

business information which EPA had obtained from third parties under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 *et seq.*).

(b) Contracting officers shall insert 48 CFR 1552.235-75, Access to Toxic Substances Control Act Confidential Business Information, in all solicitations when the contracting officer has determined that EPA may furnish the contractor with confidential business information which EPA had obtained from third parties under the Toxic Substances Control Act (15 U.S.C. 2601 *et seq.*).

1552.235-72 and 1552.235-74 [Removed and Reserved]

3. Sections 1552.235-72 and 1552.235-74 are removed and reserved.

4. Section 1552.235-77 is amended by revising the section heading and clause heading dates to read "June 1997" and by revising paragraph (a)(3) to read as follows:

1552.235-77 Data Security for Federal Insecticide, Fungicide and Rodenticide Act Confidential Business Information (June 1997)

* * * * *

(a) * * *

(3) Prior to receipt of FIFRA CBI by the Contractor, the Contractor shall ensure that all employees who will be cleared for access to FIFRA CBI have been briefed on the handling, control, and security requirements set forth in the FIFRA Information Security Manual.

* * * * *

5. Section 1552.235-78 is amended by revising the section heading and clause heading dates to read "June 1977" and by revising paragraph (a)(1) to read as follows:

1552.235-78 Data Security for Toxic Substances Control Act Confidential Business Information (June 1997)

(a) * * *

(1) The Contractor and Contractor's employees shall follow the security procedures set forth in the TSCA CBI Security Manual. The manual may be obtained from the Director, Information Management Division (IMD), Office of Pollution Prevention and Toxics (OPPT), U.S. Environmental Protection Agency (EPA), 401 M Street, SW, Washington, DC 20460. Prior to receipt of TSCA CBI by the Contractor, the Contractor shall ensure that all employees who will be cleared for access to TSCA CBI have been briefed on the handling, control, and security requirements set forth in the TSCA CBI Security Manual.

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Dated: July 7, 1997.

Betty L. Bailey,

Director, Office of Acquisition Management.

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-289]

Organization and Delegation of the 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 the Coast Guard Authorization Act of 1996. The Secretary is also delegating the authority pertaining to: benefits for Coast Guard members being separated or recently separated; procurement for Coast Guard family housing and long term lease authority; and rewards for MARPOL informants.

DATES: July 18, 1997.

FOR FURTHER INFORMATION CONTACT: Ms. Gwyneth Radloff, Office of the 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 (Act). The Act authorizes and directs actions by the Secretary, on behalf of the Coast Guard. This rule amends 49 CFR 1.46, by adding a new paragraph (iii) to reflect the delegation of the Secretary's authority under the Coast Guard Authorization Act of 1996.

The National Defense Authorization Bill of Fiscal Year 1995, Pub. L. 103-337, contained an amendment to 10 U.S.C. Chapter 58. Chapter 58 pertains to the Secretary's authorization regarding benefits and services for members of the Coast Guard that are being separated or have recently been separated. This rule amends 49 CFR 1.46 by adding a new paragraph (jii) to reflect the delegation of the Secretary's authority under the National Defense Authorization Bill of Fiscal Year 1995 (10 U.S.C. Chapter 58).

14 U.S.C. 670 authorizes the Secretary to procure real property or real property interests for use as Coast Guard family

housing units. 14 U.S.C. 672 authorizes the Secretary to enter into lease agreements for navigation and communication systems sites. This rule amends 49 CFR 1.46 by adding a new paragraph (kkk) to reflect the delegation of the Secretary's authority under 14 U.S.C. 670 and 14 U.S.C. 672.

33 U.S.C. 1908(b) authorizes the Secretary to pay up to one-half of the civil penalties assessed for violations of the MARPOL Protocol, Annex IV to the Antarctic Protocol, or regulations issued thereunder, to persons that provide information leading to assessment of those penalties. This rule amends 49 CFR 1.46 by adding a new paragraph (lll) to reflect the delegation of the Secretary's authority under 33 U.S.C. 1908(b).

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, and the fulfillment of statutory and regulatory obligations, 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 (iii), (jii), (kkk), and (lll) to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

* * * * *

(iii) Carry out the functions and responsibilities and exercise the authorities vested in the Secretary by the Coast Guard Authorization Act of 1996, Pub. L. 104-324.

(jii) Carry out the functions and responsibilities and exercise the authorities vested in the Secretary by the National Defense Authorization Bill of Fiscal Year 1995, Pub. L. 103-337, pertaining to benefits for Coast Guard members that are being separated or

have recently been separated (10 U.S.C. Chapter 58).

(kkk) Carry out the functions and responsibilities and exercise the authorities vested in the Secretary by 14 U.S.C. 670 pertaining to procurement authority for Coast Guard family housing and by 14 U.S.C. 672 pertaining to long-term lease authority for navigation and communications systems sites.

(lll) Carry out the functions and responsibilities and exercise the authorities vested in the Secretary by 33 U.S.C. 1908(b), that pertain to payments of civil penalties assessed for violations of the MARPOL Protocol, Annex IV to the Antarctic Protocol, or regulations issued thereunder, to persons who provide information leading to the assessment of such penalties.

Issued at Washington, DC, this 8th day of July, 1997.

Rodney E. Slater,

Secretary of Transportation.

[FR Doc. 97-18986 Filed 7-17-97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

[Docket No. 970424096-7155-02; I.D. 042597A]

RIN 0648-AG56

Endangered and Threatened Species; Interim Rule Governing Take of the Threatened Southern Oregon/Northern California Coast Evolutionarily Significant Unit (ESU) of Coho Salmon

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

ACTION: Interim rule; request for comments.

SUMMARY: By a rule published on May 6, 1997, NMFS, on behalf of the Secretary of Commerce (Secretary), determined to list as threatened the Southern Oregon/Northern California Coast (SONCC) ESU of coho salmon (*Oncorhynchus kisutch*). Under section 4(d) of the Endangered Species Act (ESA), the Secretary is required to adopt such regulations as he deems necessary and advisable for the conservation of species listed as threatened. Such regulations may include application of the prohibitions contained in section 9(a) of the ESA, which apply to endangered species. In this interim rule,

NMFS imposes the section 9(a) prohibitions for endangered species, except with respect to certain benign and beneficial actions in Oregon and California, and specified actions taken consistent with the Oregon Coastal Salmon Restoration Initiative (OCSRI) and implemented consistent with the April 1997 Memorandum of Agreement (MOA) between NMFS and the Governor of Oregon. The **Federal Register** document containing the final listing determination describes the relevant details of the OCSRI and the implementing MOA.

DATES: Comments on this rule must be received by September 16, 1997.

This interim rule is effective August 18, 1997.

ADDRESSES: Comments should be sent to Protected Species Program, Environmental and Technical Services Division, NMFS, Northwest Region, 525 NE Oregon Street, Suite 500, Portland, OR 97232-2737.

FOR FURTHER INFORMATION CONTACT: Garth Griffin at 503-231-2005; Craig Wingert at 310-980-4021; or Joe Blum at 301-713-1401.

SUPPLEMENTARY INFORMATION:

Background

The final rule determining to list the SONCC coho salmon ESU as threatened, published on May 6, 1997 (62 FR 24588), describes the current range and status of this ESU, previous Federal actions on this species, a summary of the comments and recommendations received in response to NMFS' proposal to list the ESU, descriptions of the factors affecting its continued existence, the reasons why critical habitat is not being proposed, and the conservation measures recommended by NMFS or otherwise available to this ESU.

Section 4(d) of the ESA provides that, whenever a species is listed as a threatened species, the Secretary shall issue such regulations as he deems necessary and advisable to provide for the conservation of the species, including any or all of the prohibitions applicable to endangered species under section 9(a). Those section 9(a) prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take (including harass, harm, pursue, hunt, shoot, wound, kill, trap, or collect; or to attempt any of these), import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any wildlife species listed as endangered. It is also illegal to possess, sell, deliver, carry, transport, or ship

any such wildlife that has been taken illegally.

When NMFS first proposed the ESU for listing as threatened (60 FR 38011, July 25, 1995), it also proposed to apply the prohibitions of section 9(a) to this species. NMFS continues to find that the prohibitions for endangered species are generally necessary and advisable for conservation of the species. NMFS further finds that take of the SONCC coho salmon should not be prohibited when it results from a specific subset of activities adequately regulated by Federal, state, and local governments. Accordingly, this interim rule revises the earlier proposal by providing certain additional exceptions.

NMFS has chosen to make this rule interim rather than final in order to give the public the opportunity to comment on the additional exceptions that are included in the new § 227.22. NMFS will consider all comments submitted during the comment period before issuing a final rule.

Interim Take Exceptions in Oregon

Following NMFS' proposal to list Oregon Coast and SONCC coho salmon, the State of Oregon initiated a major effort to address the factors for decline of these at-risk stocks. That effort culminated in the adoption by Oregon of the OCSRI. The OCSRI contains significant improvements in hatchery management and in harvest management. Previous harvest rate reductions on Oregon coastal coho, as refined and incorporated in the OCSRI, are expected to result in an increase in the near-term stability of the populations. The OCSRI also includes a broad array of state agency and other measures affecting habitat.

NMFS sought to ensure that the adaptive management program contained in the OCSRI would rapidly lead to the ultimate implementation of measures and rules that NMFS would consider adequate in these areas. Accordingly, NMFS entered into an MOA with the Governor of Oregon in April 1997 to clarify how NMFS and Oregon will work together toward implementation, necessary adjustments, and adaptive changes to the OCSRI. (Copies of the MOA are available from NMFS; see ADDRESSES.)

Based on a review and assessment of the OCSRI and MOA, NMFS has determined that it is unnecessary to prohibit certain benign and beneficial actions in Oregon, as well as certain measures provided under the OCSRI and implemented in accordance with the MOA. The actions NMFS believes do not require prohibition are related to harvest carried out in accordance with