

Size	Test gauge (inches)
T1 and C1.....	18½×5×6
T2 and C2.....	19½×6×7
T3 and C3.....	22½×8×11½

The test gauge for each size mailbox must be easily inserted and removed from each size mailbox and allow for the door(s) to be completely closed without interference.

3.14.10 Color Intensity—Color intensity must be measured in accordance with ASTM E-308 using the CIE method. A yellowness index must be measured using ASTM E-313. Color intensity and yellowness indexes must not lose or gain more than 10 percent of their original values when subjected to environmental conditions in 3.14.8.

4. Approval.

4.1 Application Requirements—All correspondence and inquiries must be directed through the Delivery Management Division, U.S. Postal Service, 475 L'Enfant Plaza S.W., Washington, DC 20260-7151. The manufacturer must notify the Delivery Management Division that mailboxes are being submitted for approval. To secure approval of a box, manufacturers must submit the following to the Engineering & Development Center, Delivery Equipment Division, U.S. Postal Service, 8403 Lee Highway, Merrifield, VA 22082-8101:

4.1.1 Not less than two complete boxes, including markings required in 3.7, of each style made of the exact materials, construction, coatings, paint, etc., including the panels required by 3.14.8 and otherwise identical in every way with the boxes intended to be marketed.

4.1.2 A copy of the instructions required by 3.11.

4.1.3 Color samples showing all color schemes expected to be used.

4.1.4 The boxes in the packaging proposed for shipping production units.

4.1.5 Documentation—The units submitted for approval must be accompanied by two complete sets of manufacturing drawings and installation instructions consisting of black on white prints (blueprints or sepia are unacceptable) showing that the units supplied meet the requirements of this standard. The drawings must be dated, signed, and certified to represent the production units exactly as submitted. The drawings must include sufficient details to allow the USPS to document and inspect all materials, construction methods, processes, coatings, treatments, finishes, control specifications, parts and assemblies used in the construction of the units. THE USPS may request individual piece parts to verify drawings. No changes may be made by the manufacturer to its products or drawings without written notification of and approval from the USPS. Any changes must be submitted with an explanation of the reasons written in a letter and also documented in the revision block of the affected drawing(s). Two units of each type with the changes incorporated must be submitted for testing and approval. All changes are subject to USPS written approval.

4.1.6 Boxes that are approved will be retained after testing by the USPS. Boxes disapproved may be disposed of or returned to the manufacturer, if requested, provided the manufacturer pays shipping costs.

4.2 Approval or disapproval—One set of manufacturing drawings, together with written notification of approval or disapproval, including reasons for disapproval, will be returned to the manufacturer. The drawings will be stamped and identified as representing the production unit type if approval notification is used. The USPS Office of Delivery and Retail Management will issue the written notification of approval or disapproval of the mailboxes. All correspondence and inquiries must be directed through that office at the address listed in 1.3.2.

4.3 Production Units—Manufacturer's production units must be constructed in accordance with the identified (stamped) drawings and provisions of this specification, and be of the exact materials, construction, coatings, workmanship, finish, etc. as the approved units. Manufacturers must receive written approval from the USPS before making any change to the unit or the identified design drawings. Approval for changes requires resubmission of units for testing and updated drawings for review. The USPS reserves the right at any time to examine and retest production units either obtained in the general marketplace or from the manufacturer and may require the manufacturer to provide units for examination and testing. Failure of these production units to be manufactured in strict accordance with the approved units, the identified drawings, and the provisions of this specification may result in the rejection of units and the suspension or revocation of the manufacturer's authorization as an approved manufacturer. Suspension or revocation of the manufacturer's authorization as an approved manufacturer will be issued by the USPS Office of Delivery and Retail Management.

5. Preparation for Delivery.

5.1 Packaging—The packaged mailbox and accessories must be packaged in a manner that will ensure arrival at destination in satisfactory condition. The box must be shipped fully assembled except that the following parts may be removed if necessary to protect them from damage: protruding portions, such as door latching hardware, mounting adapters, and mounting posts or stands. Containers and packing must comply with the National Motor Freight Classification Rule 222, Sections 2 and 3. The boxes must be suitably wrapped or protected and packaged in separate containers to prevent damage to painted surfaces by rubbing against the internal surfaces of the container or against other parts.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 215

[Docket No. 910510-1110]

RIN No. 0648-AE16

Marine Mammals; Fur Seal Act Regulations

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of proposed rulemaking, request for comments and notice of public meeting.

SUMMARY: NMFS issues this notice of proposed rulemaking to solicit public comments on the amendment to that portion of the Fur Seal Act regulations which authorizes the Assistant Administrator for Fisheries (Assistant Administrator), NOAA, to extend the subsistence harvest of fur seals in the Pribilof Islands beyond August 8. This action is being considered to ensure that no harvesting of seals will occur during times when female seals are on the rookeries and other harvest areas. The proposed action is being considered because the northern fur seal *Callorhinus ursinus*, the object of the harvest, is designated a depleted species pursuant to the Marine Mammal Protection Act (MMPA) and the taking of female seals would further decrease the chances of the species returning to optimum sustainable population (OSP) level. The Pribilofians have requested that the removal of the harvest extension option be offset by amending the regulations to allow the harvest to begin one week earlier (on June 23 instead of June 30).

DATES: Comments on this proposed rule must be postmarked on or before July 18, 1991.

ADDRESSES: Send written comments to Nancy Foster, Ph.D., Director, Office of Protected Resources (F/PR), NOAA, 1335 East-West Highway, room 7324, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Aleta Hohn, Ph.D., or Lynne Harris, Permit Division, Office of Protected Resources, 301-427-2289; Steve Zimmerman, Ph.D., Alaska Region, 907-586-7235.

SUPPLEMENTARY INFORMATION: On July 9, 1986, NMFS published an emergency final rule establishing regulations for the subsistence taking of northern fur seals on the Pribilof Islands, Alaska. Among the regulations that were established, 50 CFR paragraph 215.32(f) provides

criteria for terminating the harvest, or for extending the harvest if the subsistence needs of the Pribilovians have not been met.

The Assistant Administrator is required to terminate the harvest when he determines that the subsistence needs of the Pribilovians have been met, or on August 8 of each year, whichever comes first. The August 8 date was chosen to avoid an unacceptable taking of female fur seals. After the first week of August, immature fur seals of both sexes begin to arrive on St. Paul Island in significant numbers. The harem structure in rookery areas breaks down in early August and many females begin using the haul-out areas from which animals are taken for harvesting. Extending the harvest could result in a marked and biologically unacceptable increase in the accidental take of female seals. Two standards of unacceptable levels of female take trigger termination of any harvest extension: (1) When the total number of female seals taken during the harvest exceeds one half of one percent of the total number of seals taken; and (2) when, during the extension period, five female seals are taken within 7 consecutive days.

Six seasons of subsistence harvesting of northern fur seals have been conducted on the Pribilof Islands since 1985. Extensions to the harvest season were requested and granted in 1986 and 1987. Only St. Paul Island exercised the extension option. During the extension period in 1986, at least 359 seals were expected to be harvested, but only 71 were taken on the single day of harvesting (September 27). Of that total, immediate analysis revealed that six of the seals were females and the harvest was suspended. Later analysis of the teeth and reproductive tracts of the seals taken on the single day of harvesting during the extension period revealed that 12 of them were female (17 percent of the day's total). For the 1987 extension period, a total harvest of 211 seals was requested. On the single day of harvesting (September 2), 110 seals were taken. Of that total, it was discovered that five of the seals taken were female, and the harvest was again suspended. Because of this demonstrated risk of taking females after August 8, and the apparent

inability of harvesters to distinguish young males from females, NMFS announced its intent to amend 50 CFR 215.32(f) to eliminate the extension option for 1989 and subsequent years (53 FR 28887, August 1, 1988); however, no action was taken. Harvest extensions were not requested in 1988, 1989, or 1990.

In June 1989, in response to the August 1, 1988, announcement, the Aleut Community of St. Paul Island requested a change in the Fur Seal Act regulations to allow the subsistence harvest to begin June 23, 1 week earlier than the June 30 start date dictated by 50 CFR 215.32(c)(1). They cited a desire for seal meat by community members before June 30, a lack of meat remaining from the previous year's take, and an inability to harvest their quota of seals in the absence of the harvest extension option. The Pribilovians have also indicated that the number of sub-adult males present in haul-out areas in late June is substantially the same as the number present in early July. It therefore appears that sufficient numbers of seals would be available to allow for an earlier start date. Preliminarily, no adverse impact on the seal population is anticipated because only sub-adult males are present in the harvest areas at that time, and all other mandatory controls upon the harvest would apply.

Classification

For reasons discussed in previous environmental impact statements (EIS's), it is hereby determined that the approval and implementation of this proposed rule will not significantly affect the human environment, and that preparation of an EIS on this action is not required by section 102(2) of the National Environmental Policy Act or its implementing regulations.

The Under Secretary of NOAA has determined that this rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. The present action will not have a cumulative effect on the economy of \$100 million or more, nor will it result in a major increase in costs to consumers, industries, government agencies, or geographical regions. No significant adverse effects on competition, employment, investments, productivity,

innovation, or competitiveness of U.S.-based enterprises are anticipated.

The General Counsel of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. The only impact will be on individual native Alaskan residents of the Pribilof Islands in the form of a revised calendar for the annual fur seal harvest. Therefore a regulatory flexibility analysis was not prepared.

This rule does not contain a collection of information requirement subject to the Paperwork Reduction Act.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

List of Subjects in 50 CFR Part 215

Administrative practice and procedure, Marine mammals, Penalties, Pribilof Islands, Reporting and recordkeeping requirements.

Dated: May 24, 1991.

Samuel W. McKeen,
Program Management Officer, National
Marine Fisheries Service.

For the reasons set forth in the preamble, NOAA proposes to amend 50 CFR part 215 as follows:

PART 215—[AMENDED]

1. The authority citation for 50 CFR part 215 continues to read as follows:

Authority: 16 U.S.C. 1151-1175, 16 U.S.C. 1361-1364.

2. Section 215.32 is amended by removing paragraphs (f)(2) and (f)(2)(i-iii), by redesignating paragraph (f)(1) as (f), and by revising paragraph (c)(1) to read as follows:

§ 215.32 Restrictions on taking.

* * * * *

(c)(1) No fur seal may be taken on the Pribilof Islands before June 23 of each year.

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