under CERCLA are appropriate at this time. Consequently, U.S EPA proposed to delete the site from the NPL.

EPA, with concurrence from the State of Minnesota, has determined that all appropriate Fund-financed responses under CERCLA at the Kummer Sanitary Landfill Superfund Site have been completed, and no further CERCLA response is appropriate in order to provide protection of human health and the environment. Therefore, EPA proposes to delete the site from the NPL.

Dated: February 20, 1996.

Valdas V. Adamkus,

Regional Administrator, U.S. EPA, Region V.

[FR Doc. 96–4830 Filed 2–29–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96–19; RM–8744]

Television Broadcasting Services; Geneseo, NY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Renard Communications Corp. seeking the allotment of UHF TV Channel 39– to Geneseo, NY, as the community's first local television transmission service. Channel 39– can be allotted to Geneseo in compliance with the Commission's minimum distance separation requirements with a site restriction of 21.4 kilometers (13.3 miles) east, at coordinates 42–46–10 North Latitude and 77–33–21 West Longitude, to avoid a short-spacing to TV Channel 39+ at Kitchener, Ontario. Canadian concurrence is required since Geneseo is located within 400 kilometers (250 miles) of the U.S.-Canadian border. This proposed allotment is not affected by the Commission's freeze on new allotments in certain metropolitan areas.

DATES: Comments must be filed on or before April 12, 1996, and reply comments on or before April 29, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Craig L. Fox, President, Renard Communications Corp. 4853 Manor Hill Drive, Syracuse, New York 13215–1336 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–19, adopted February 6, 1996, and released February 20, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC 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 contractor, International Transcription Services, 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

Television broadcasting.

Federal Communications Commission.

John A Karousos,

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

[FR Doc. 96–4787 Filed 2–29–96; 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; 12-Month Finding for a Petition To List the Ohlone Tiger Beetle as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 12-month petition finding.

SUMMARY: The Fish and Wildlife Service (Service) announces a 12-month finding on a petition to list the Ohlone tiger beetle (*Cicindela ohlone*) as endangered pursuant to the Endangered Species Act (Act) of 1973, as amended. The Ohlone tiger beetle was discovered in 1990 and is currently known only from Santa Cruz County, California. The five known populations may be threatened by the following factors: habitat fragmentation and destruction due to urban development, habitat degradation due to invasion of non-native vegetation, and vulnerability to stochastic local extirpations. However, the Service finds that the information presented in the petition, in addition to information in the Service's files, does not provide conclusive data on biological vulnerability and threats to the species and/or its habitat. Available information does not confirm that the species is limited to a specific habitat type. After review of all available scientific and commercial information, the Service determines that listing is not warranted for the Ohlone tiger beetle at this time.

DATES: The finding announced in this document was made on November 9, 1995. Comments and information concerning this finding may be submitted until further notice.

ADDRESSES: Data, information, comments or questions concerning this petition finding may be submitted to the Field Supervisor, Ventura Field Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, California 93003. The petition, finding, supporting data and comments are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Carl Benz, Assistant Field Supervisor, Listing and Recovery (See **ADDRESSES** section) at 805/644–1766.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(B) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that, for any petition to revise the Lists of Endangered and Threatened Wildlife and Plants that contains substantial scientific and commercial information, the Service make a finding within 12 months of the date of receipt of the petition whether the petitioned action is (a) not warranted, (b) warranted, or (3) warranted but precluded from immediate proposal by other pending proposals. Such 12-month findings are to be published promptly in the Federal Register.

On February 18, 1993, the Service received a petition from Randall Morgan of Soquel, California requesting that the Service add the Ohlone tiger beetle (*Cicindela ohlone*) to the list of threatened and endangered species pursuant to the Act. The petition specified endangered status because of

the beetle's limited distribution, specialized habitat requirements, and threats from proposed residential developments and other habitat disturbances. 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 in the Federal Register on January 27, 1994 (59 FR 3830). A status review was initiated.

The Service has reviewed the petition, the literature cited in the petition, other available literature and information, and consulted with biologists and researchers familiar with tiger beetles. On the basis of the best available scientific and commercial information, the Service finds that listing the Ohlone tiger beetle (*Cicindela ohlone*) as endangered is not warranted.

The Ohlone tiger beetle is a member of the Coleopteran family Cicindelidae (tiger beetles), which includes more than 2,000 species worldwide and more than 100 species in the United States (Pearson and Cassola 1992). Tiger beetles are crepuscular, predatory insects that prey on small arthropods. Tiger beetle species occur in many different habitats including riparian habitats, beaches, dunes, woodlands, grasslands, and other open areas (Pearson 1988, Knisley and Hill 1992). A common habitat component appears to be open sunny areas that are used by tiger beetles for hunting and thermoregulation (Knisley *et al.* 1990, Knisley and Hill 1992). Individual species are generally highly habitat specific because of larval sensitivity to soil moisture, composition, and temperature (Pearson 1988, Pearson and Cassola 1992, Kaulbars and Freitag 1993).

The Ohlone tiger beetle was first described in 1993 from specimens collected near Soquel, Santa Cruz County, California in 1990. Currently, five populations have been found and both male and female specimens have been collected. The larvae of the Ohlone tiger beetle have yet to be seen or collected, but are presumed to be similar to other tiger beetle species. Collection of Ohlone tiger beetles has occurred only in Santa Cruz County, where populations are known only from coastal terraces supporting remnant patches of native grassland habitat on clay and sandy clay soils.

Two principal features distinguishing the Ohlone tiger beetle from other species of tiger beetles are its early seasonal adult activity period, and its disjunct distribution. While other tiger beetle species, such as *Cicindela purpurea*, are active during spring, summer, or early fall (Nagano 1980, Freitag *et al.* 1993), the Ohlone tiger beetle is active from late January to early April (Freitag *et al.* 1993). The Ohlone tiger beetle is also the southernmost member of its related group of tiger beetles (Freitag *et al.* 1993). These unusual characteristics may, in part account for the lack of historical collections of the species. Collectors would not expect to find tiger beetles during late winter or in the Santa Cruz area. However, because *Cicindela* is a very popular insect genus to collect (C. Nagano, U.S. Fish and Wildlife Service, pers. comm. 1993), and because entomologists commonly collect out of season and out of known ranges in order to find temporally and spatially outlying specimens, one would expect more specimens to have been collected if the Ohlone tiger beetle were more widespread and common. A limited, localized occurrence of the species may also help explain why the Ohlone tiger beetle was not discovered until 1990.

Currently, the known adult Ohlone tiger beetle habitat is characterized by open native grassland, with California oatgrass (*Danthonia californica*) and purple needlegrass (*Stipa pulchra*), on level or nearly level slopes. Substrate is shallow, pale, poorly drained clay or sandy clay soil that bakes to a hard crust by summer, after winter and spring rains cease (Freitag *et al.* 1993). Habitat for oviposition by females and subsequent larval development is unknown.

The historic range of the Ohlone tiger beetle cannot be precisely assessed because the species was only recently discovered, and no historic specimens or records are available. The earliest specimen recorded was collected from a site northwest of Santa Cruz in 1987 (Freitag *et al.* 1993). Based on available information on topography, substrates, soils, and vegetation, potential suitable habitat for the Ohlone tiger beetle may have been more extensive and continuous than at present. If, indeed, the beetle is restricted to coastal terraces of clay or sandy clay soils, then based on soil maps, it may once have extended from southwestern San Mateo County to northwestern Monterey County, California (Freitag *et al.* 1993). Much of this habitat has been destroyed, degraded, and fragmented by urban development and invasion of non-native vegetation. Currently, the extent of habitat that is potentially suitable for the Ohlone tiger beetle is estimated at 200 to 300 acres in Santa Cruz County, California (Freitag *et al.* 1993). However, restriction of the species to these habitat parameters has not been demonstrated and the occurrence of the Ohlone tiger beetle beyond this range is not known. Barry Knisley (entomologist, Randolph-Macon College, pers. comm. 1995) suggests that soil type, rather than plant community, may define the range and emphasized the need for additional field work to verify soil relationships. Extensive range-wide surveys have not been conducted.

The five known populations face threats from habitat fragmentation and destruction due to urban development, habitat degradation due to invasion of non-native vegetation, and vulnerability to stochastic local extirpations. Collection, pesticides, and recreational use of habitat are recognized as potential threats. However, the Service concludes that life history information and survey data are currently inadequate to conclusively determine that the Ohlone tiger beetle is restricted to the described habitat. Listing the species as either endangered or threatened is not warranted at this time because sufficient information is not available indicating that the species is clearly in danger of extinction or expected to become so in the foreseeable future. The Ohlone tiger beetle is a species of concern to the Service and additional information regarding the status, range, and habitat of adult and larval forms will continue to be solicited.

If additional data become available in the future, the Service may reassess the candidate status and listing priority for this species or the need for listing.

References Cited

Freitag, R., D.H. Kavanaugh and R. Morgan. 1993. A new species of *Cicindela* (*Cicindela*) (Coleoptera: Carabidae: Cicindelini) from remnant native grassland in Santa Cruz County, California. The Coleopterists Bulletin 47:113–120.

Kaulbars, M.M. and R. Freitag. 1993. Geographical variation, classification, reconstructed phylogeny, and geographical history of the *Cicindela sexguttata* group (Coleoptera: Cicindelidae). The Canadian Entomologist 125:267–316.

Knisley, C.B. and J.M. Hill. 1992. Effects of habitat change from ecological succession and human impacts on tiger beetles. Virginia Journal of Science 43:133–142.

Knisley, C.B., T.D. Schultz and T.H. Hasewinkel. 1990. Seasonal activity and thermoregulatory behavior of *Cicindela patruela* (Coleoptera: Cicindelidae). Annals of the Entomological Society of America 83:911–915.

Nagano, C.D. 1980. Population status of the tiger beetles of the genus *Cicindela* (Coleoptera: Cicindelidae) inhabiting the marine shoreline of southern California. Atala 8:33–42.

Pearson, D.L. 1988. Biology of Tiger Beetles. Annual Review of Entomology 33:123–147.

Pearson, D.L. and F. Cassola. 1992. World-wide species richness patterns of tiger beetles (Coleoptera: Cicindelidae): indicator taxon for biodiversity and conservation studies. Conservation Biology 6:376–391.

Author: The primary author of this notice is Carl Benz, Ventura Field Office (see **ADDRESSES** section) (telephone 805/644–1766).

Authority

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

Dated: November 9, 1995.

John G. Rogers,

Acting Director, Fish and Wildlife Service.

[FR Doc. 96–4802 Filed 2–29–96; 8:45 am]

BILLING CODE 4310–55–P

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50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Finding for a Petition To List the Fisher in the Western United States as Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: The Fish and Wildlife Service (Service) announces a 90-day finding for a petition to list the fisher (*Martes pennanti*) in the western United States as threatened under the Endangered Species Act of 1973, as amended. The Service finds that the petition did not present substantial information indicating that the two fisher populations in the western United States requested to be listed constitute distinct vertebrate population segments. Therefore, the Service makes a negative finding on this petition.

DATES: The finding announced in this document was made on November 22, 1995.

ADDRESSES: Data, information, comments or questions concerning this petition should be submitted to the Western Washington Office, U.S. Fish and Wildlife Service, 3704 Griffin Lane S.E., Suite 102, Olympia, Washington 98501. The petition, finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: David C. Frederick, Supervisor (see **ADDRESSES** above), at (360) 753–9440.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 et seq.), requires that the Service make a finding on whether a petition to list, delist or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the date the petition was received, and the finding is to be published promptly in the Federal Register. If the finding is that substantial information was presented, the Service also is required to commence a review of the status of the species involved if one has not already been initiated under the Service's internal candidate assessment process.

On December 29, 1994, a petition to list the fisher (*Martes pennanti*) in the western United States was received by the Service. The petition, dated December 22, 1994, was submitted by D.C. ''Jasper'' Carlton, Director for the Biodiversity Legal Foundation, Boulder, Colorado. The petition requested listing of two fisher populations in the western United States (Washington, Oregon, California, Idaho, Montana and Wyoming) as threatened species. The petition stated that two fisher populations from the Pacific Coast and northern Rocky Mountain areas of the western United States are vulnerable to extirpation due to habitat loss and fragmentation of late-successional and old-growth forests from road construction and logging, threats from direct and incidental trapping, and the effects of small population size.

After a review of the above information, and based on the best scientific and commercial information available, the Service finds the petition does not present substantial information indicating that listing two western United States fisher populations may be warranted.

Historically, fishers ranged from northern British Columbia, Canada, into central California in the Pacific region, and into Idaho, Montana and Wyoming in the Rocky Mountains. In the central United States, fishers may have been distributed as far south as southern Illinois, and in the eastern states, fishers occurred as far south as North Carolina and Tennessee in the Appalachian Mountains (Powell and Zielinski 1994). During the late 1800s and early 1900s, fishers were extirpated over much of their range in both the United States and Canada. Overtrapping and logging are believed to have been the primary cause of that decline (Powell and Zielinski 1994).

Fishers today occur across the Canadian provinces (Banci 1989). In the Pacific States, fishers still occur in the Cascade Range and Okanogan Highlands of Washington State, and are probably still present in the Olympic Mountains (Aubry and Houston 1992). The status of the fisher in Washington is believed to be ''very rare'' although distribution patterns between 1955–1979 and 1980–1991 were similar (Aubry and Houston 1992). Little is known of the status in Oregon, although sightings are extremely rare. Powell and Zielinski (1994) report that fishers have recently been detected by remote camera just west of the Cascade Crest in southern Oregon. In California, the fishers in the Sierra Nevada appear to be isolated from the animals in the northwestern part of the state (Powell and Zielinski 1994). Though the Sierran fishers may be doing well (Powell and Zielinski 1994), California Fish and Game biologists have expressed concern over their long term viability (pers. comm. in Gibilisco 1994). Fishers in northwestern California have apparently remained stable since early in this century, and several researchers suggest this population may have the highest abundance of all the populations in the western United States (Powell and Zielinski 1994) and it may increase in the near future (Gibilisco 1994).

In the Rocky Mountains, fishers occur in central Idaho and northwestern Montana; successful reintroductions have occurred in both states (Gibilisco 1994). Although some reintroductions have been unsuccessful (Powell and Zielinski 1994, Roy 1991), fisher populations in the Rocky Mountains may be more stable than those in the Pacific States (Powell and Zielinski 1994). Fishers are occasionally sighted in Wyoming, but have always been rare (Biodiversity Legal Foundation 1994). Fisher populations have increased in