Commodity	Parts per million	Expiration date
Aspirated Grain Fractions	25.0	July 13, 1999.
Corn, field, forage	0.4	July 13, 1999.
Corn, field, grain	0.2	July 13, 1999.
Corn, field, stover	6.0	July 13, 1999.
Soybean, hulls	5.0	July 13, 1999.
Soybeans	2.0	July 13, 1999.

[FR Doc. 97–2838 Filed 2–4–97; 8:45 am]
BILLING CODE 6560–50–F

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 4700

[NV–960–1060–00–24 1A]

RIN 1004–AC61

Adoption Fee for Wild Free-Roaming Horses and Burros

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: In this final rule, the Bureau of Land Management (BLM) revises its procedures used to set adoption fees for Wild Horses and Burros. The purpose of the amendment is to allow BLM more flexibility in establishing adoption fees, to recover a higher proportion of the associated cost, and encourage adoptions consistent with the basic goals of the Wild Horse and Burro adoption program. The rule also allows BLM to use competitive methods.

EFFECTIVE DATE: March 7, 1997.

FOR FURTHER INFORMATION CONTACT: Lili Thomas, (702) 785–6457 or Bob Barbour, (202) 452–7785.

SUPPLEMENTARY INFORMATION:

I. Background
II. Discussion of Final Rule and Response to Comments
III. Procedural Matters

I. Background

In the 1950's a group concerned with the welfare of America's diminishing wild horse herds formed under the leadership of Velma Bronn Johnson. Better known as "Wild Horse Annie," this woman from Nevada, along with many others, worked to ensure a place for wild horses and burros on Federal rangelands.

In 1971, Congress passed The Wild Free-Roaming Horse and Burro Act. To keep the ecological balance and maintain healthy rangelands, wild horses and burros are periodically removed and placed in the Adopt-A-Horse or Burro Program. This successful program, begun in 1973, has offered animals for "adoption" to qualified private individuals who agree to provide them humane treatment. Through the Adopt-a-Horse or Burro Program BLM placed over 150,000 animals in private care since 1976.

The current adoption fee of $125 for wild horses and $75 for wild burros was set in 1982. This fee is supposed to recapture some adoption cost, and assure a prompt adoption of animals after their removal from public lands. The adoption fee was originally set using the market price of horses in 1982. In the early 1980's the value of horses and burros was low because of an overabundance of these animals in the market. Currently the market value of the lowest quality domestic horse is about $300, well above the fee BLM charges. Additionally, since 1982, BLM's costs to feed, provide veterinary care and transport wild horses and burros have increased significantly. A flexible adoption fee system will shift some of the cost of the adoption from the general taxpayer to the individuals who benefit directly from this program. Future adoption fees will reflect market value of the animals and strike a balance between supply and demand. The increased cost per animal will help insure that the adopters are adopting the animal for itself rather than future financial gain before or after title is received.

Under this system BLM may offer horses and burros to the public at competitive adoptions. Animals not selected by the public through a competitive adoption would be available at the established adoption fee. The BLM Director may reduce or waive the adoption fee for animals that are unadoptable at the base fee. BLM is not changing the qualification requirements for adoption of a wild horse or burro. Adopters must meet the requirements of 43 CFR part 4750 before BLM allows them to participate in an adoption event.

Before each adoption event BLM will provide information on how the adoption will be conducted and the method to be used in establishing adoption fees.

II. Discussion of Final Rule and Response to Comments

The BLM received 25 comments in response to the proposed rule which was published in the **Federal Register** on July 10, 1996 (61 FR 36333). Five of the comments did not relate specifically to the adoption fee issue or involved other aspects of the Wild Horse and Burro program. Fourteen comments favored the changes BLM is making to increase the flexibility of the adoption fee system. Those in favor of the proposal expressed the view that cost to the American taxpayer should be reduced and the beneficiaries of the program should pay a reasonable price for the benefits they receive. Several believed that a competitive bidding system is a reasonable means to determine the price to adopt an individual animal. Seven of those who expressed favorable comments about an increased fee also voiced opposition to what they perceived as a requirement for use of competitive adoptions. Most of those who expressed concern about the competitive bidding aspect of the proposed rule favored an across-the-board increase in fees for all animals.

BLM is making the regulatory change to provide flexibility in the establishment of adoption fees and to allow the public to decide what they will pay to adopt an individual animal. One element of this increased flexibility involves appropriate use of competitive adoptions. Because of the comments received, BLM revised the regulation at 43 CFR 4750.4–2(b) to clarify that competitive adoptions are one way of establishing adoption fees, but not the only way.

Six comments expressed opposition to the proposed change. The primary reason for this opposition was a concern that under a competitive system only people who are well off could own a more desirable horse. BLM believes it is appropriate to allow individual adopters to decide through a competitive

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adoption how much they will pay for a wild horse or burro. Several of those who expressed opposition to the proposed rule were concerned that fees for wild burros would be too high and animals would not be adopted. A high demand exists for wild burros and BLM does not anticipate a problem placing these animals. Furthermore, in the event that we cannot adopt individual animals through the competitive process, we retain the option of offering them at the base fee of $125. Under new § 4750.4–2(c), we can lower the fee even further.

III. Procedural Matters

National Environmental Policy Act

BLM has determined that this rule is categorically excluded from further environmental review pursuant to 516 Departmental Manual (DM), Chapter 2, Appendix 1, Item 1.10, and that the rule does not meet any of the 10 criteria for exceptions to categorical exclusion listed in 516 DM 2, Appendix 2. Under the Council on Environmental Quality regulations (40 CFR 1508.4) and environmental policies and procedures of the Department of the Interior, the term "categorical exclusions" means a category of actions that do not individually or cumulatively have a significant effect on the human environment, and that have been found to have no such effect in procedures adopted by a Federal agency, and for which neither an environmental assessment nor an environmental impact statement is required. The environmental effects of the rule are too broad and speculative to lend themselves to meaningful analysis and will be subject to the National Environmental Policy Act of 1969, 43 U.S.C. 4332 (2)(C) process on a case-by-case basis.

Executive Order 12866 and Regulatory Flexibility Act

This rule was not subject to review by the Office of Management and Budget under Executive Order 12866. The cost of complying with the requirements of the final rule is indistinguishable from the requirements imposed by the existing adoption fee regulations. Further, for the same reasons, the Department has determined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that the rule will not have a significant economic impact on a substantial number of small entities. The rule affects only individuals who may choose to adopt a wild horse or burro, assuming they meet the requirements of 43 CFR part 4750. Because the definition of "small entity" does not include individuals, the rule will not affect small entities.

Federal Paperwork Reduction Act

The provisions for collection of information contained at 43 CFR part 4710 have previously been approved by the Office of Management and Budget and assigned clearance number 1004–0042. This rule does not contain additional information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Executive Order 12630

The Department certifies that this final rule does not represent a governmental action capable of interference with constitutionally protected property rights. Therefore, as required by Executive Order 12630, the Department of the Interior has determined that the rule would not cause a taking of private property.

Unfunded Mandates Reform Act

BLM has determined that this regulation is not significant under the Unfunded Mandates Reform Act of 1995 because it will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. Further, this rule will not significantly or uniquely effect small governments.

Executive Order 12988

The Department of the Interior has determined that this rule meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988.

Authors

The principal authors of this proposed rule are Lili Thomas of the Wild Horse and Burro National Program Office and Bob Barbour of the Regulatory Affairs Group, BLM, assisted by Kim Fondren of the Office of the Solicitor, Department of the Interior.

List of Subjects 43 CFR Part 4700

Animal Welfare, Horses, Penalties, Public Lands, Range Management, Reporting and recordkeeping requirements, Wildlife.

For the reasons stated in the preamble, BLM is amending Subchapter B, Chapter II of Title 43 of the Code of Federal Regulations as set forth below:

Dated: January 3, 1997.

Bob Armstrong,

Assistant Secretary of the Interior.

PART 4700—PROTECTION, MANAGEMENT, AND CONTROL OF WILD FREE-ROAMING HORSES AND BURROS

1. The authority citation for part 4700 continues to read as follows:

Authority: 16 U.S.C. 1331–1340; 18 U.S.C. 47; 43 U.S.C. 315 and 1740.

2. BLM amends part 4700 by revising § 4750.4–2 to read as follows:

§ 4750.4–2 Adoption fee.

(a) Does BLM Charge an Adoption Fee for Wild Horses and Burros?

You must pay an adoption fee for each wild horse or burro you adopt. Usually BLM will charge you a $125 base fee. BLM will not charge you an adoption fee for orphan foals.

(b) Can BLM increase the adoption fee?

Yes, BLM may increase the adoption fee. BLM may hold competitive adoption events for wild horses or burros. At competitive adoptions, qualified adopters set adoption fees through competitive bidding. For these adoptions, the fee is the highest bid received over the base fee of $125. Horses or burros remaining at the end of a competitive adoption event will be available for adoption at the established adoption fee.

(c) May BLM reduce or waive the adoption fee?

(1) The BLM Director may reduce or waive the fee when wild horses or burros are un-adoptable at the base adoption fee.

(2) A reduction or waiver of the adoption fee is available only if you are willing to comply with all regulations relating to wild horses and burros.

[FR Doc. 97–2797 Filed 2–4–97; 8:45 am]

BILLING CODE 4310–84–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 74

[MM Docket No. 96–90, FCC 97–17]

Broadcast License Terms

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: We issue this *Report and Order* ("R&O") to implement Section 203 of the Telecommunications Act of 1996 ("Telecom Act") (Broadcast

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