

Dated: May 30, 1997.

John G. Rogers,

Acting Director, Fish and Wildlife Service.
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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AE28

Endangered and Threatened Wildlife and Plants; Threatened Status for the Southern Oregon/Northern California Coast Evolutionarily Significant Unit of Coho Salmon

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service (Service) is adding the Southern Oregon/Northern California Coast Evolutionarily Significant Unit (ESU) of coho salmon (*Oncorhynchus kisutch*) to the List of Endangered and Threatened Wildlife (List) as a threatened species in accordance with the Endangered Species Act of 1973, as amended (Act). This amendment to the List includes all coho salmon naturally reproduced in streams between Cape Blanco in Curry County, Oregon and Punta Gorda in Humboldt County, California. This amendment is based on a determination by the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Department of Commerce, which has jurisdiction for this species.

EFFECTIVE DATE: June 5, 1997.

FOR FURTHER INFORMATION CONTACT: E. LaVerne Smith, Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Mail Stop 452, Arlington, Virginia 22203 (703/358-2171).

SUPPLEMENTARY INFORMATION: In accordance with the Act and the Reorganization Plan No. 4 of 1970, NMFS has jurisdiction over the coho salmon. Under section 4(a)(2) of the Act, NMFS must decide whether a species under its jurisdiction should be classified as endangered or threatened. The Service is responsible for the actual amendment of the List in 50 CFR 17.11(h).

On July 25, 1995, NMFS published a proposed rule to list as threatened three ESUs or distinct vertebrate population segments of the coho salmon in California and Oregon, including the Southern Oregon/Northern California Coast ESU (60 FR 38011). The proposed rule solicited comments from peer reviewers, the public, and all other interested parties. On May 6, 1997, NMFS published a final rule to list the Southern Oregon/Northern California Coast ESU of the coho salmon as threatened (62 FR 24588). The final rule addressed the comments received in response to the proposed rule. Because NMFS provided a public comment period on the proposed rule, and because this action of the Service to amend the List in accordance with the determination by NMFS is nondiscretionary, the Service has omitted the notice and public comment procedures of 5 U.S.C. 553(b) for this action.

National Environmental Policy Act

The Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Act. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Required Determinations

The Service has examined this regulation under the Paperwork Reduction Act of 1995 and found it to contain no information collection requirements.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Export, Import, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

PART 17—[AMENDED]

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500, unless otherwise noted.

§ 17.11 [Amended]

2. Section 17.11(h) is amended by adding the following, in alphabetical order under FISHES, to the List of Endangered and Threatened Wildlife:

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*	*	*	*	*	*	*	*
FISHES							
*	*	*	*	*	*	*	*
Salmon, coho	<i>Oncorhynchus kisutch</i> .	North Pacific Basin from U.S.A. (CA to AK) to Russia to Japan.	U.S.A. (natural populations in river basins between Cape Blanco in Curry County, OR and Punta Gorda in Humboldt County, CA).	T	618	NA	NA

Dated: May 30, 1997.

John G. Rogers,

Acting Director, Fish and Wildlife Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 970515116-7116-01; I.D. 013097A]

RIN 0648-AJ94

Antarctic Marine Living Resources Convention Act of 1984; Conservation and Management Measures

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

ACTION: Final regulatory notice of fishery management measures.

SUMMARY: At its Fifteenth Meeting in Hobart, Tasmania, October 21 to November 1, 1996, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), of which the United States is a member, adopted conservation measures, pending members' approval, pertaining to fishing in the CCAMLR Convention Area in Antarctic waters. These were agreed upon in accordance with Article IX of the Convention for the Conservation of Antarctic Marine Living Resources. The measures restrict overall catches of certain species of fish, list the fishing seasons, define the reporting requirements, and specify measures that must be taken to minimize the incidental taking of non-target species. The measures were announced by the Department of State by a preliminary notice in the **Federal Register** on December 18, 1996. Public comments were invited, but none were received. NMFS implements these measures by final regulatory notice, consistent with the framework process specified in the International Fisheries Regulations (50 CFR 300.111).

DATES: Effective June 18, 1997 through June 18, 1998.

ADDRESSES: Copies of the CCAMLR measures and the framework environmental assessment may be obtained from the Assistant Administrator for Fisheries, NOAA, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Robin Tuttle, 301-713-2282.

SUPPLEMENTARY INFORMATION: See 50 CFR Part 300, Subpart G - Antarctic Marine Living Resources, and the Department of State's preliminary notice at 61 FR 66723, December 18, 1996. The measures for the first time set a precautionary catch limit (of 775,000 tons in any fishing season) on krill fishing (*E. superba*) in Statistical Division 58.4.1. New fisheries, limited to fishers from the member states who proposed them as exploratory fisheries, were approved for the 1996/97 season: for deep-water species other than *D. eleginoides* and *C. gunnari* in Statistical division 58.5.2 by Australia; for *D. eleginoides* and *D. mawsoni* in Statistical Subarea 58.4.3 by Australia and South Africa; for *D. eleginoides* and *D. mawsoni* in Statistical Subarea 48.6 by South Africa; for *D. eleginoides* and *D. mawsoni* in Statistical Subareas 88.1 and 88.2 by New Zealand; for *D. eleginoides* and *D. mawsoni* in Statistical Subareas 58.6, 58.7 and Statistical Division 58.4.4 by South Africa; and for *M. hyadesi* in Statistical Subarea 48.3 by Korea and the United Kingdom. The definition of nautical twilight used in the measure for the minimization of the incidental mortality of seabirds in the course on longline fishing or longline fishing research in the Convention Area was footnoted to refer to the "exact times of nautical twilight are set forth in the Nautical Almanac tables for the relevant latitude, local time and date. All time whether for ship operation or observer reporting shall be references to GMT." Participation in the Convention Area crab fishery is limited to one vessel per Commission member. Applications for a crab permit must be received no later than ninety days prior to intended harvesting and will be considered in order of application. The one U.S. crab permit will be issued on the basis of: (1) order of receipt of applications; (2)

criteria for harvesting permits appearing in 50 CFR 300.112; (3) willingness to participate in CCAMLR pilot programs; and (4) record of previous participation, if any, in the crab fishery.

Classification

NMFS has determined that this regulatory notice is necessary to implement the Antarctic Marine Living Resources Convention Act of 1984 (the Act) and to give effect to the management measures adopted by CCAMLR and agreed to by the United States.

This notice has been determined to be not significant for purposes for E.O. 12866. It is exempt from 5 U.S.C. 553, because it involves a foreign affairs function of the United States. Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 60 *et seq.*, are inapplicable.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

This rule contains a collection-of-information requirement subject to the Paperwork Reduction Act. The collection of information has been approved by OMB under OMB Control Number 648-0194, which expires August 31, 1997. The annual reporting burden for this collection of information is estimated to average 35 hours. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Robin Tuttle, NMFS, and to the Office of Information and Regulatory Affairs (See **ADDRESSES**).

Authority: 16 U.S.C. 2431 *et seq.*

Dated: June 12, 1997.

David Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

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