

Arizona, as that community's second local FM service. Coordinates used for this proposal are 34-08-48 and 114-17-12. Parker, Arizona, is located within 320 kilometers (199 miles) of the Mexico border, and therefore, the Commission must obtain concurrence of the Mexican government to this proposal.

**DATES:** Comments must be filed on or before September 23, 1996, and reply comments on or before October 8, 1996.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Rick L. Murphy, 2068 McCulloch Blvd., Lake Havasu City, AZ 86403.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 96-164, adopted July 26, 1996, and released August 2, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's 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.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible ex parte contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

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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.

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) proposes to revise 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:** Comments must be submitted on or before October 7, 1996.

**ADDRESSES:** Assistant Director—Refuges and Wildlife, Attention: Greg Weiler, U.S. Fish and Wildlife Service, 1849 C Street, N.W., MS 670 ARLSQ, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Greg Weiler, at the address above; Telephone: 703/358-1744.

**SUPPLEMENTARY INFORMATION:** The Service proposes to revise Part 30.2 of Chapter 1 of 50 CFR, Disposition of Surplus Range Animals. The Service is rewording Part 30.2 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.

#### Request for Comments

Because the Service is interested in the concerns of the public in matters of its general management and operations, it welcomes comments from all interested parties to this proposed rulemaking. A comment period of 60 days has been established during which time all comments will be reviewed and considered before promulgation of a final rule.

#### Paperwork Reduction Act

These proposed regulations have been examined under the Paperwork Reduction Act of 1995 and have been found to contain no information collection requirements.

#### Economic Effect

This rulemaking was not subject to Office of Management and Budget review under Executive Order 12866. In addition, a review under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.) has revealed that the rulemaking would not have a significant effect on a substantial number of small entities, which include businesses, organizations or governmental jurisdictions. This proposed rule would have minimal effect on such entities because the regulation has not been significantly changed, but it merely has been expanded to allow a broader range of agencies and institutions to qualify as recipients of donated surplus animals. The number, age and sex of surplus and donated animals varies from year to year. The number of animals donated reduces the number of animals available for sale. In 1995, the Service had 378 bison and 139 longhorned cattle which the Service designated as surplus animals. Of these, 322 bison (83%) were sold at auction and 56 bison (17%) were donated. All cattle were sold at auction. Buyers primarily purchase animals for breeding and herd augmentation. Animals unsuitable for breeding or herd composition needs, such as old bulls, are purchased for slaughter by meat packing firms. Total revenues from the sales in 1995 were \$418,434. Animals may be donated only for specific purposes to qualified agencies or institutions. While the number of donations will vary in any given year, the number of animals available for purchase should not be significantly reduced.

#### Unfunded Mandates Act

The Service has determined and certifies pursuant to the Unfunded Mandates Act, 1 U.S.C. § 1502 et seq., that this rulemaking will not impose a cost of \$100 million or more in any

given year on local or State governments or private entities.

#### Executive Order 12988

The Service has determined that these proposed regulations meet the applicable standards provided in Sections (a) and (b) of Executive Order 12988.

#### Federalism

This proposed rule would not have substantial direct effects on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

#### Environmental Considerations

Pursuant to the requirements of the National Environmental Act of 1969 (42 U.S.C. §§ 4321–4347), this action is excluded because it involves issuance of routine, recurring, or special regulations (516 DM 6, Appendix 1.4.H).

#### Primary Author

Greg Weiler, Division of Refuges, U.S. Fish and Wildlife Service, Washington, DC, is the primary author of this rulemaking document.

#### List of Subjects in 50 CFR Part 30

Animals, Range management, Wildlife refuges.

Accordingly, part 30 of Chapter 1 of Title 50 of the Code of Federal Regulations is proposed to be amended as set forth below:

### **PART 30—RANGE AND FERAL ANIMAL MANAGEMENT**

1. The authority citation for part 30 is revised to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 668dd, as amended; 16 U.S.C. 715i, as amended; 41 CFR 101–44.

2. Section 30.2 is revised to read as follows:

#### **§ 30.2 Disposition of surplus range animals.**

Disposition shall be made only during regularly scheduled disposal program periods, except in the event of exigent circumstances affecting the animals, their range, or the recipient. The Refuge Manager is responsible for determining the existence of "exigent circumstances." Surplus range animals may be disposed of, subject to State and Federal health laws and regulations, by

donation for specific purposes to public agencies, public institutions, other governments or charitable institutions, or sold on the open market.

Dated: May 9, 1996.

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

[FR Doc. 96–20016 Filed 8–6–96; 8:45 am]

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Parts 217 and 222**

[Docket No. 960730211–6211–01; I.D. 072296B]

RIN 0648–AJ03

#### **North Atlantic Right Whale Protection**

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** The northern right whale (*Eubalaena glacialis*) has been recognized as the world's most endangered large whale species. Recent mortalities off the Atlantic coast of the United States place the western Atlantic population of the northern right whale in an even more precarious position. Vessel interactions are identified as one of the major threats facing these whales, especially collisions with, and disturbances to whales. NMFS proposes to prohibit all approaches within 500 yards (460 m), whether by vessel, aircraft or other means. The proposed rule would restrict head-on approaches to northern right whales, would prohibit any vessel maneuver that would intercept a northern right whale within 500 yards (460 m), and would require northern right whale avoidance measures under specified circumstances. Exceptions would be provided for emergency situations and where certain authorizations are provided.

**DATES:** Written comments must be received on or before November 5, 1996.

**ADDRESSES:** Comments on the proposed rule should be addressed to Chief, Marine Mammal Division, Office of Protected Resources (FPR), NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments regarding the burden-hour estimates or any other aspect of the collection of information requirements

contained in this proposed rule should be sent to the above individual and to the Office of Information and Regulatory Affairs, OMB, Attention: NOAA Desk Officer, Washington, DC 20503.

#### **FOR FURTHER INFORMATION CONTACT:**

Margot Bohan or Michael Payne, NMFS/FPR, 301–713–2322; Doug Beach, NMFS/Northeast Regional Office, 508–281–9254; or Kathy Wang, NMFS/Southeast Regional Office, 813–570–5312.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

##### *Species Description and Summary of Status*

The global population of right whales (*Eubalaena spp.*) is comprised of two separate species, the northern right whale located in the northern hemisphere, and the southern right whale (*E. australis*) in the southern hemisphere. Each species consists of several stocks or populations.

The northern right whale is the large whale species most in danger of becoming extinct in the near future (The Final Recovery Plan for the Northern Right Whale, NMFS, 1991) (Recovery Plan). The Right Whale Recovery Team (Recovery Team) concluded in the Recovery Plan that the low numbers of this species in each population, and the apparently low population growth rates, stand in alarming contrast to other right whale populations in the southern hemisphere, as well as other large whale populations worldwide.

In the Pacific, at least two populations of northern right whales are thought to occur. A 1973 estimate of the Pacific populations of the northern right whale, based on sighting data collected during the 1960s, was 100–200 animals (Wada, 1973). However, the western Pacific population (found primarily in the Sea of Okhotsk) may comprise most of this estimate. In the eastern North Pacific only a few sightings of individual animals have occurred during the past several decades. Therefore, a reliable estimate of abundance for the eastern Pacific population of the northern right whale is currently not available (Small and DeMaster, 1995).

In the North Atlantic, at least two populations of right whales, an eastern and a western population, also occur, or have occurred in the past. The eastern North Atlantic population may be nearly extinct. Between 1935–85, there were only 21 possible sightings, totaling 45 individuals, and Brown (1986) considered only five of these sightings (seven individual whales) to be confirmed.