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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* contact.

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.

[FR Doc. 97-3727 Filed 2-13-97; 8:45 am]

BILLING CODE 6712-01-F

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; Notice of Status Reviews for the Alexander Archipelago Wolf and Queen Charlotte Goshawk

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of status reviews; reopening of comment period.

**SUMMARY:** The Fish and Wildlife Service (Service) provides notice that the comment period on the rangewide status reviews for the Queen Charlotte goshawk (*Accipiter gentilis laingi*) and the Alexander Archipelago wolf (*Canis lupus ligoni*) is reopened. The Service solicits any information, data, comments, and suggestions from the public, other government agencies, the scientific community, industry, or other interested parties concerning the status of these species. The notice of the status reviews was published on December 5, 1996 (61 FR 64496), and the extension

of comment period was published December 31, 1996 (61 FR 69065).

**DATES:** The comment period, previously scheduled to close February 5, 1997, is extended and will now close on March 5, 1997. Any comments received by the closing date will be considered in the findings.

**ADDRESSES:** Comments and materials should be sent to Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services, 3000 Vintage Blvd., Suite 201, Juneau, Alaska 99801-7100.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Lindell at the above address (907/586-7240).

#### SUPPLEMENTARY INFORMATION

##### Background

The Service will issue separate findings on petitions to list the Queen Charlotte goshawk and the Alexander Archipelago wolf under the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

##### Queen Charlotte Goshawk

The Queen Charlotte goshawk occurs in forested areas throughout coastal mainland and insular areas of British Columbia, Canada, and southeastern Alaska. On May 9, 1994, the Service received a petition to list the Queen Charlotte goshawk as endangered under the Act, from Mr. Peter Galvin of the Greater Gila Biodiversity Project, Silver City, New Mexico, and nine copetitioners including, the Southwest Center for Biological Diversity, the Biodiversity Legal Foundation, Greater Ecosystem Alliance, Save the West, Save America's Forests, Native Forest Network, Native Forest Council, Eric Holle, and Don Muller. On August 26, 1994, the Service announced a 90 day finding (59 FR 44124) that the petition presented substantial information indicating that the requested action may be warranted, and opened a public comment period until November 25, 1994. The Service extended the public comment period until February 28, 1995, through two subsequent Federal Register notices on January 4, 1995 (60 FR 425), and February 24, 1995 (60 FR 10344). The Service issued its 12-month finding on June 29, 1995 (60 FR 33784), indicating that listing the Queen Charlotte goshawk under the Act was not warranted.

On July 16, 1995, the petitioners filed a 60-day notice of intent to sue the Service over its 12-month finding, and on November 17, 1995, they filed suit in the United States District Court for the District of Columbia challenging the not warranted finding made by the Service. As a result of the court proceedings the

Service is reevaluating the status of the Queen Charlotte goshawk. The Service is requesting any information, data, comments, and suggestions from the public, other government agencies, the scientific community, industry, or other interested parties concerning the status of this species.

##### Alexander Archipelago Wolf

The Alexander Archipelago wolf occurs in forested areas of insular and mainland southeast Alaska, from Dixon Entrance (US/Canada border) to Yakutat Bay, including all large islands of the Alexander Archipelago except Admiralty, Baranof, and Chichagof islands. On December 17, 1993, the Service received a petition to list the Alexander Archipelago wolf as threatened under the Act, from the Biodiversity Legal Foundation, Eric Holle and Martin J. Berghoffen. A 90-day finding was made by the Service that the petition presented substantial information indicating that the requested action may be warranted. The 90-day finding was announced (59 FR 26476) and a status review was initiated on May 20, 1994. The public comment period was open between May 20, and October 1, 1994 (59 FR 26476 and 59 FR 44122). The Service announced its finding that listing the Alexander Archipelago wolf was not warranted on February 23, 1995 (60 FR 10056).

The petitioners issued a 60-day notice of intent to sue over the Service's not warranted finding on November 13, 1995. On February 7, 1996, they filed suit in the United States District Court for the District of Columbia challenging the not-warranted finding made by the Service. As a result of the court proceedings the Service is reevaluating the status of the Alexander Archipelago wolf. The Service is requesting any information, data, comments, and suggestions from the public, other government agencies, the scientific community, industry, or other interested parties concerning the status of this species.

##### Author

This primary author of this notice is Teresa Woods, U.S. Fish and Wildlife Service, Alaska Region, 1011 E. Tudor Road, Anchorage, Alaska 99503.

##### Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544).

##### List of Subjects in 50 CFR Part 17

Endangered and threatened species, Export, Import, Reporting and

recordkeeping requirements,  
Transportation.

Dated: February 4, 1997.

David B. Allen,

*Regional Director, Region 7, Fish and Wildlife  
Service.*

[FR Doc. 97-3464 Filed 2-13-97; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 229

[Docket No. 970129015-7015-01; I.D.  
010397A]

RIN 0648-A184

#### **Taking of Marine Mammals Incidental to Commercial Fishing Operations; Pacific Offshore Cetacean Take Reduction Plan Regulations**

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

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

**SUMMARY:** NMFS proposes a plan to  
reduce the bycatch and mortality of  
several marine mammal stocks that  
occur incidental to fishing for swordfish  
and thresher shark with drift gillnet gear  
offshore California and Oregon. The  
draft plan was submitted by the Pacific  
Offshore Cetacean Take Reduction Team  
(PCTRT) pursuant to the Marine  
Mammal Protection Act (MMPA). NMFS  
seeks comment on the draft Pacific  
Offshore Cetacean Take Reduction Plan  
(PCTRP), a NMFS proposed change to  
the draft plan, and proposed regulations  
to implement the plan.

**DATES:** Comments on the draft plan,  
NMFS' proposed change to the plan,  
and the proposed rule to implement the  
plan must be received by March 31,  
1997.

**ADDRESSES:** Send comments to Chief,  
Marine Mammal Division, Office of  
Protected Resources, National Marine  
Fisheries Service, 1315 East-West  
Highway, Silver Spring, MD 20910-  
3226. Copies of the draft PCTRP and  
Environmental Assessment (EA) are  
available upon request from Irma  
Lagomarsino, Southwest Region, NMFS,  
501 W. Ocean Blvd., Suite 4200, Long  
Beach, CA 90802-4213, or from Victoria  
Cornish, Office of Protected Resources,  
NMFS, 1315 East-West Highway, Silver  
Spring, MD 20910-3226.

**FOR FURTHER INFORMATION CONTACT:** Irma  
Lagomarsino, NMFS, 310-980-4016 or  
Victoria Cornish, NMFS, 301-713-2322.

**SUPPLEMENTARY INFORMATION:** The  
California/Oregon drift gillnet (CA/OR  
DGN) fishery for thresher shark and  
swordfish is classified as a Category I  
fishery under section 118 of the Marine  
Mammal Protection Act (MMPA; 16  
U.S.C. 1361 *et seq.*). The CA/OR DGN  
fishery is a pelagic fishery with the  
majority of the fishing effort occurring  
within 200 miles (320 kilometers)  
offshore of California and Oregon.  
Between May 1 and August 14, drift  
gillnets may not be used to take  
swordfish or thresher shark in ocean  
waters within 75 miles (120 kilometers)  
of the California coastline. From August  
15 to January 31, swordfish may be  
taken within 75 miles (120 kilometers)  
of the California mainland, although  
additional area restrictions also apply  
within this area.

The CA/OR DGN fishery has a  
historical incidental bycatch of several  
strategic marine mammal stocks  
including: Several beaked whale  
species, short-finned pilot whales,  
pygmy sperm whales, sperm whales,  
and humpback whales (Barlow *et al.*,  
1995). A strategic stock is a stock: (1)  
For which the level of direct human-  
caused mortality exceeds the potential  
biological removal (PBR) level; (2)  
which is declining and is likely to be  
listed under the Endangered Species Act  
(ESA) in the foreseeable future; or (3)  
which is listed as a threatened or  
endangered species under the ESA. The  
incidental bycatch of strategic stocks in  
the CA/OR DGN fishery exceeds the  
PBR levels established for these stocks  
(Barlow *et al.*, 1995).

Section 118 of the MMPA requires  
NMFS to develop and implement a take  
reduction plan to assist in the recovery  
or to prevent the depletion of each  
strategic stock that interacts with a  
Category I or II fishery. Category I or II  
fisheries are fisheries that have frequent  
or occasional incidental mortality and  
serious injury of marine mammals,  
respectively. The immediate goal of a  
take reduction plan is to reduce, within  
6 months of its implementation, the  
mortality and serious injury of strategic  
stocks incidentally taken in the course  
of commercial fishing operations to  
below the PBR levels established for  
such stocks. Since the CA/OR DGN  
fishery is a Category I fishery that  
interacts with several strategic stocks,  
NMFS established the PCTRT on  
February 15, 1996 (61 FR 5385) to  
prepare a draft take reduction plan. The  
PCTRT included representatives of  
NMFS, the California Department of

Fish and Game (CDFG), the Pacific  
States Marine Fisheries Commission,  
environmental organizations, academic  
and scientific organizations, and  
participants in the CA/OR DGN fishery.  
In selecting these team members, NMFS  
sought an equitable balance among  
representatives of resource user and  
non-user interests.

The PCTRT was tasked with  
developing a consensus plan for  
reducing incidental mortality and  
serious injury of strategic marine  
mammal stocks in the CA/OR DGN  
fishery. The PCTRT met five times  
between February and June 1996 and  
submitted a consensus draft plan to  
NMFS on August 15, 1996 (PCTRP,  
1996). The PCTRP includes: (1) A  
review of the current information on the  
status of the affected strategic marine  
mammal stocks; (2) a description of the  
CA/OR DGN fishery; (3) an analysis of  
data from NMFS' CA/OR DGN fishery  
observer program from 1990-1995; (4)  
primary strategies to reduce takes of  
strategic marine mammal stocks; (5)  
contingency measures that would  
reduce fishing effort; and (6) other  
recommendations regarding voluntary  
measures to reduce takes, enhancing the  
effectiveness of the observer program,  
research on oceanographic/  
environmental variables, and other  
potential strategies considered and  
rejected by the team.

The PCTRT recommended that four  
primary strategies be implemented to  
reduce bycatch of strategic marine  
mammal stocks in the CA/OR DGN  
fishery. The PCTRT recommended that  
three of these strategies be administered  
on a mandatory basis (strategies #1, #2,  
and #4) and that one be administered on  
a voluntary basis (strategy #3). This  
action proposes regulations to  
implement three of these primary  
strategies. These include the  
establishment of a depth of fishing  
requirement (strategy #1), the use of  
acoustic deterrent devices (pingers)  
(strategy #2), and mandatory skipper  
workshops (strategy #4). The PCTRT  
recommended that one other primary  
strategy be implemented by NMFS, yet  
not through Federal regulation. This  
would be for NMFS to encourage CDFG  
not to reissue lapsed permits, and to  
encourage the Oregon Department of  
Fish and Wildlife (ODFW) to continue  
issuing the same number of permits  
(strategy #3).

The proposed requirements would  
govern fishing by all drift gillnet vessels  
that operate out of California or Oregon.