

**DEPARTMENT OF DEFENSE****Department of the Navy****32 CFR Part 706****Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972 Amendment**

**AGENCY:** Department of the Navy, DOD.  
**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that USS John Paul Jones (DDG 53) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special functions as a naval destroyer. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**EFFECTIVE DATE:** March 20, 1997.

**FOR FURTHER INFORMATION CONTACT:** Captain R.R. Pixa, JAGC, U.S. Navy

Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, Virginia, 22332-2400, Telephone Number: (703) 325-9744.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS John Paul Jones (DDG 53) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS: Annex I, section 3(a), pertaining to the location of the foreward masthead light in the forward quarter of the ship; and the horizontal distance between the forward and after masthead lights, without interfering with its special functions as a naval destroyer. The Deputy Assistant Judge Advocate General (Admiralty) of the Navy has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and

701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

**List of Subjects in 32 CFR Part 706**

Marine safety, Navigation (water), and Vessels.

Accordingly, 32 CFR part 706 is amended as follows:

**PART 706—[AMENDED]**

1. The authority citation for 32 CFR part 706 continues to read as follows:

**Authority:** 33 U.S.C. 1605.

2. Table Five of § 706.2 is amended by revising the entry for the USS John Paul Jones to read as follows:

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

\* \* \* \* \*

TABLE FIVE

Vessel	Number	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Forward mast-head light not in forward quarter of ship. Annex I, sec. 3(a)	After mast head light less than 1/2 ship's length aft of forward mast-head light. Annex I, sec. 3(a)	Percentage horizontal separation attained
USS John Paul Jones .....	DDG 53	X	X	X	18.9
* * *		*	*	*	*

Dated: March 20, 1997.

**R.R. Pixa,**

*Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty).*

Dated: April 10, 1997.

[FR Doc. 97-10620 Filed 4-23-97; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Office of the Secretary****49 CFR Part 1**

[OST Docket No. 1; Amdt. 1-287]

**Organization and Delegation of Powers and Duties Delegation to the Commandant, United States Coast Guard**

**AGENCY:** Office of the Secretary, DOT.  
**ACTION:** Final rule.

**SUMMARY:** The Secretary of Transportation is delegating to the Commandant, United States Coast Guard, the authority contained in 46

U.S.C. 3203-3205 and 46 U.S.C. 3103. This authority pertains to the approval, certification, and enforcement of safety management systems for vessels engaged in foreign trade, and to the Secretary's reliance on reports, documents and records of other persons determined to be reliable by the Secretary, and other methods determined to be reliable by the Secretary, as evidence of compliance with Title 46, subtitle II. In order that the Code of Federal Regulations reflect this delegation, a change is necessary.

**DATES:** April 24, 1997.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Gauvin, Operating and Environmental Standards (G-MSO),

U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593, (202) 267-1053; or Ms. Gwynneth Radloff, Office of General Counsel, C-50, (202) 366-9305 Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** Public Law 104-324 is the Coast Guard Authorization Act of 1996 (the Act). Section 602 of the Act, amends Title 46 by adding sections 3203-3205. Section 3203 requires the Secretary of Transportation to prescribe regulations that establish a safety management system consistent with the International Management Code for the Safe Operation of Ships and for Pollution Prevention under chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974, as amended (International Safety Management Code). Section 3204 requires the Secretary to review and approve safety management plans. Section 3205 requires the Secretary to issue safety management certificates and documents of compliance, and verify and enforce compliance with the safety management system. This section also requires the Secretary to conduct a study and submit a report to the Congress on the methods that may be used to implement and enforce the International Safety Management Code. This rule amends 49 CFR 1.46 by adding new paragraph (fff) to reflect the delegation of the Secretary's authority under 46 U.S.C. 3202, 3204, and 3205.

Section 603 of the Act (46 U.S.C. 3103), authorizes the Secretary to rely on reports, documents, and records of other persons determined by the Secretary to be reliable, and other methods determined by the Secretary to be reliable, as evidence of compliance with title 46, subtitle II. This rule amends 49 CFR 1.46 by adding new paragraph (ggg) to reflect the delegation of the Secretary's authority under 46 U.S.C. 3103.

Since this amendment relates to departmental management, organization, procedure, and practice, notice and comment on it are unnecessary under 5 U.S.C. 553(b). Further, since the amendment expedites the Coast Guard's ability to meet the needs of the U.S. maritime industry, the Secretary finds good cause under 5 U.S.C. 553(d)(3) for the final rule to be effective on the date of publication in the **Federal Register**.

#### List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended to read as follows:

#### PART 1—[AMENDED]

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

**Authority:** 49 U.S.C. 322; Pub.L. 101-552, 28 U.S.C. 2672, 31 U.S.C. 3711(a)(2).

2. Section 1.46 is amended by adding the following paragraphs (fff) and (ggg) to read as follows:

#### § 1.46 Delegations to Commandant of the Coast Guard.

\* \* \* \* \*

(fff) Carry out the functions and responsibilities and exercise the authorities vested in the Secretary by 46 U.S.C. 3203-3205 (safety management system, implementation of safety management system, and certification), that pertain to the approval, certification, and enforcement of safety management systems for vessels engaged in foreign trade.

(ggg) Carry out the functions and exercise the authorities vested in the Secretary by 46 U.S.C. 3103 to rely on reports, documents, and records of other persons determined by the Secretary to be reliable, and other methods determined by the Secretary to be reliable, as evidence of compliance with title 46, subtitle II (46 U.S.C. 3103).

Issued at Washington, DC this 15th day of April 1997.

**Rodney E. Slater,**

*Secretary of Transportation.*

[FR Doc. 97-10658 Filed 4-23-97; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 30

RIN 1018-AD75

#### Disposition of Surplus Range Animals

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) revises its regulations pertaining to the disposition of surplus range animals. The Service has determined that this is in line with its general policies on Fenced Animal Management and Collections, Donations and Disposals as outlined in the Service Manual. The Service has further determined that this action is in accordance with the provisions of all

applicable laws, is consistent with principles of sound wildlife management, and is otherwise in the public interest by allowing a broader population base the opportunity to receive surplus animals which can be used for research needs, other educational purposes, biological integrity of herd management and, in some cases, subsistence. In addition, special attention has been afforded to the Native American community in the donation of bison for certain cultural and religious reasons.

**DATES:** This rule is effective May 27, 1997.

**FOR FURTHER INFORMATION CONTACT:** Stephen R. Vehrs, 703/358-2397.

**SUPPLEMENTARY INFORMATION:** The Service is revising and rewording 50 CFR Part 30.2, Disposition of Surplus Range Animals, to allow a broader range of circumstances under which unscheduled donations of surplus animals may occur. The refuge manager is given the authority to determine those "exigent" circumstances. The type of public institution, agency, or government which could qualify as potential recipients of animals is expanded. Donations may be made for specific purposes which are listed in chapter 7, section 13 of the Refuge Manual and include scientific educational purposes, propagation of new free-ranging populations, augmentation of existing herds for genetic purposes, public display exhibition, and food and food products.

#### Comments Received

Text in this final rule is somewhat different than that used in the proposed rule because it reflects conformity to plain English writing standards.

Because the Service is interested in the concerns of the public in matters of its general management and operations, it requested comments to the proposed rule during a 60 day period. The proposed rule was published in the August 7, 1996, issue of the **Federal Register** (61 FR 41115-41116). Following this comment period, the Service reviewed and considered all substantive comments before promulgating this final rule.

A single letter of comment raised the following points:

1. The final rule should include strong involvement of state and local governments and also support the economics of the areas involved. These are public resources and should be managed for productivity and sustainability; and

2. The surplus animals should only go to a government agency, either Federal,