

the term of the current tribal member expires.

(5) The Secretary shall rotate the appointment among the tribes taking into consideration:

(i) The qualifications of the individuals on the list referred to in paragraph (b)(1) of this section.

(ii) The various rights of the Indian tribes involved and judicial cases that set out how those rights are to be exercised.

(iii) The geographic area in which the tribe of the representative is located.

(iv) No tribal representative shall serve more than three consecutive terms in the Indian tribal seat.

(6) Any vacancy occurring prior to the expiration of any term shall be filled in the same manner as described above except that the Secretary may use the list referred to in paragraph (b)(1) of this section from which the vacating member was chosen.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket Number; 970903221-7221-01; I.D. 081297C]

RIN 0648-XX89

#### Fisheries off West Coast States and in the Western Pacific; Precious Corals Fisheries; Technical Amendment

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

**ACTION:** Correcting amendment.

**SUMMARY:** This document contains a correction to the regulations implementing the Fishery Management Plan for Precious Corals Fisheries of the Western Pacific Region (FMP) which were published in the **Federal Register** on July 2, 1996. This amendment corrects the coordinates for the location of the Makapuu bed of precious corals appearing under the category of "Established beds" in the definition of "Precious coral permit area".

**DATES:** Effective September 10, 1997.

**FOR FURTHER INFORMATION CONTACT:** Svein Fougner, 562-980-4034; or Alvin Katekaru, 808-973-2985.

**SUPPLEMENTARY INFORMATION:** In the original FMP the coordinates for the center of the Makapuu bed contained a typographical error. Instead of the longitude being listed as 157° 32.5' W. it was incorrectly listed as 157° 35.5' W. longitude. This error placed the location of the bed approximately three miles away from its actual location.

There has been almost no fishing under the FMP since its implementation, and this error was only recently discovered. This technical amendment corrects the regulations implementing the FMP (August 30, 1983, 48 FR 3923; consolidated by July 2, 1996, 61 FR 34570) to list the coordinates for the center of the Makapuu bed.

#### Classification

The Assistant Administrator for Fisheries, NOAA (AA), under 5 U.S.C. 553(b)(B) finds that providing prior notice and an opportunity for public comment on this rule is unnecessary, because the rule merely corrects coordinates for the location of a

resource, and such notice and opportunity for comment would serve no useful purpose. Similarly, the AA, under 5 U.S.C. 553 (d)(3) finds that delaying the effective date of the correction for 30 days is unnecessary because the location of the bed is fixed.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable. This rule is exempt from review under E.O. 12866.

#### List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Indians, Reporting and recordkeeping requirements, Administrative practice and procedure, American Samoa, Guam, Hawaiian Natives, Northern Mariana Islands.

Dated: September 4, 1997.

**David L. Evans,**

*Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR Part 660 is amended as follows:

#### PART 660—FISHERIES OFF WEST COAST STATES AND THE WESTERN PACIFIC

1. The authority citation for part 660 continues to read as follows:

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

2. In § 660.12, the category for "Established beds" under the definition of "Precious coral permit area" is corrected by revising the coordinates of the point specified therein to read "21° 18.0' N. lat, 157° 32.5' W. long."

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