

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.**

\* \* \* \* \*  
 (c) \* \* \*  
 (1) \* \* \*  
 \* \* \* \* \*

60 An oxygen generator, chemical, that is shipped with its means of initiation attached must incorporate at least two positive means of preventing unintentional actuation of the generator, and be classed and approved by the Associate Administrator for Hazardous Materials Safety. Each person who offers an oxygen generator for transportation shall: (1) ensure that the shipment conforms to the conditions of the approval; (2) maintain a copy of the approval at each facility where an oxygen generator is prepared for transportation, and (3) mark the approval number on the outside of the package.

\* \* \* \* \*  
 (2) \* \* \*

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.

\* \* \* \* \*

Issued in Washington, DC on May 30, 1997, under the authority delegated in 49 CFR part 1.

**Kelley S. Coyner,**

*Deputy Administrator, Research and Special Programs Administration.*

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**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.

**DATES:** Effective June 4, 1997.

**FOR FURTHER INFORMATION CONTACT:** E. LaVerne Smith, Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, (703/358-2171).

**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:

**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.

2. Section 17.11(h) is amended by removing the existing entry for Sea-lion, Stellar (=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.**

\* \* \* \* \*  
 (h) \* \* \*

Species	Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name					
MAMMALS						
* Sea-lion, Steller (=northern).	* <i>Eumetopias jubatus</i> .	* U.S.A. (AK, CA, OR, WA), Canada, Russia, North Pacific Ocean.	* Entire, except the population segment west of 144° W. Long.	* T	* 384E, 408, 614	* 226.12 227.12

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Do .....	.....do .....	.....do .....	Population segment west of 144° W. Long..	E	384E, 408, 614	226.12	NA
*	*	*	*	*	*	*	*

Dated: January 27, 1997.  
**John G. Rogers,**  
*Acting Director, Fish and Wildlife Service.*  
 [FR Doc. 97-14530 Filed 6-4-97; 8:45 am]  
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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 24**

**RIN 1018-AD97**

**Endangered and Threatened Wildlife and Plants; Designated Ports for Listed Plants**

**AGENCY:** Fish and Wildlife Service, Interior.  
**ACTION:** Final rule.

**SUMMARY:** The Fish and Wildlife Service (Service) hereby amends the regulations that establish designated ports for the importation, exportation, and reexportation of plants by adding the U.S. Department of Agriculture (USDA) ports at Laredo, Texas; and Fort Lauderdale (=Port Everglades), Jacksonville, and Panama City, Florida, as designated ports for the importation of logs and lumber from trees listed as endangered or threatened under the Endangered Species Act of 1973, as amended (the Act), or listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The Service also amends these same regulations by adding the USDA port at Port Huron, Michigan, as a port for the importation from Canada and exportation or reexportation to Canada of plants listed as endangered or threatened under the Act, or listed under CITES. The USDA has adequate facilities and personnel at these ports to qualify the ports as designated ports for the importation, exportation, and reexportation of plants under the terms of the Act and CITES. The addition of these ports to the list of designated ports will facilitate trade and the enforcement of the Act and CITES.

Additionally, the Service amends the regulations that establish designated ports for the importation, exportation, and reexportation of plants by removing

Laredo, Texas, from the list of ports designated 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.

The regulations in 50 CFR part 24, "Importation and Exportation of Plants," are for the purpose of establishing ports for the importation, exportation, and reexportation of plants. Plants listed as endangered or threatened in 50 CFR 17.12 or in the appendices to CITES in 50 CFR 23.23 are required to be accompanied by documentation and may be imported, exported, or reexported only at one of the USDA ports listed in section 24.12(a) of the regulations. Certain other USDA ports are designated for the importation, exportation, or reexportation of specific listed plants. Section 24.12(g) of the regulations contains a list of USDA ports that are, for the purposes of the Act and CITES, designated ports for the importation, exportation, and reexportation of plants that are not listed as endangered or threatened. (The USDA regulations in 7 CFR 319.37 contain additional prohibitions and restrictions governing the importation of plants through those ports.) In a January 16, 1997, **Federal Register** notice (62 FR 2354), the U.S. Fish and Wildlife Service (Service) proposed that the USDA ports at Laredo, Texas; and Fort Lauderdale, Jacksonville, and Panama City, Florida, be listed as designated ports for the importation of saw-logs, sawn wood, and veneers from trees listed as endangered or threatened under the Act, or listed under CITES. The Service further proposed to designate the USDA port at Port Huron, Michigan, as a port for the importation from Canada and exportation or reexportation to Canada of plants listed as endangered or threatened under the Act, or listed under CITES. Finally, the Service proposed to remove Laredo, Texas, from the list of ports designated for the importation, exportation, or 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