

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Colorado is amended by adding Channel 264C1 at Grand Junction.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96-1422 Filed 1-25-96; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 91-193, RM-7717, RM-7822]

Radio Broadcasting Services; Corpus Christi, Three Rivers, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: This document denies the petition for reconsideration filed by Reina Broadcasting, Inc., of the *Report and Order*, 58 FR 15423 (March 11, 1993), in which the Commission allotted Channel 233C2 at Three Rivers, Texas, denied Reina's proposal to substitute Channel 234C2 for 234A at Corpus Christi, Texas, and dismissed Reina's alternate proposal, filed after expiration of the comment period, to substitute alternate Channel 228C2 at Three Rivers, Texas, and to either substitute Channel 264A for Channel 228A at Carrizo Springs, Texas, or delete the channel. With this action, this proceeding is terminated.

EFFECTIVE DATE: January 26, 1996.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Mass Media Bureau, (202) 776-1653.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order*, MM Docket No 91-193 adopted December 7, 1995 and released January 19, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Douglas W. Webbink,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96-1424 Filed 1-25-96; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 22 and 52

[Federal Acquisition Circular 90-36 Correction]

Federal Acquisition Regulation; Correction

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Correction.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are issuing a correction to Federal Acquisition Circular 90-36, FAR Case 95-304, "Uruguay Round", published at 60 FR 67514, December 29, 1995.

EFFECTIVE DATE: January 1, 1996.

FOR FURTHER INFORMATION CONTACT:

Ms. Beverly Fayson at (202) 501-4755, General Services Administration, FAR Secretariat, Washington, DC 20405. Please cite correction to FAC 90-36.

Correction

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

52.225-15 [Corrected]

1. On page 67518, in the center column, third line from the top following the word "Trade", the word "Agreement" should be inserted.

Dated: January 19, 1996.

Jeremy F. Olson,

Acting Director, Office of Federal Acquisition Policy Division.

[FR Doc. 96-1139 Filed 1-25-96; 8:45 am]

BILLING CODE 6820-EP-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

RIN 1018-AC70

Export of River Otters Taken in Tennessee in the 1995-96 and Subsequent Seasons

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates international trade in certain animal and plant species. Exports of animals and plants listed on Appendix II of CITES require an export permit from the country of origin. As a general rule, export permits are only issued after two conditions are met. First, the exporting country's CITES Scientific Authority must advise the permit-issuing CITES Management Authority that such exports will not be detrimental to the survival of the species. Then the Management Authority must make a determination that the animals or plants were not obtained in violation of laws for their protection. If live specimens are being exported, the Management Authority must also determine that the specimens are being shipped in a humane manner with minimal risk of injury or damage to health.

This document announces final findings by the Scientific and Management Authorities of the United States that approve the addition of Tennessee to the list of States and Indian Nations for which the export of river otters is approved. The Service intends to apply these findings to harvests in Tennessee during the 1995-96 season and subsequent seasons, subject to the same conditions applying to States previously approved.

EFFECTIVE DATE: January 26, 1996.

FOR FURTHER INFORMATION CONTACT:

Scientific Authority Finding—Dr. Marshall A. Howe, Office of Scientific Authority; phone 703-358-1708; fax 703-358-2276.

Management Authority Finding/State Export Programs/Export Permits—Ms. Carol Carson, Office of Management Authority; phone 703-358-2095; fax 703-358-2280.

SUPPLEMENTARY INFORMATION: CITES regulates import, export, re-export, and introduction from the sea of certain animal and plant species. Species for which the trade is controlled are

included in three appendices. Appendix I includes species threatened with extinction that are or may be affected by trade. Appendix II includes species that, although not necessarily now threatened with extinction, may become so unless trade in them is strictly controlled. It also lists other species that must be subject to regulation in order that trade in currently or potentially threatened species may be brought under effective control (e.g., species difficult to distinguish from currently or potentially threatened species). Appendix III identifies as being subject to regulation within its jurisdiction for purposes of preventing or restricting exploitation, and for which it needs the cooperation of other Parties to control trade.

In the January 5, 1984, Federal Register (49 FR 590), the Service announced the decision made at the Fourth Conference of the CITES Parties that certain species of furbearing mammals, including the river otter, should be regarded as being listed in Appendix II of CITES because of similarity in appearance to other listed species or geographically separate populations. The January 5, 1984, notice also contained a rule approving the export of specimens of one or more such furbearing species taken in specified States and Indian Nations and Tribes during the 1983-84 and subsequent harvest seasons. Subsequently, export of specimens taken in several additional States and Indian Nations, Tribes, or Reservations was similarly approved through the rulemaking process.

The January 5, 1984, document described how the Service, as Scientific Authority, planned to monitor annually the population and trade status of each of these species and to institute restrictive export controls if prevailing export levels appeared to be contributing to a long-term population decline. The document also described how the Service, as Management Authority, would require States to assure that specimens entering trade are marked with approved, serially unique tags as evidence that they had been legally acquired.

This is the second Federal Register document concerning the Service's findings on export of river otters, *Lontra* (formerly *Lutra*) *canadensis* taken in Tennessee. The first document (60 FR 39347; August 2, 1995) announced the Service's proposed findings on the export of river otters taken in Tennessee in the 1995-96 season and subsequent seasons and solicited public comments.

The purpose of this rule is to add Tennessee to the list of States and Indian Nations for which the export of

river otters is approved (50 CFR §23.53). The Service will apply these findings to harvests in Tennessee during the 1995-96 season and subsequent seasons, subject to the same conditions applying to other approved entities.

Comments and Information Received

No comments or information were received concerning the August 2, 1995, Federal Register (60 FR 39347) notice proposing export of river otters taken in the State of Tennessee.

Scientific Authority Findings

Article IV of CITES requires that, before a permit to export a specimen of a species included in Appendix II can be granted by the Management Authority of an exporting country, the Scientific Authority must advise "that such export will not be detrimental to the survival of that species." The Scientific Authority for the United States must develop such advice, known as a no-detriment finding, for the export of Appendix II animals in accordance with Section 8A(c)(2) of the Endangered Species Act of 1973, as amended (the Act). The Act states that the Secretary of the Interior is required to base export determinations and advice "upon the best available biological information derived from professionally accepted wildlife management practices; but is not required to make, or require any State to make, estimates of population size in making such determinations or giving such advice."

Because the river otter is listed on Appendix II of CITES primarily because of similarity of appearance to other listed species in need of rigorous trade controls, an important component of the no-detriment finding by the Scientific Authority is consideration of the impact of river otter trade on the status of these other species. The Scientific Authority has determined that the dual practice of (1) issuing export permits naming the species being traded and (2) marking pelts with tags bearing the name of the species, country and State of origin, year of harvest, and a unique serial number, is sufficient to eliminate potential problems of confusion with other listed species (see Management Authority Findings for tag specifications).

Primary responsibility for managing river otters lies with wildlife agencies of individual States or Indian Nations. Each export-approved State or Indian Nation in which this animal is harvested (50 CFR §23.53) collects and reports various kinds of information as part of their harvest management programs. In addition to considering the effect of river otter trade on other CITES-listed species, the Service

regularly examines information from these State or Indian Nation harvest management programs. This ongoing monitoring and assessment is in accordance with the January 5, 1984, Federal Register (49 FR 590). Whenever available information indicates a possible problem in a particular State, the Scientific Authority will conduct a comprehensive review of accumulated information to determine whether conclusions about the treatment of these species as listed for similarity of appearance need to be adjusted in the State. Approved entities are requested annually to certify that the best available biological information derived from professionally accepted wildlife management practices indicates that harvest of river otters during the forthcoming season will not be detrimental to the survival of the species.

Natural repopulation of river otters has been occurring in western Tennessee since the 1950's. This increase is consistent with a widespread pattern in the United States and is believed, in part, to reflect colonization of suitable habitat created recently by a rapidly expanding beaver population. The Tennessee Wildlife Resources Agency has supported a study of the demography, food habits, and habitat use of river otters in the State. The results of these studies show that age and sex ratios of river otters in western Tennessee are similar to those of healthy river otter populations elsewhere, including populations experiencing harvest.

The Tennessee Wildlife Resources Agency conducted experimental river otter trapping seasons annually from the 1989-90 season through the 1994-95 season in the western part of the State. Total annual harvest has ranged from 71 (1990-91) to 230 (1994-95). In the central and eastern parts of Tennessee, this species is still classified under State law as threatened and is not legally harvested at this time. The available biological and harvest information leads the Service to conclude that export of river otters legally harvested in Tennessee will not be detrimental to the survival of the species.

All otters taken by trappers are required to be marked with special tags approved by the Tennessee Wildlife Resources Agency. The State also conducts a questionnaire survey of licensed trappers annually. These surveys identify the size and geographic derivation of the river otter harvest and will provide insight into State river otter population trends over time. Analysis of these data should detect population declines symptomatic of either an

unhealthy population or overharvest in time to take corrective action through regulatory adjustments or other means.

Based upon (a) the information presented by the Tennessee Wildlife Resources Agency, including river otter harvest regulations, and (b) the determination that permitting and tagging requirements will eliminate the possibility that other similar-appearing, CITES-listed species in trade will be misrepresented as river otters, the Scientific Authority finds that export of river otters harvested in 1995–96 and subsequent seasons from Tennessee will not be detrimental to the survival of the species or to the survival of other species the river otter is listed to protect.

Management Authority Findings

Exports of Appendix II species are allowed under CITES only if the Management Authority is satisfied that the specimens were not obtained in contravention of laws for the protection of the involved species. The Service, therefore, must be satisfied that the river otter pelts, hides, or products being exported were not obtained in violation of State, Indian Nation, Tribal, Reservation, or Federal law in order to allow export. A system based on tagging requirements, to determine whether specimens have been lawfully acquired, was stipulated in the January 5, 1984, Federal Register (49 FR 590). The Service has continued to monitor the implementation of these regulations and considers that these programs provide reasonable assurance that river otter specimens being exported were not obtained in violation of laws established for their protection. The Management Authority finds that the State of Tennessee has demonstrated the capability to manage a tagging program according to these requirements.

Export Approval

This document represents the final administrative step in procedures established to authorize export of river otters and other designated furbearing mammals from Service-approved States and Indian Nations and Tribes in accordance with CITES. Accordingly,

the export of Tennessee river otters harvested during the 1995–96 and subsequent harvest seasons is now approved, on the grounds that both Scientific Authority and Management Authority criteria have been satisfied.

The Department has determined, within the meaning of 5 U.S.C. 553(d) (1) and (3) of the Administrative Procedure Act, that there is good cause to make these findings and rule effective immediately. It is the Department's opinion that a delay in the effective date of the regulations after this rule is published could affect the export of pelts taken in the harvest season that is about to begin in Tennessee. Such delays could have adverse economic impacts on individual trappers and dealers that are directly affected by the finding. Because Scientific and Management Authority criteria have been satisfied, it follows that making this rule effective immediately will not adversely affect the species involved. This approval is subject to revision prior to any subsequent taking season in any State, Indian Nation, or Indian Tribe, if a review of information reveals that Management Authority or Scientific Authority findings in favor of export should be changed.

Effects of the Rule and Required Determinations

The Department has previously determined (48 FR 37494, August 18, 1983) that the export of river otters of various States and Indian Tribes or Nations, taken in the 1983–84 and subsequent harvest seasons, is not a major Federal action that would significantly affect the quality of the human environment under the National Environmental Policy Act (42 U.S.C. 4321–4347). This action is covered under an existing Departmental categorical exclusion for amendments to approved actions when such changes have no potential for causing substantial environmental impact.

This rule was not subject to Office of Management and Budget review under Executive Order 12866 and will not have significant economic effects on a substantial number of small entities as outlined under the Regulatory

Flexibility Act (5 U.S.C. 601 *et seq.*). Because the existing rule treats exports on a State-by-State and Indian Nation-by-Indian Nation basis and proposes to approve export in accordance with a State or Indian Nation, Tribe, or Reservation management program, the rule will have little effect on small entities in and of itself. The rule will allow continued international trade in river otters from the United States in accordance with CITES, and it does not contain any Federalism impacts as described in Executive Order 12612.

This rule has been examined under the Paperwork Reduction Act of 1995 and has been found to contain no information collection requirements.

This rule is issued under authority of the Endangered Species Act of 1973 as amended (16 U.S.C. 1531 *et seq.*). The authors are Marshall A. Howe, Office of Scientific Authority, and Carol Carson, Office of Management Authority.

List of Subjects in 50 CFR Part 23

Endangered and threatened species, Exports, Imports, Treaties.

Regulation Promulgation

For reasons set forth in the preamble of this document, Part 23 of Title 50, Code of Federal Regulations, is amended as follows:

PART 23—ENDANGERED SPECIES CONVENTION

1. The authority citation for Part 23 is revised to read as follows:

Authority: Convention on International Trade in Endangered Species of Wild Fauna and Flora, 27 U.S.T. 1087; and Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.*

2. In Subpart F—Export of Certain Species, revise § 23.53 to read as follows:

§ 23.53 River otter (*Lontra canadensis*).

States for which the export of the indicated season's harvest may be permitted under § 23.15 of this part:

(a) States and Harvest Seasons Approved for Export of River Otter From the United States.

	1977–78 ¹	1978–79 ²	1979–80 ³	1980–81	1981–82	1982–83	1983–84 and subsequent	1995–96 and subsequent
Alabama	Q	+	+	+	+	+	+	+
Alaska	+	+	+	+	+	+	+	+
Arkansas	Q	+	+	+	+	+	+	+
Connecticut	Q	+	+	+	+	+	+	+
Delaware	Q	+	+	+	+	+	+	+
Florida	Q	+	+	+	+	+	+	+
Georgia	Q	+	+	+	+	+	+	+
Louisiana	Q	+	+	+	+	+	+	+

	1977-78 ¹	1978-79 ²	1979-80 ³	1980-81	1981-82	1982-83	1983-84 and subsequent	1995-96 and subsequent
Maine	Q	+	+	+	+	+	+	+
Maryland	Q	+	+	+	+	+	+	+
Massachusetts	Q	+	+	+	+	+	+	+
Michigan	Q	+	+	+	+	+	+	+
Minnesota	Q	+	+	+	+	+	+	+
Mississippi	Q	+	+	+	+	+	+	+
Montana	Q	+	+	+	+	+	+	+
New Hampshire	Q	+	+	+	+	+	+	+
New Jersey	-	-	-	-	-	+	+	+
New York	Q	+	+	+	+	+	+	+
North Carolina	Q	+	+	+	+	+	+	+
Oregon	Q	+	+	+	+	+	+	+
Penobscot Nation	-	-	-	-	-	-	+	+
Rhode Island	Q	+	-	-	-	-	-	-
South Carolina	Q	+	+	+	+	+	+	+
Tennessee	-	-	-	-	-	-	-	+
Vermont	Q	+	+	+	+	+	+	+
Virginia	Q	+	+	+	+	+	+	+
Washington	Q	+	+	+	+	+	+	+
Wisconsin	Q	+	+	+	+	+	+	+

¹ For further information see 42 FR 43729, Aug. 30, 1977; 43 FR 11081, Mar. 16, 1978; and 43 FR 29469, July 7, 1978.

² For further information see 43 FR 11096, Mar. 16, 1978; 43 FR 13913, Apr. 3, 1978; 43 FR 15097, Apr. 10, 1978; 43 FR 29469, July 7, 1978; 43 FR 35013, Aug. 7, 1978; 43 FR 36293, Aug. 16, 1978; and 43 FR 39305, Sept. 1, 1978.

³ For further information see 44 FR 25383, Apr. 30, 1979; 44 FR 31583, May 31, 1979; 44 FR 40842, July 12, 1979; 44 FR 52289, Sept. 7, 1979; and 44 FR 55540, Sept. 26, 1979.

Q—Export approved with quota.

+—Export approved.

-—Export not approved.

*—Export for 1994-95 approved administratively.

(b) Condition on export: Each pelt must be clearly identified as to species, State of origin and season of taking by a permanently attached, serially numbered tag of a type approved by the Service and attached under conditions established by the Service. Exception to tagging requirement: finished furs and fully manufactured fur products may be exported from the United States when the State export tags, removed from the pelts used to manufacture the product being exported, are surrendered to the Service before export. Such tags must be removed by cutting the tag straps on the female side next to the locking socket of the tag, so that the locking socket and locking tip remain joined.

Dated: November 28, 1995.

George T. Frampton, Jr.,
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 96-1338 Filed 1-25-96; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 951120272-5272-01; I.D. 012296A]

Groundfish of the Gulf of Alaska; Pollock in Statistical Area 63

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 63 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the interim specification for pollock in this area.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), January 23, 1996, until superseded by the final 1996 specifications in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council

under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 672.

The interim specification of pollock total allowable catch in Statistical Area 63 was established by Interim 1996 Harvest Specifications (60 FR 61492, November 30, 1995) as 3,250 metric tons (mt), determined in accordance with § 672.20(c)(1)(ii)(A).

The Director, Alaska Region, NMFS (Regional Director), has determined, in accordance with § 672.20(c)(2)(ii), that the 1996 interim specification of pollock in Statistical Area 63 soon will be reached. The Regional Director established a directed fishing allowance of 3,050 mt, and has set aside the remaining 200 mt as bycatch to support other anticipated groundfish fisheries. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 63, until superseded by the Final 1996 Harvest Specifications of Groundfish in the Federal Register.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 672.20(g) and is exempt from review under E.O. 12866.

Classification

This action is taken under 50 CFR 672.20 and is exempt from review under E.O. 12866.

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