

four hours on two separate days each year.

Collection of Information

These regulations contain no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this action and has determined pursuant to section 2.B.2.e. (34)(h) of Commandant Instruction M16475.1B, that this action is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

Final Regulations

In consideration of the foregoing, the Coast Guard amends part 100 of Title 33, Code of Federal Regulations, as follows:

PART 100—[AMENDED]

1. The Authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46.

2. In § 100.717, paragraph (c) is revised to read as follows:

§ 100.717 Special Local Regulations; Fort Myers Beach, FL.

* * * * *

(c) *Effective dates:* This section is effective each day from 11 a.m. through 3 p.m. EDT annually during the third Saturday and Sunday of May.

Dated: May 7, 1997.

J.W. Lockwood,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 97-12791 Filed 5-14-97; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA 056-5023; FRL-5826-2]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Enhanced Motor Vehicle Inspection and Maintenance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: EPA is granting conditional interim approval of a State Implementation Plan (SIP) revision submitted by Virginia. This revision establishes and requires the implementation of an enhanced inspection and maintenance (I/M) program in the following Virginia Counties: Arlington, Fairfax, Fauquier, Loudoun, Prince William, and Stafford, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. The intended effect of this action is to conditionally approve the Commonwealth's proposed enhanced I/M program for an interim period to last 18 months, based upon the Commonwealth's good faith estimate of the program's performance. This action is being taken under section 110 of the Clean Air Act and section 348 of the National Highway Systems Designation Act.

EFFECTIVE DATE: This final rule is effective on June 16, 1997.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. They are also available for inspection at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Catherine L. Magliocchetti, by telephone at: (215) 566-2174, or via e-mail at: magliocchetticatherine@epamail.epa.gov. The mailing address is U.S. EPA Region III, 841 Chestnut Street, Philadelphia, PA, 19107.

SUPPLEMENTARY INFORMATION:

- I. Table of Contents
- II. Background
- III. Public Comments/Response to Comments
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- V. Final Rulemaking Action

VI. Further Requirements for Full I/M SIP Approval

VII. Administrative Requirements

A. Executive Order 12866

B. Regulatory Flexibility Act

C. Unfunded Mandates

D. Submission to Congress and the General Accounting Office

E. Petitions for Judicial Review

II. Background

On November 6, 1996 (61 FR 57343), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Virginia. The NPR proposed conditional interim approval of Virginia's enhanced inspection and maintenance program, submitted to satisfy the applicable requirements of both the Clean Air Act (CAA) and the National Highway Systems Designation Act (NHSDA). The formal SIP revision was submitted by the Virginia Department of Environmental Quality on March 27, 1996.

As described in that notice, the NHSDA directs EPA to grant interim approval for a period of 18 months to approvable I/M submittals under this Act. The NHSDA also directs EPA and the states to review the interim program results at the end of that 18-month period, and to make a determination as to the effectiveness of the interim program. Following this demonstration, EPA will adjust any credit claims made by the state in its good faith effort, to reflect the emissions reductions actually measured by the state during the program evaluation period. The NHSDA is clear that the interim approval shall last for only 18 months, and that the program evaluation is due to EPA at the end of that period. Therefore, EPA believes Congress intended for these programs to start up as soon as possible, which EPA believes should be on or before November 15, 1997, so that at least six months of operational program data can be collected to evaluate the interim programs. EPA believes that in setting such a strict timetable for program evaluations under the NHSDA, Congress recognized and attempted to mitigate any further delay with the start-up of this program. If the Commonwealth fails to start its program according to this schedule, this conditional interim approval granted under the provisions of the NHSDA will convert to a disapproval after a finding letter is sent to the Commonwealth. Unlike the other specified conditions of this rulemaking, which are explicit conditions under section 110(k)(4) of the CAA and which will trigger an automatic disapproval should the Commonwealth fail to meet its commitments, the startdate provision will trigger a disapproval upon EPA's

notification to the Commonwealth by letter that the startdate has been missed. This letter will notify the Commonwealth that this rulemaking action has been converted to a disapproval and that the sanctions clocks associated with this disapproval has been triggered as a result of this failure. The startdate condition is not imposed pursuant to a commitment to correct a deficient SIP under section 110(k)(4); EPA is imposing the startdate condition under its general SIP approval authority of section 110 (k)(3), which does not require automatic conversion.

The program evaluation to be used by the Commonwealth during the 18-month interim period must be acceptable to EPA. The Environmental Council of States (ECOS) group has developed such a program evaluation process which includes both qualitative and quantitative measures, and this process has been deemed acceptable to EPA. For the quantitative long term measure, the core requirement is that a mass emission transient test (METT) be performed on 0.1% of the subject fleet, as required by the I/M Rule at 40 CFR 51.353 and 51.366. EPA has determined that METT evaluation testing is not precluded by NHSDA, and therefore, is still required to be performed by states implementing I/M programs under the NHSDA and the CAA.

As per the NHSDA requirements, this conditional interim rulemaking will expire on November 16, 1998. A full approval of Virginia's final I/M SIP revision (which will include the Commonwealth's program evaluation and final adopted state regulations) is still necessary under section 110 and under sections 182, 184 or 187 of the CAA. After EPA reviews the Commonwealth's submitted program evaluation and regulations, final rulemaking on the Commonwealth's full SIP revision will occur.

Specific requirements of the Virginia enhanced I/M SIP and the rationale for EPA's proposed action are explained in the NPR and will not be restated here.

III. Public Comments/Response to Comments

No comments were received with regard to this notice during the comment period.

IV. Conditional Interim Approval

Under the terms of EPA's November 6, 1996 proposed interim conditional approval rulemaking, the Commonwealth was required to make commitments (within 30 days) to remedy four major deficiencies with the I/M program SIP (as specified in the NPR), within twelve months of final

interim approval. In a December 4, 1996 letter to EPA from Thomas H. Hopkins, Director of the Virginia Department of Environmental Quality, Virginia commits to satisfy the major deficiencies cited in the NPR, by dates certain specified in the letter. Since EPA is in receipt of the Commonwealth's commitments, EPA is today taking final conditional approval action upon the Virginia I/M SIP, under section 110 of the CAA. As discussed in detail later in this notice, this approval is being granted on an interim basis, for an 18-month period under authority of the NHSDA.

The conditions for approvability of the SIP are as follows:

(1) The Commonwealth must perform and submit the new modeling demonstration that illustrates how its program will meet the relevant enhanced performance standard, by September 15, 1997 (a date specified by the Commonwealth in the commitment letter to EPA). The Commonwealth's revised modeling must correspond to the actual I/M program configuration, including actual test methods and start dates for all I/M program tests, actual cutpoints to be in-place for the evaluation year, and all other program assumptions as they exist in the SIP. EPA expects that Virginia's new modeling demonstration will be done using an approved EPA model in order to meet this condition. Virginia should refer to EPA's guidance on modeling to determine which version of the model is appropriate and suitable for Virginia's use in meeting this commitment.

(2) The Commonwealth must submit to EPA as a SIP amendment, by September 15, 1997 (a date specified by the Commonwealth in the commitment letter to EPA), the final Virginia I/M regulation which requires a METT-based evaluation be performed on 0.1% of the subject fleet each year as per 40 CFR section 51.353(c)(3) and which meets all other program evaluation elements specified in 40 CFR section 51.353(c), including a program evaluation schedule, a protocol for the testing, and a system for collection and analysis of program evaluation data.

(3) By September 15, 1997 (a date specified by the Commonwealth in the commitment letter to EPA), Virginia must adopt and submit a final Virginia I/M regulation which requires and which specifies detailed, approvable test procedures and equipment specifications for all of the evaporative and exhaust tests to be used in the enhanced I/M program. The Commonwealth has committed to adopt approvable test procedures, standards and specifications for its two-mode

ASM test. The draft regulations submitted to EPA with the commitment letter, containing the two-mode ASM procedures and specifications do not comply in all respects with EPA's ASM technical guidance EPA-AA-RSPD-IM-96-2. EPA expects that Virginia will remedy any remaining discrepancies between its regulation and approved EPA specifications by the September 15, 1997 date.

In addition to the above conditions, the Commonwealth must correct several minor, or de minimus, deficiencies related to CAA requirements for enhanced I/M. Although satisfaction of these deficiencies does not affect the conditional interim approval status of the Commonwealth's rulemaking, these deficiencies must be corrected in the final I/M SIP revision, to be submitted at the end of the 18-month interim period:

(1) The SIP lacks a detailed description of the elements to satisfy the test frequency requirements required under 40 CFR section 51.355(a), particularly regarding scheduling of vehicles for testing and the selection scheme for the biennial program inspections, as well as a description of how test frequency will be integrated with the registration denial motorist enforcement process;

(2) The SIP does not fully account for all exceptions from testing in the emissions reductions analysis. The state must account for testing exceptions and account for them in their performance standard modeling demonstration, per 40 CFR section 51.356(b)(2);

(3) Virginia must develop quality control procedures, test equipment specifications, quality control procedures manual, or other ordinance or documents to satisfy all the quality control requirements of 40 CFR section 51.359;

(4) Virginia must amend its regulation to allow that waivers be issued only by a single contractor or by the Commonwealth, per 40 CFR section 51.360(c)(1);

(5) The final SIP submittal must include the procedures document that adequately addresses the means by which the Commonwealth will comply with all the motorist compliance enforcement program oversight requirements set forth at 40 CFR section 51.362;

(6) Virginia must complete and submit as a SIP revision to EPA procedures manuals for use by the Commonwealth's quality assurance auditors to conduct covert and overt audits for program oversight purposes, per 40 CFR section 51.363(e);

(7) The Commonwealth must adopt, and submit as a SIP revision, a penalty schedule for inspectors and inspection stations, per 40 CFR section 51.364 (a) and (d);

(8) Virginia's SIP, either the regulation or the test equipment specifications, must require that the specific data elements identified in 40 CFR section 51.365(a) be collected and reported to the Commonwealth on a real-time basis;

(9) Virginia must finalize and submit the final "Public Information Plan" described in the SIP, to satisfy the requirements of 40 CFR section 51.368 (a) and (b);

(10) Virginia must formally submit the procedures and criteria to be used in meeting the repair performance monitoring requirements set forth in 40 CFR section 51.369(b) and a description of the repair technician training resources available in the community (when available), per 40 CFR section 51.369(c);

(11) Virginia must submit detailed recall compliance procedures and a commitment to annually report recall compliance information to EPA, per the requirements of 40 CFR section 51.370;

(12) Virginia must amend the SIP to include information regarding resource allocation for the on-road testing program, as well as methods for analyzing and reporting the results of on-road testing, per 40 CFR section 51.371. This may entail submittal of an on-road testing procedures manual or the request for proposals (RFP) for the contractor to be hired to operate the on-road testing program;

(13) Virginia must list in its schedule of implementation milestones deadlines by which all procedures documents not yet part of the SIP are to be finalized and submitted to EPA.

V. Final Rulemaking Action

EPA is conditionally approving the enhanced I/M program as a revision to the Virginia SIP, based upon certain conditions. This conditional approval satisfies the requirements of section 182(c)(3) of the CAA and the NHSDA for an enhanced I/M program. EPA also clarifies its proposal to approve the SIP under section 110 of the Clean Air Act as well. For the purposes of strengthening the SIP, EPA is also giving a limited approval under section 110 if the state fulfills all of its commitments within 12 months of this final rulemaking. This limited approval under section 110 will not expire at the end of the 18 month interim period. Thus, although an approved I/M SIP satisfying the requirements of section 182(c)(3) may no longer be in place after the termination of the interim SIP

approval period provided by the NHSDA, this program will remain a part of the federally enforceable SIP.

Should the Commonwealth fail to fulfill the conditions, other than the startdate condition which will be treated as described above, by the deadlines contained in each condition, the latest of which is no more than one year after the date of EPA's final interim approval action, this conditional, interim approval will convert to a disapproval pursuant to CAA section 110(k)(4). In that event, EPA would issue a letter to notify the Commonwealth that the conditions had not been met, and that the approval has converted to a disapproval.

VI. Further Requirements for Full I/M SIP Approval

This approval is being granted on an interim basis for a period of 18 months, under the authority of section 348 of the National Highway Systems Designation Act of 1995. At the end of this period, the approval will lapse. At that time, EPA must take final rulemaking action upon the Commonwealth's SIP, under the authority of section 110 of the Clean Air Act. Final approval of the Commonwealth's plan will be granted based upon the following criteria:

(1) The Commonwealth has complied with all the conditions of its commitment to EPA,

(2) EPA's review of the Commonwealth's program evaluation confirms that the appropriate amount of program credit was claimed by the Commonwealth and achieved with the interim program,

(3) Final program regulations are submitted to EPA, and

(4) The Commonwealth's I/M program meets all of the requirements of EPA's I/M rule, including those de minimus deficiencies identified in this notice as minor for purposes of interim approval.

VII. Administrative Requirements

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

A. Executive Order 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR

2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Conditional approvals of SIP submittals under section 110 and subchapter I, part D of the CAA do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, EPA certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

If the conditional approval is converted to a disapproval under section 110(k), based on the State's failure to meet the commitment, it will not affect any existing state requirements applicable to small entities. Federal disapproval of the state submittal does not affect its state-enforceability. Moreover, EPA's disapproval of the submittal does not impose a new Federal requirement. Therefore, EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements nor does it substitute a new federal requirement.

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule

that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

Under 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 804(2).

E. Petitions for Judicial Review

Under 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 14, 1997.

Filing a petition for reconsideration by the Administrator of this final rule to conditionally approve the Virginia I/M SIP, on an interim basis, does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2) of the Administrative Procedures Act).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: May 2, 1997.

Thomas J. Maslany,

Acting Regional Administrator, Region III.

Chapter I, title 40, of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart VV—Virginia

2. 52.2450 is amended by designating the existing text as paragraph (a) and by adding paragraphs (b), (c) and (d) to read as follows:

§ 52.2450 Conditional Approval.

* * * * *

(b) The Commonwealth of Virginia's March 27, 1996 submittal for an enhanced motor vehicle inspection and maintenance (I/M) program is conditionally approved based on certain contingencies, for an interim period to last eighteen months. If the Commonwealth fails to start its program according to the schedule it provided, or by November 15, 1997 at the latest, this conditional approval will convert to a disapproval after EPA sends a letter to the state. If the Commonwealth fails to satisfy the following conditions within 12 months of this rulemaking, this conditional approval will automatically convert to a disapproval as explained under section 110(k) of the Clean Air Act. The conditions for approvability are as follows:

(1) The Commonwealth must perform and submit the new modeling demonstration that illustrates how its program will meet the relevant enhanced performance standard, by September 15, 1997 (a date specified by the Commonwealth in the commitment letter to EPA). The Commonwealth's revised modeling must correspond to the actual I/M program configuration, including actual test methods and start dates for all I/M program tests, actual cutpoints to be in-place for the evaluation year, and all other program assumptions as they exist in the SIP. EPA expects that Virginia's new modeling demonstration will be done using an approved EPA model in order to meet this condition. Virginia should refer to EPA's guidance on modeling to determine which version of the model is appropriate and suitable for Virginia's use in meeting this commitment.

(2) The Commonwealth must submit to EPA as a SIP amendment, by September 15, 1997 (a date specified by the Commonwealth in the commitment

letter to EPA), the final Virginia I/M regulation which requires a METT-based evaluation be performed on 0.1% of the subject fleet each year as per 40 CFR 51.353(c)(3) and which meets all other program evaluation elements specified in 40 CFR 51.353(c), including a program evaluation schedule, a protocol for the testing, and a system for collection and analysis of program evaluation data.

(3) By September 15, 1997 (a date specified by the Commonwealth in the commitment letter to EPA), Virginia must adopt and submit a final Virginia I/M regulation which requires and which specifies detailed, approvable test procedures and equipment specifications for all of the evaporative and exhaust tests to be used in the enhanced I/M program. The Commonwealth has committed to adopt approvable test procedures, standards and specifications for its two-mode ASM test. The draft regulations submitted to EPA with the commitment letter, containing the two-mode ASM procedures and specifications do not comply in all respects with EPA's ASM technical guidance EPA-AA-RSPD-IM-96-2. EPA expects that Virginia will remedy any remaining discrepancies between its regulation and approved EPA specifications by the September 15, 1997 date.

(c) In addition to the above conditions for approval, the Commonwealth must correct several minor, or de minimus deficiencies related to CAA requirements for enhanced I/M. Although satisfaction of these deficiencies does not affect the conditional approval status of the Commonwealth's rulemaking granted under the authority of § 110 of the Clean Air Act, these deficiencies must be corrected in the final I/M SIP revision prior to the end of the 18-month interim period granted under the National Highway Safety Designation Act of 1995:

(1) The SIP lacks a detailed description of the elements to satisfy the test frequency requirements required under 40 CFR 51.355(a), particularly regarding scheduling of vehicles for testing and the selection scheme for the biennial program inspections, as well as a description of how test frequency will be integrated with the registration denial motorist enforcement process;

(2) The SIP does not fully account for all exceptions from testing in the emissions reductions analysis. The state must account for testing exceptions and account for them in their performance standard modeling demonstration, per 40 CFR 51.356(b)(2);

(3) Virginia must develop quality control procedures, test equipment specifications, quality control procedures manual, or other ordinance or documents to satisfy all the quality control requirements of 40 CFR 51.359;

(4) Virginia must amend its regulation to allow that waivers be issued only by a single contractor or by the Commonwealth, per 40 CFR 51.360(c)(1);

(5) The final SIP submittal must include the procedures document that adequately addresses the means by which the Commonwealth will comply with all the motorist compliance enforcement program oversight requirements set forth at 40 CFR 51.362;

(6) Virginia must complete and submit as a SIP revision to EPA procedures manuals for use by the Commonwealth's quality assurance auditors to conduct covert and overt audits for program oversight purposes, per 40 CFR 51.363(e);

(7) The Commonwealth must adopt, and submit as a SIP revision, a penalty schedule for inspectors and inspection stations, per 40 CFR 51.364 (a) and (d);

(8) Virginia's SIP, either the regulation or the test equipment specifications, must require that the specific data elements identified in 40 CFR 51.365(a) be collected and reported to the Commonwealth on a real-time basis;

(9) Virginia must finalize and submit the final "Public Information Plan" described in the SIP, to satisfy the requirements of 40 CFR 51.368 (a) and (b);

(10) Virginia must formally submit the procedures and criteria to be used in meeting the repair performance monitoring requirements set forth in 40 CFR 51.369(b) and a description of the repair technician training resources available in the community (when available), per 40 CFR 51.369(c);

(11) Virginia must submit detailed recall compliance procedures and a commitment to annually report recall compliance information to EPA, per the requirements of 40 CFR 51.370;

(12) Virginia must amend the SIP to include information regarding resource allocation for the on-road testing program, as well as methods for analyzing and reporting the results of on-road testing, per 40 CFR 51.371. This may entail submittal of an on-road testing procedures manual or the request for proposals (RFP) for the contractor to be hired to operate the on-road testing program;

(13) Virginia must list in its schedule of implementation milestones deadlines by which all procedures documents not yet part of the SIP are to be finalized and submitted to EPA.

(d) EPA is also approving this Enhanced I/M SIP revision under section 110(k), for its strengthening effect on the plan.

[FR Doc. 97-12790 Filed 5-14-97; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 961119321-7071-02; I.D. 110796G]

Fisheries of the Exclusive Economic Zone Off Alaska; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document contains corrections to the final regulations (I.D. 110796G), which were published in the **Federal Register** April 11, 1997, pertaining to the groundfish fisheries of the Gulf of Alaska (GOA) and the Bering Sea and Aleutian Islands management area (BSAI). This action corrects regulations by requiring groundfish weight to be reported to the nearest 0.001 mt and removes a redundant paragraph.

EFFECTIVE DATE: May 12, 1997.

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

SUPPLEMENTARY INFORMATION:

Background

A final rule was published in the **Federal Register** on April 11, 1997 (62 FR 17753), that implemented several revisions to recordkeeping and reporting requirements established for the GOA and BSAI groundfish fisheries. This final rule becomes effective on May 12, 1997.

Need for Correction

As published, the instructions to revise the regulations contained errors that resulted in the omission of several intended revisions to regulatory text.

NMFS is correcting these errors as follows and makes no substantive changes.

1. In § 679.5, paragraphs (a)(10)(ii) through (v) were not listed in amendatory language instruction number 4 (page 17756, column 2, line 16) of the final rule, but text implementing those changes in the regulations was published. This action corrects the amendatory language instruction by specifying that § 679.5(a)(10)(ii) through (v) were changed by replacing "0.01 mt" to read "0.001 mt."

2. In § 679.5(i)(3)(ii), (iii), and (iv) and § 679.5(j)(4)(ii), (iii), and (iv), this action changes "0.01 mt" to read "0.001 mt" and removes § 679.5(a)(10)(i)(C) which duplicates text found at § 679.5(a)(10)(i)(B).

The corrected final rule will become effective on May 12, 1997, as originally announced in the **Federal Register**.

List of Subjects in 50 CFR Part 679

Fisheries, Reporting and recordkeeping requirements.

Dated: May 7, 1997.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For reasons set out in the preamble, the following corrections are made to the final rule amending 50 CFR part 679, which was published beginning on page 17753 in the **Federal Register** for April 11, 1997, in FR Doc. 97-9390 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.*

§ 679.5 [Corrected]

2. On page 17756, in the second column, instruction paragraph 4. for § 679.5 is corrected by adding the following instructions in the last line before the words "to read as follows:"

4. * * * the reference to "0.01 mt" is corrected to read "0.001 mt" in paragraphs (i)(3)(ii) through (iv) and (j)(4)(ii) through (iv); paragraph (a)(10)(i)(C) is removed; and paragraphs (a)(10)(ii) through (v) are revised * * *.

[FR Doc. 97-12532 Filed 5-14-97; 8:45 am]

BILLING CODE 3510-22-F