

**Need for Correction**

As published, the final regulations contained an error which may prove to be misleading and is in need of correction or clarification.

**Correction of Publication**

Accordingly, the publication of April 14, 1997, of the final regulations (62 FR 18043), which were the subject of FR Doc. 97-9388 is corrected as follows:

**PART 151—[CORRECTED]**

1. On page 18045, in the second column, instruction number 1, and the authority cite are corrected to read as follows:

"1. The authority citation for subpart A of part 151 is revised to read as follows:

**Authority:** 33 U.S.C. 1321 and 1903; Pub. L. 104-227 (110 Stat. 3034), E.O. 12777, 3 CFR, 1991 Comp. P. 351; 49 CFR 1.46."

Dated: June 17, 1997.

**R.C. North,**

*Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.*

[FR Doc. 97-16570 Filed 6-24-97; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 180**

[OPP-300496A; FRL-5724-6]

RIN 2070-AB78

**Cyclanilide; Pesticide Tolerances, Correction**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; correction.

**SUMMARY:** EPA is correcting the tolerance level for meat of cattle, goats, horses, hogs and sheep as published in the **Federal Register** of May 23, 1997.

**DATES:** This correction is effective May 23, 1997.

**FOR FURTHER INFORMATION CONTACT:** By mail: Cynthia Giles-Parker, Team Leader (22), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number and e-mail address: Room 227, CM#2, 1921 Jefferson Davis Highway, Arlington, VA (703-305-7740). e-mail: giles-parker.cynthia@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of May 23, 1997 (62 FR 20350) (FRL-5719-8), EPA issued a final rule establishing pesticide tolerances for residues of the plant growth regulator,

cyclanilide, in or on the food commodities cottonseed, cotton gin byproducts, milk, fat, meat, meat byproducts, and kidney of cattle, goats, horses, hogs and sheep. Rhone-Poulenc Ag Company submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA) as amended by the Food Quality Protection Act of 1996 (Pub. L. 104-170) requesting the tolerances. The tolerance level for meat of cattle, goats, horses, hogs and sheep was incorrectly shown as 0.20 parts per million in § 180.506. This rule corrects those tolerances effective retroactively to May 23, 1997 as follows:

**List of Subjects in 40 CFR Part 180**

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and record keeping requirements

Dated: June 12, 1997.

**James Jones,**

*Acting Director, Registration Division, Office of Pesticide Programs.*

Therefore, 40 CFR part 180 is corrected as follows:

**PART 180—[CORRECTED]**

1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 346a and 371.

2. In the issue of May 23, 1997, on page 28355, in FR Doc. 97-13645, § 180.506, the table to paragraph (a), the entries for "Cattle, meat," "Goats, meat," "Hogs, meat," and "Horses, meat," are corrected to read as follows:

**§ 180.506 Cyclanilide; tolerances for residues.**

(a) \* \* \*

Commodity	Parts Per Million
* * * * *	*
Cattle, meat .....	0.02
* * * * *	*
Goats, meat .....	0.02
* * * * *	*
Horses, meat .....	0.02
* * * * *	*
Hogs, meat .....	0.02
* * * * *	*

[FR Doc. 97-16508 Filed 6-24-97; 8:45 am]

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

[Docket No. 970613138-7138-01; I.D. 060397E]

RIN 0648-AF81

**Fisheries of the Exclusive Economic Zone Off Alaska; Scallop Fisheries Off Alaska; 1997-98 Harvest Specifications**

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

**ACTION:** Final 1997-98 scallop harvest specifications; closure.

**SUMMARY:** NMFS announces final specifications of total allowable catches (TACs) and crab bycatch limits (CBLs) for the scallop fishery off Alaska during the period July 1, 1997, through June 30, 1998. NMFS also is closing the scallop fishery in Registration Area A (Southeastern), because the TAC specified for that area is zero. This action is necessary to establish harvest limits and associated management measures for scallops during the new fishing year. The intended effect of this action is to conserve and manage the scallop resource under the Fishery Management Plan for the Scallop Fishery off Alaska (FMP).

**DATES:** The final 1997-98 harvest specifications and closure in Registration Area A are effective July 1, 1997, through June 30, 1998, or until changed by subsequent notification in the **Federal Register**. Comments on the final 1997-98 harvest specifications must be received at the following address by July 25, 1997.

**ADDRESSES:** Comments must be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori J. Gravel, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK. The final 1997 Stock Assessment and Fishery Evaluation (SAFE) report, and the Final Environmental Assessment/Regulatory Impact Review (EA/RIR) prepared for Amendment 1 to the FMP are available from the North Pacific Fishery Management Council, West 4th Avenue, Suite 306, Anchorage, AK 99510-2252 (907-271-2809).

**FOR FURTHER INFORMATION CONTACT:** Kent Lind, NMFS, 907-586-7228.

## SUPPLEMENTARY INFORMATION:

## Background

The scallop fishery in the exclusive economic zone (EEZ) off Alaska is managed by NMFS under the FMP. The FMP was prepared by the North Pacific Fishery Management Council (Council) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and approved by NMFS on July 26, 1995. Amendment 1 to the FMP was implemented on August 1, 1996 (61 FR 38099, July 23, 1996), and established a joint state-Federal management regime under which NMFS has implemented Federal management measures to parallel most State of Alaska (State) management measures. Regulations implementing the FMP are set out at 50 CFR part 679. General regulations that also affect fishing in the EEZ are set out at 50 CFR part 600.

Under Amendment 1, scallop TACs and CBLs are specified annually by NMFS after consultation with the Alaska State Board of Fisheries (Board) and the Council. In March 1997, the Board reviewed scallop TAC and CBL recommendations made by the Alaska Department of Fish and Game (ADF&G) and forwarded these recommendations to the Council for review and adoption. The Council subsequently distributed the State's proposed TAC and CBL specifications to the public in its newsletter and notified the public of its intent to adopt final specifications at the April 1997 Council meeting. At its April 1997 meeting, the Council adopted the State's recommended TACs and CBLs and forwarded them to NMFS for approval and publication in the **Federal Register**. The Council invited public comment on the 1997–98 scallop TACs and CBLs prior to and during the April 1997 Council meeting. No written or oral comments were received by the Council.

## Scallop TACs

The regulations implementing Amendment 1 contain the following requirements for specification of scallop TACs:

1. The total annual TAC amount for scallops off Alaska will be established within the optimum yield (OY) range of 0 to 1.8 million lb (0 to 815.5 mt) of shucked scallop meat.

2. The annual TACs for scallops in each Registration Area or part thereof will be established as a weight in pounds of shucked scallop meat, based on the best available information on the biological condition of the scallop resource and socioeconomic considerations that are consistent with the goals and objectives of the FMP.

3. Annual scallop TACs will be specified for the 12-month period extending from July 1 through June 30 of the following year. An annual TAC amount is available for harvest only for the registration area or district specified, only during the applicable season set out in § 679.64 and only if no closure or other restriction or limitation is applicable.

The TAC recommendations made by the State and adopted by the Council fulfill these requirements and are set out in table 1 below. With the exception of the Kamishak District of Registration Area H (Cook Inlet) and Registration Area E (Prince William Sound), these TACs are unchanged from the 1996–97 fishing year.

As a result of recent State surveys, the scallop TAC for the Kamishak District of Registration Area H was raised from 20,000 lb (9,074 kg) shucked meat to 28,000 lb (12,701 kg) shucked meat and the scallop TAC for Registration Area E was lowered from 50,000 lb (22,686 kg) shucked meat to 17,400 lb (7,893 kg) shucked meat. These TACs are based on estimates of exploitable biomass, a 10-percent harvest rate and a conversion factor of 10 percent average meat weight to total animal weight. Exploitable biomasses for the Kamishak District and Registration Area E are calculated using area swept methods with information from fishermen on bed size, average towing speed, and pounds per tow.

Scallop TACs in all other areas remain unchanged from the 1996–97 fishing year. In the absence of surveys, the State's recommended TAC for each area is established as the average of the historic catch from 1969 to 1994 minus years when no fishery and "fishing-up effect" occurs. The term "fishing-up effect" is used to describe the initial exploitation phase of a new fishery or removal of accumulated stock.

The only known commercially viable scallop beds in Southeast Alaska are found in the Fairweather Grounds in District 16. For purposes of scallop management, this district has been shifted from the Registration Area A (Southeastern) to the adjacent Registration Area D (Yakutat). Because there are no other known commercially viable scallop beds in Registration Area A, the TAC for this area is set at zero. Vessel operators wishing to explore for new scallop beds in this area would apply for an experimental fishing permit under § 679.6.

TABLE 1.—SCALLOP TAC AMOUNTS FOR THE PERIOD JULY 1, 1997, THROUGH JUNE 30, 1998, IN POUNDS AND KILOGRAMS OF SHUCKED SCALLOP MEAT BY SCALLOP REGISTRATION AREA AND DISTRICT

Scallop registration area	lb	kg
Area A (Southeastern) .....	zero	zero
Area D (Yakutat):		
District 16 .....	35,000	15,876
All other districts ....	250,000	113,398
Area E (Prince William Sound) .....	17,400	7,893
Area H (Cook Inlet):		
Kamishak District ...	28,000	12,701
Area K (Kodiak) .....	400,000	181,437
Area M (Alaska Peninsula) .....	200,000	90,718
Area O (Dutch Harbor) .....	170,000	77,111
Area Q (Bering Sea) .....	600,000	272,155
Area R (Adak) .....	75,000	34,019
Total .....	1,775,400	805,308

## Crab Bycatch Limits

CBLs are established in registration areas where crab bycatch in the scallop fishery is a management concern. ADF&G has recommended CBLs be specified for all registration areas of concern, except Registration Area Q (Bering Sea), according to the following formula: If crab stocks in a registration area are sufficiently healthy to support a commercial crab fishery, the CBL for that area is established at 1 percent of the most recent crab population estimate for that area; if crab stocks in a registration area are insufficiently healthy to support a commercial crab fishery, the CBL for that area is established as 0.5 percent of the most recent crab population estimate.

In Registration Area Q, regulations require that CBLs be specified according to the following formulas: For red king crab, the CBL must be specified within the range of 500 to 3,000 crab. Because red king crab populations in the Bering Sea are currently depressed, the Council adopted the lower end of the acceptable range—500 crab for 1997–98. Red king crab bycatch in the Area Q scallop fishery during 1996–97 was significantly below 500 crab and is expected to remain low in 1997–98, because the Area Q scallop fishery is not typically conducted in areas frequented by red king crab. For *Chionoecetes opilio* Tanner crab, the CBL is set at 0.003176 percent of the best available estimate of *C. opilio* abundance in Registration Area Q. For *C. bairdi* Tanner crab, the CBL is set at 0.13542 percent of the best available estimate of

*C. bairdi* abundance in Registration Area Q. The CBLs for the period July 1, 1997, through June 30, 1998, are shown in table 2.

TABLE 2.—CRAB BYCATCH LIMITS FOR THE PERIOD JULY 1, 1997, THROUGH JUNE 30, 1998, IN NUMBERS OF CRABS BY SCALLOP REGISTRATION AREA AND DISTRICT

Scallop registration area	Red king	<i>C. bairdi</i>	<i>C. opilio</i>
Area A (Southeastern) .....	.....	.....	.....
Area D (Yakutat) .....	.....	.....	.....
Area E (Prince William Sound) .....	.....	630	.....
Area H (Cook Inlet):			
Kamishak District .....	60	29,000	.....
Outer/Eastern Districts .....	98	2,170	.....
Area K (Kodiak):			
Shelikof District .....	35	51,000	.....
Northeast District .....	50	91,600	.....
Area M (Alaska Peninsula) .....	79	45,300	.....
Area O (Dutch Harbor) .....	10	10,700	.....
Area Q (Bering Sea) .....	500	238,000	172,000
Area R (Adak) .....	50	10,000	.....
Total .....	882	478,400	172,000

### Closure in Registration Area A

In Registration Area A, the final scallop TAC amount for the period July 1, 1997, through June 30, 1998, is zero. Therefore, under § 679.62(c), NMFS is prohibiting the catch and retention of scallops in Registration Area A from July 1, 1997, through June 30, 1998.

### Classification

This action is authorized under 50 CFR part 679 and is exempt from review under E.O. 12866.

The FMP takes into consideration, in the establishment of annual harvest guidelines, the timing of the receipt, development, review, and analysis of the fishery information necessary for setting the specifications, and the need to have the specifications in effect at the beginning of the 1997 fishing year to coordinate the Federal and State scallop fisheries. Amendment 1 to the FMP,

implemented on August 1, 1996, recognized these considerations and established a public notification process through **Federal Register** publication and Council mailings, of relevant meetings at which scallop fishery specifications will be developed. This FMP process was designed to provide an opportunity for public input during the annual development of the harvest guidelines. Thus, as the interested public had an opportunity to comment on the formulation of these specifications at the March 1997 Board meeting and the April 1997 Council meeting, there is good cause under 5 U.S.C. 553(b)(B) to waive prior notice and opportunity for public comment as such additional procedures would be unnecessary. Additional public comment on the specifications will be accepted for 30 days after publication of this document in the **Federal Register**. The Assistant Administrator (AA) will

consider all comments made during this additional public comment period and may make modifications as appropriate. The specifications and closure announced in this rule do not revise the conservation and management measures currently in effect in a manner that would require time to plan or prepare for those revisions. Therefore, the AA finds good cause, under 5 U.S.C.(d)(3), to have a delayed effectiveness period shorter than the statutorily required 30 days, and makes these actions effective on July 1, 1997.

**Authority:** 16 U.S.C. 773 *et seq.*, 1801 *et seq.* and 3631 *et seq.*

Dated: June 19, 1997.

**Rolland A. Schmitten,**

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

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