

In consideration of the foregoing, 49 CFR part 583 is amended as follows:

## **PART 583—AUTOMOBILE PARTS CONTENT LABELING**

1. The authority for part 583 continues to read as follows:

**Authority:** 49 U.S.C. 32304, 49 CFR 1.50, 501.2(f).

2. Section 583.6 is amended by revising paragraph (c)(6) to read as follows:

### **§ 583.6 Procedure for determining U.S./Canadian parts content.**

\* \* \* \* \*

(c) \* \* \*

(6) For carlines which are first offered for sale to ultimate purchasers before January 1, 1999, if a manufacturer or allied supplier requests information in a timely manner from one or more of its outside suppliers concerning the U.S./Canadian content of particular equipment, but does not receive that information despite a good faith effort to obtain it, the manufacturer or allied supplier may make its own good faith value added determinations, subject to the following provisions:

(i) The manufacturer or allied supplier shall make the same value added determinations as would be made by the outside supplier, i.e., whether 70 percent or more of the value of equipment is added in the United States and/or Canada;

(ii) The manufacturer or allied supplier shall consider the amount of value added and the location in which the value was added for all of the stages that the outside supplier would be required to consider;

(iii) The manufacturer or allied supplier may determine that the value added in the United States and/or Canada is 70 percent or more only if it has a good faith basis to make that determination;

(iv) A manufacturer and its allied suppliers may, on a combined basis, make value added determinations for no more than 10 percent, by value, of a carline's total parts content from outside suppliers;

(v) Value added determinations made by a manufacturer or allied supplier under this paragraph shall have the same effect as if they were made by the outside supplier;

(vi) This provision does not affect the obligation of outside suppliers to provide the requested information.

Issued on: June 17, 1997.

**Ricardo Martinez,**  
*Administrator.*

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 660**

[Docket No. 970612136-7136-01; I.D. 060297B]

RIN 0648-AJ61

### **Fisheries Off West Coast States and in the Western Pacific; Western Pacific Crustacean Fisheries; 1997 Harvest Guideline**

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

**ACTION:** Harvest guideline for crustaceans for 1997.

**SUMMARY:** NMFS announces a 1997 harvest guideline of 322,912 lobsters for the Northwestern Hawaiian Islands (NWHI) crustacean fishery. This is a reduction of 4,088 lobsters from the harvest guideline of 327,000 lobsters published on May 23, 1997. This change in the harvest guideline was identified as a future action in the May 23, 1997, publication and is necessary to account for mortality from anticipated discards in the fishery, which increases fishing mortality beyond the harvest guideline.

**DATES:** Effective July 1, 1997.

**ADDRESSES:** Copies of background material for determining the harvest guideline may be obtained from Dr. William Hogarth, Acting Regional Administrator, Southwest Region, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213.

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

**SUPPLEMENTARY INFORMATION:** A harvest guideline for the NWHI crustacean fishery of 327,000 spiny and slipper lobster combined was announced in the **Federal Register** on May 23, 1997 (62 FR 28376) for the fishing season beginning July 1, 1997. The basis for setting the harvest guideline was Amendment 9 to the Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region (FMP). A summary of the procedure was discussed at that time and will not be repeated here.

Also discussed in the announcement was the high-grading (retention of only the more valuable components of the catch) that had occurred during the 1996 fishing season. Mortality of discarded lobster is believed to be high in the NWHI; therefore, high-grading

results in fishing mortality in excess of the harvest guideline and thus compromises a major objective of Amendment 9.

There were differences between the estimate of high-grading by NMFS and that reported by the permit holders in 1996; therefore, the Western Pacific Fishery Management Council (Council) convened a panel of technical experts to conduct a thorough review of the 1996 fishery. The panel concluded that, while the approach used by NMFS to estimate high-grading was technically sound, the underlying assumptions and data NMFS used in making the estimate likely resulted in an overestimate of discarding in 1996. The review panel agreed, however, that discarding needs to be accounted for in the management program.

The Council met in April and, after considering comments from the experts panel, its Advisory Panel, Plan Team, and Scientific and Statistical Committee, determined that changes were needed in the harvest guideline system to ensure achievement of the objectives of Amendment 9. Necessary changes include a pre-season or in-season estimate of the amount of high-grading and associated mortality so that the fishery can be closed when total harvest (retained catch plus discards) reaches the harvest guideline level. The Council decided that, for the 1997 fishing season, the rate of discards as recorded by the permit holders during the 1996 fishing season (1.25 percent) should be used as an estimate of discards for the 1997 fishery, while recognizing that a better method needs to be developed to estimate annual discards. Therefore, the harvest guideline of 327,000 spiny and slipper lobsters must be reduced by 1.25 percent, that is, 4,088 lobsters. Accordingly, the harvest guideline for the 1997 fishing season, which begins on July 1, is 322,912 spiny and slipper lobster combined.

This change is implemented under the framework procedures of Amendment 9, in this case the "Procedure for established measures" at 50 CFR part 660.53(c). A letter will be sent by the Regional Administrator to all permit holders to advise them of the action.

The Southwest Region, NMFS, will monitor landings against the harvest guideline and issue timely reports of summary catch and effort information. However, participants are advised to contact the Southwest Region (see **ADDRESSES**) periodically to stay abreast of any change in the harvest guideline and progress of the fishery toward attaining the harvest guideline. Under

the procedures in 50 CFR 660.50(b)(3), NMFS will announce the date upon which the harvest guideline will be reached and close the fishery.

**Classification**

This final rule has been determined to be not significant for purposes of E.O. 12866.

The Assistant Administrator, NMFS, finds that because this action merely revises a previously announced harvest guideline to account for discard data under the FMP's objective formula for calculating the harvest guideline, no useful purpose would be served by providing prior notice and opportunity for public comment. As such, under authority at 5 U.S.C. 553(b)(B), such procedures can be waived as unnecessary. Similarly, there is good cause under 5 U.S.C. 553 (d)(3) to establish an effective date less than 30 days after date of publication.

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

Dated: June 17, 1997.

**Rolland A. Schmitten,**

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

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