

State, or local; to an approved zoo; or to an Indian tribe. Otherwise they should be sold at auction and any money received applied to the national debt.

In response to the first point, the Service works closely with State and local governments when proposing and carrying out modifications to its refuge management plans. This practice will continue while disposing of surplus range animals. Likewise, the Service recognizes the need to manage these resources for long-term sustainability.

In response to the second point, the final rule provides for donation for specific purposes to the entities referenced and open market sales for other entities. Revenues from the sale of surplus animals by law are not applied to the debt, but are required to be paid to certain counties in accordance with a formula set by the Refuge Revenue Sharing Act (16 U.S.C. 715s) after deducting expenses for sales.

Paperwork Reduction Act

These final regulations have been examined under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) and have been found to contain no information collection requirements.

Economic Effects/Regulatory Flexibility Act Compliance

This rulemaking was not subject to Office of Management and Budget review under Executive Order 12866. In addition, a review under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) has revealed that the rulemaking would not have a significant effect on a substantial number of small entities, which include businesses, organizations or governmental jurisdictions. This final rule would have minimal effect on such entities because the regulation has not been significantly changed, but the Service merely expanded it to allow a broader range of agencies and institutions to qualify as recipients of donated surplus animals. The number, age and sex of surplus and donated animals varies from year to year. The number of animals donated reduces the number of animals available for sale. In 1995, the Service had 378 bison and 139 longhorn cattle which the Service designated as surplus animals. Of these, 322 bison (83%) were sold at auction and 56 bison (17%) were donated. All cattle were sold at auction. Buyers primarily purchase animals for breeding and herd augmentation. Animals unsuitable for breeding or herd composition needs, such as old bulls, are purchased for slaughter by meat packing firms. Total revenues from the sales in 1995 were \$418,434. Animals may be donated only for specific

purposes to qualified agencies or institutions. While the number of donations will vary in any given year, the number of animals available for purchase should not be significantly reduced.

Unfunded Mandates Act

The Service has determined and certifies pursuant to the Unfunded Mandates Act, (2 U.S.C. Sec. 1502 *et seq.*), that this rulemaking will not impose a cost of \$100 million or more in any given year on local or State governments or private entities.

Civil Justice Reform

The Department has determined that these final regulations meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988.

Environmental Considerations

Pursuant to the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Secs. 4321–4347), this action falls within a categorical exclusion because it involves issuance of routine, recurring, or special regulations (516 DM 6, Appendix 1.4.H).

Primary Author

Greg Weiler, Division of Refuges, U.S. Fish and Wildlife Service, Washington, DC, is the primary author of this rulemaking document.

List of Subjects in 50 CFR Part 30

Animals, Range management, Wildlife refuges.

Accordingly, part 30 of Chapter 1 of Title 50 of the Code of Federal Regulations is amended as set forth below:

PART 30—RANGE AND FERAL ANIMAL MANAGEMENT

1. The authority citation for part 30 is revised to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 668dd, as amended; 16 U.S.C. 715i, as amended; 41 CFR 101–44.

2. Section 30.2 is revised to read as follows:

§ 30.2 Disposition of surplus range animals.

Disposition shall be made only during regularly scheduled disposal program periods, except in the event of exigent circumstances affecting the animals, their range, or the recipient. The Refuge Manager is responsible for determining the existence of “exigent circumstances.” Surplus range animals may be disposed of, subject to State and Federal health laws and regulations, by

donation for specific purposes to public agencies, public institutions, other governments or charitable institutions, or sold on the open market.

Dated: February 13, 1997.

Don Barry,

Acting Assistant Secretary for Fish and Wildlife and Parks.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 960429120–6120–01; I.D. 040897A]

Fisheries off West Coast States and in the Western Pacific; Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California; Inseason Adjustments, Cape Falcon, OR, to the Oregon-California Border

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

ACTION: Inseason adjustments; request for comment.

SUMMARY: NMFS announces the April 15, 1997, opening of: Commercial seasons for all salmon except coho in the area from Cape Falcon, OR, to the Oregon-California border; and recreational seasons for all salmon except coho in the area from Cape Falcon, OR to Humbug Mountain, OR. These adjustments are in accordance with the 1996 annual management measures.

DATES: Effective 0001 hours local time, April 15, 1997, through 2359 hours local time, April 30, 1997, in the area from Cape Falcon, OR to the Oregon-California border for the commercial fishery and in the area from Cape Falcon, OR to Humbug Mountain, OR, for the recreational fishery. Comments will be accepted through May 8, 1997.

ADDRESSES: Comments may be mailed to William Stelle, Jr., Regional Administrator, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115–0070. Information relevant to this document is available for public review during business hours at the office of the Regional Administrator, Northwest Region, NMFS.

FOR FURTHER INFORMATION CONTACT: William L. Robinson, 206–526–6140.

SUPPLEMENTARY INFORMATION: In the 1996 annual management measures for ocean salmon fisheries (61 FR 20175, May 6, 1996), inseason management guidance was provided to NMFS such that at the March 1997 meeting the Pacific Fishery Management Council (Council) would consider an inseason recommendation to open commercial and recreational seasons for all salmon except coho on April 15 in areas off Oregon. Due to the timing of the March and April Council meetings where the major 1997 salmon seasons are developed, such action would be necessary to implement the opening of these seasons prior to May 1, 1997.

At its March 4–7, 1997, meeting in Portland, OR, the Council recommended the April 15 opening of commercial seasons in the area from Cape Falcon, OR, to the Oregon-California border, and recreational seasons in the area from Cape Falcon to Humbug Mountain, OR. The following season descriptions were recommended by the Council. Minimum size limits, special requirements, restrictions, and exceptions are as stated in Tables 1 and 2 of the 1996 annual management measures. Continuation of these seasons

may be provided by the 1997 annual management measures to be implemented on May 1, 1997.

Commercial Season, Cape Falcon to Cape Arago, and Cape Arago to Oregon-California Border

April 15 through April 30. All salmon except coho. No more than 4 spreads per line.

Recreational Season, Cape Falcon to Humbug Mountain

April 15 through April 30. All salmon except coho. Two fish per day. No more than 6 fish in 7 consecutive days. Legal gear limited to: Artificial lures, plugs or bait no less than 6 inches (15.2 cm) long (excluding hooks and swivels) with no more than 2 single point, single shank barbless hooks; flashers and divers prohibited.

The Regional Administrator consulted with representatives of the Pacific Fishery Management Council and the Oregon Department of Fish and Wildlife regarding these adjustments. The State of Oregon will manage commercial and recreational fisheries in state waters adjacent to this area of the exclusive economic zone in accordance with this

Federal action. As provided by the inseason notice procedures of 50 CFR 660.411, actual notice to fishermen of this action was given prior to 0001 hours local time, April 15, 1997, by telephone hotline number 206–526–6667 or 800–662–9825 and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz. Because of the need for immediate action, NMFS has determined that good cause exists for this document to be issued without affording a prior opportunity for public comment. This document does not apply to other fisheries that may be operating in other areas.

Classification

This action is authorized by 50 CFR 660.409 and 660.411 and is exempt from review under E.O. 12866.

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

Dated: April 18, 1997.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 97–10592 Filed 4–23–97; 8:45 am]

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