

criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

#### *Regulatory Flexibility Act*

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires a review of rules to assess their impact on small entities. In reviewing the economic impact of the rule, FRA concluded that it will not have any measurable impact on small entities. There are no direct or indirect economic impacts for small units of government, businesses, or other organizations. Therefore, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the provisions of the Regulatory Flexibility Act.

#### *Paperwork Reduction Act*

This rulemaking contains no reporting requirements that are subject to OMB approval under 5 CFR Part 1320, pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*)

#### *Environmental Assessment*

This final rule meets the criteria that establish this as a non-major action for environmental purposes.

#### List of Subjects in 49 CFR Part 212

Railroad safety, State participation—Grants in aid and corresponding appendices.

Accordingly, for the reasons set forth above, and under the authority of 49 U.S.C. 20103, 20105, 20106, and 20113 (formerly secs. 202, 205, 206, and 208, of the Federal Railroad Safety Act of 1970, and amended (45 U.S.C. 431, 434, 435, and 436); and 49 CFR 1.49, FRA is taking the following action:

#### **PART 212—[AMENDED]**

Part 212, is amended by deleting § 212.301 Grant authority; § 212.303 Annual funding process; § 212.305 Reports; § 212.307 Maximum reimbursement levels; and Appendices A, B, and C in their entirety.

Issued in Washington, D.C. on May 16, 1996.

Jolene M. Molitoris,  
Administrator, Federal Railroad  
Administration.

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## **DEPARTMENT OF COMMERCE**

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

#### **50 CFR Part 661**

[Docket No. 960126016-6121-04; I.D. 051796A]

#### **Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California; Cape Arago, OR, to Oregon-California Border**

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

**ACTION:** Inseason adjustment.

**SUMMARY:** NMFS announces that the commercial salmon fishery in the area from Cape Arago, OR, to the Oregon-California border was opened 7 days a week effective midnight, May 18, 1996. This adjustment is intended to provide additional fishing opportunity to commercial fishermen.

**DATES:** Effective 2400 hours local time, May 18, 1996, through 2400 hours local time, June 30, 1996. Comments will be accepted through June 7, 1996.

**ADDRESSES:** Comments may be mailed to William Stelle, Jr., Director, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way NE., BIN C15700-Bldg. 1, Seattle, WA 98115-0070. Information relevant to this notice has been compiled in aggregate form and is available for public review during business hours at the office of the Director, Northwest Region, NMFS (Regional Director).

**FOR FURTHER INFORMATION CONTACT:** William L. Robinson, 206-526-6140.

**SUPPLEMENTARY INFORMATION:** In the annual management measures for ocean salmon fisheries (61 FR 20175, May 6, 1996), NMFS announced that the 1996 commercial fishery in the area between Cape Arago, OR, and the Oregon-California border would open on May 1 and fishing would follow a cycle of 4 days open and 3 days closed. The fishery would close the earlier of June 30 or attainment of the 5,300-chinook salmon quota. The open/closure cycle could be modified inseason as necessary to manage the fishery.

The best available information on May 15 indicated that the commercial catch and effort rates were low during

the first two open periods (May 1-4 and May 8-11), with catches totaling less than 200 chinook salmon. The preseason objective for the open/closure cycle was to monitor catch levels. Opening the fishing season to 7 days per week would provide additional fishing opportunity to commercial fishermen without exceeding the share allocated to the commercial fishery in this area. Modification of the fishing season is authorized by the annual management measures and the regulations at 50 CFR 661.21(b)(1)(i). All other restrictions that apply to this fishery remain in effect as announced in the annual management measures.

The Regional Director consulted with representatives of the Pacific Fishery Management Council and the Oregon Department of Fish and Wildlife regarding this adjustment. The State of Oregon will manage the commercial fishery in state waters adjacent to this area of the exclusive economic zone in accordance with this Federal action. As provided by the inseason notice procedures of 50 CFR 661.23, actual notice to fishermen of this action was given prior to midnight, May 18, 1996, by telephone hotline number 206-526-6667 or 800-662-9825 and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz. Because of the need for immediate action to provide commercial fishermen with additional fishing opportunity, NMFS has determined that good cause exists for this notice to be issued without affording a prior opportunity for public comment.

#### **Classification**

This action is authorized by 50 CFR 661.21 and 661.23 and is exempt from review under E.O. 12866.

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

Dated: May 20, 1996.

Richard H. Schaefer,  
Director, Office of Fisheries Conservation and  
Management, National Marine Services  
Division.

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