7. In §172.102, in paragraph (c)(1), Special Provision 60 is added, and in paragraph (c)(2), Special Provision A51 is added to read as follows:

§ 172.102  Special provisions.

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A51 When transported by cargo-only aircraft, an oxygen generator must conform to the provisions of an approval issued under Special Provision 60 and be contained in a packaging prepared and originally offered for transportation by the approval holder.

* * * *


Kelley S. Coyner,
Deputy Administrator, Research and Special Programs Administration.

[FR Doc. 97–14739 Filed 6–4–97; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AE10

Endangered and Threatened Wildlife and Plants; Change in Listing Status of Steller Sea Lion

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (FWS) is reclassifying the Steller sea lion (Eumetopias jubatus) population segment west of 144° W. longitude (a line near Cape Suckling, AK) as endangered and the remainder of the Steller sea lion population will remain threatened on the List of Endangered and Threatened Wildlife. This measure, authorized by the Endangered Species Act of 1973 (Act), corresponds with a determination to reclassify this species based on biological information indicating that there are two distinct population segments, as authorized under the Act, by the National Marine Fisheries Service (NMFS) which has jurisdiction for this species.


SUPPLEMENTARY INFORMATION: In accordance with Reorganization Plan No. 4 of 1970, the NMFS, National Oceanic and Atmospheric Administration, Department of Commerce, is responsible for the decisions regarding the Steller sea lion under the Act. 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 FWS is responsible for the actual addition of a species and changes in reclassification to the List of Endangered and Threatened Wildlife in 50 CFR 17.11(h).

The NMFS published its determination for a reclassification of the Steller sea lion on May 5, 1997 (62 FR 24345). Accordingly, the FWS is now making this change to the List of Endangered and Threatened Wildlife. This change is effective as of June 4, 1997, as indicated in the NMFS’s determination. Because this action of the FWS is nondiscretionary, and in view of the public comment period provided by NMFS on the proposed listing (October 4, 1995; 60 FR 51968), the FWS finds that good cause exists to omit the notice and public comment procedures of 5 U.S.C. 553(b).

National Environmental Policy Act

The FWS 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, as amended. A notice outlining the FWS’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, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Regulation Promulgation

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

PART 17—[AMENDED]

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


2. Section 17.11(h) is amended by removing the existing entry for Sea-lion, Steller (=northern) and by adding the following entries, in alphabetical order under MAMMALS, to the List of Endangered and Threatened Wildlife, to read as follows:

§ 17.11  Endangered and threatened wildlife.

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<tr>
<th>Species</th>
<th>Common name</th>
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<th>Historic range</th>
<th>Vertebrate population where endangered or threatened</th>
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<th>Special rules</th>
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Summary: The Fish and Wildlife Service (Service) hereby amends the regulations that establish designated ports for the importation, exportation, or reexportation of plants listed as endangered or threatened under the Act, or listed under CITES. The USDA no longer operates Laredo as a plant inspection station and has proposed to remove it from the list of plant inspection stations in its regulations. Because the Laredo plant inspection station has closed, it no longer is used as a designated port for the importation, exportation, or reexportation of plants listed as endangered or threatened under the Act, or listed under CITES. However, the USDA has sufficient staff in place in Laredo for the Service to add it instead as a designated port for the importation of logs and lumber from trees listed as endangered or threatened under the Act, or listed under CITES, as discussed in the above paragraph.

Effective Date: June 5, 1997.

For further Information Contact: Kenneth B. Stansell, Chief, Office of Management Authority, U.S. Fish and Wildlife Service, telephone (703) 358-2093.

Supplementary Information:

Background

The Endangered Species Act of 1973, as amended (the Act), requires, among other things, that plants be imported, exported, or reexported only at designated ports or, under certain limited circumstances, at nondesignated ports. Section 9(f) of the Act (16 U.S.C. 1538(f)) provides for the designation of ports. Under section 9(f)(1), the Secretary of the Interior (Secretary) has the authority to establish designated ports based on a finding that such an action would facilitate enforcement of the Act and reduce the costs of that enforcement. The United States Department of Agriculture (USDA) and the Secretary are responsible for enforcing provisions of the Act and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) relating to the importation, exportation, and reexportation of plants listed as endangered or threatened under the Act or listed under CITES.

Comments Submitted

The Service's January 16, 1997, notice invited the submission of written comments regarding the proposal for a 60-day comment period ending on March 17, 1997. One comment was...