemaking served May 10, 1996, and published in the Federal Register on May 13, 1996 (61 FR 22014), we proposed to revise 49 CFR part 1185 to reflect this statutory change (Pub. L. 104–88, 109 Stat. 803 (1995)) and to propose other changes to our rules. Comments were filed by Joseph C. Szabo, for and on behalf of the United Transportation Union, Illinois Legislative Board (UTU), and by the Association of American Railroads (AAR).

The Board is adopting final rules in this decision. This decision is available to all persons for a charge by phoning DC NEWS & DATA, INC., at (202) 289–4357.

The Board certifies that this rule will not have a significant economic effect on a substantial number of small entities. In response to the statutory change, this rule will reduce regulation and it imposes no new reporting requirements on small entities. Requirements for the form of the application have been slightly modified to conform to the Board’s rules of practice.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Part 1185

Administrative practice and procedure, Railroads.

Decided: December 31, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, Commissioner Owen, Vernon A. Williams,
Secretary.

For the reasons set forth in the preamble and under the authority of 49 U.S.C. 721(a), title 49, chapter X, part 1185 of the Code of Federal Regulations is revised to read as follows:

PART 1185—INTERLOCKING OFFICERS

Sec.

- 1185.1 Definitions and scope of regulations.
- 1185.2 Contents of application.
- 1185.3 Procedures.
- 1185.4 General authority.
- 1185.5 Common control.
- 1185.6 Jointly used terminal properties.

Authority: 5 U.S.C. 553 and 559 and 49 U.S.C. 721, 10502, and 11328.

§1185.1 Definitions and scope of regulations.

(a) This part addresses the requirement of 49 U.S.C. 11328 authorization of the Surface Transportation Board (STB) needed for a person to hold the position of officer or director of more than one rail carrier, except where only Class III carriers are involved. STB authorization is not needed for individuals seeking to hold the positions of officers or directors only of Class III railroads. 49 U.S.C. 11328(b).

(b) When a person is an officer of a Class I railroad and seeks to become an officer of another Class I railroad, an application under 49 U.S.C. 11328(a) (or petition for individual exemption under 49 U.S.C. 10502) must be filed. All other "interlocking directorates" have been exempted as a class from the prior approval requirements of 49 U.S.C. 11328(a), pursuant to 49 U.S.C. 10502 and former 49 U.S.C. 10505. For such interlocking directorates exempted as a class, no filing with the STB is necessary to invoke the exemption.

(c) An *interlocking directorate* exists whenever an individual holds the position of officer or director of one rail carrier and assumes the position of officer or director of another rail carrier. This provision applies to any person who performs duties, or any of the duties, ordinarily performed by a director, president, vice president, secretary, treasurer, general counsel, general solicitor, general attorney, comptroller, general auditor, general manager, freight traffic manager, passenger traffic manager, chief engineer, general superintendent,

general land and tax agent or chief purchasing agent.

(d) For purposes of this part, a *rail carrier* means a person providing common carrier railroad transportation for compensation (except a street, suburban, or interurban electric railway not operating as part of the general system of rail transportation), and a corporation organized to provide such transportation.

§1185.2 Contents of application.

(a) Each application shall state the following:

(1) The full name, occupation, business address, place of residence, and post office address of the applicant.

(2) A specification of every carrier of which the applicant holds stock, bonds, or notes, individually, as trustee, or otherwise; and the amount of, and accurate description of, such securities of each carrier for which the applicant seeks authority to act. (Whenever it is contemplated that the applicant will represent on the board of directors of any carrier securities other than those owned by the applicant, the application shall describe such securities, state the character of representation, the name of the beneficial owner or owners, and the general nature of the business conducted by such owner or owners.)

(3) Each and every position with any carrier:

(i) Which is held by the applicant at the time of the application; and
(ii) Which the applicant seeks authority to hold, together with the date and manner of his or her election or appointment thereto and, if the applicant has entered upon the performance of his duties in any such position, the nature of the duties so performed and the date when he first entered upon their performance. (A decision authorizing a person to hold the position of director of a carrier will be construed as sufficient to authorize that person to serve also as chairman of its board of directors or as a member or chairman of any committee or committees of such board; and, therefore, when authority is sought to hold the position of director, the applicant need not request authority to serve in any of such other capacities.)

(4) As to each carrier covered by the requested authorization, whether it is an operating carrier, a lessor company, or any other corporation organized for the purpose of engaging in rail transportation. (If any such carrier neither operates nor owns any railroad providing transportation that is subject to 49 U.S.C. 10501, the application shall include a copy of such carrier's charter or certificate or articles of incorporation,

with amendments to date or, if already filed with the former Interstate Commerce Commission (ICC) or with the STB, a reference thereto, with any intervening amendments.)

(5) A full statement of pertinent facts relative to any carrier involved which does not make annual reports to the STB.

(6) Full information as to the relationship—operating, financial, competitive, or otherwise—existing between the carriers covered by the requested authorization.

(7) Every corporation—industrial, financial, or miscellaneous—of which the applicant is an officer or director, and the general character of the business conducted by such corporation.

(8) The reasons, fully, why the granting of the authority sought will not affect adversely either public or private interests.

(9) Whether or not any other application for authority has been made in behalf of the applicant and, if so, the date and docket number thereof, by whom made, and the action thereon, if any.

(b) When application has been made on behalf of any person, a subsequent application by that person need not repeat any statement contained in the previous application but may incorporate the same by appropriate reference.

§1185.3 Procedures.

The original application or petition shall be signed by the individual applicant or petitioner and shall be verified under oath. Petitions and applications should comply with the STB's general rules of practice set forth at 49 CFR part 1104. Applications or petitions may be made by persons on their own behalf.

§1185.4 General authority.

Any person who holds or seeks specific authority to hold positions with a carrier may also request general authority to act as an interlocking officer for all affiliated or subsidiary companies or properties used or operated by that carrier, either separately or jointly, with other carriers. A carrier may apply for general authority on behalf of an individual who has already received authority to act as an interlocking officer. However, a carrier may not apply for general authority for an individual who holds a position with another railroad which is not an affiliate or subsidiary of the carrier or whose properties are not used or operated by the carrier, either separately or jointly with other carriers.

§ 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]

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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.

[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