

90 of our Rules to eliminate the finder's preference program in the 220–222 MHz band in light of our proposals to implement a new licensing approach for this band. The NPRM also seeks comment on the utility of the finder's preference program for private land mobile radio (PLMR) services authorized for the 470–512 MHz, 800 MHz and 900 MHz bands.

2. Under Section 90.173(k) of our Rules, persons may apply for a finder's preference for channels assigned on an exclusive basis in the 220–222 MHz, 470–512 MHz, 800 MHz and 900 MHz frequency bands by submitting information that leads to the Commission's recovery of unused channels in these bands. The NPRM proposes to eliminate the finder's preference program in the 220–222 MHz band in light of our proposals in PR Docket No. 89–552 to implement geographic area licensing and use competitive bidding to choose among mutually exclusive initial applications. This is consistent with our decision to eliminate the finder's preference program in the 800 MHz and 900 MHz Specialized Mobile Radio (SMR) services when we adopted a geographic area licensing approach and competitive bidding procedures for those services. The NPRM also seeks comment on the usefulness and benefits of continuing the finder's preference program for the PLMR services in the 470–512 MHz, 800 MHz, and 900 MHz bands.

3. In order to avoid undermining the regulatory framework that we may adopt for the 220–222 MHz band, we have decided to delay processing any finder's preference requests that may be filed in this band pending final action in this proceeding. Continued processing of site-based requests could frustrate the intent of our geographic area licensing proposal by increasing the encumbrances on this spectrum with site-based licensees, thus reducing the flexibility of the geographic-based licensees and thereby impairing their ability to best serve the public. Accordingly, our decision to delay processing of these requests serves the public interest. Moreover, this decision is procedural in nature, and thus not subject to the notice and comment and effective date requirements of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(A), (d). We also observe that our ongoing compliance review procedures will ensure that this decision does not compromise the public interest in any way.

4. This Notice of Proposed Rule Making is issued under the authority contained in 47 U.S.C. 154(i) and 303(r). Pursuant to applicable procedures set

forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before November 18, 1996, and reply comments on or before December 3, 1996. To file formally in this proceeding, you must file an original and four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You must send comments and reply comments to the Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. You may also file informal comments by electronic mail. You should address informal comments to [smagnott@fcc.gov](mailto:smagnott@fcc.gov). You must put the docket number of this proceeding on the subject line (see the caption at the beginning of this NPRM). You must also include your full name and Postal Service mailing address in the text of the message. Formal and informal comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, Room 239, Federal Communications Commission, 1919 M Street, N.W., Washington D.C. 20554.

#### List of Subjects in 47 CFR Part 90

Finder's preference, Radio  
Federal Communications Commission.  
Shirley S. Suggs,  
Chief, Publications Branch.

#### Proposed Rules

Part 90 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

#### **PART 90—PRIVATE LAND MOBILE RADIO SERVICES**

1. The authority citation for Part 90 continues to read as follows:

Authority: Secs. 4, 303, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, and 332, unless otherwise noted.

#### **§ 90.173 [Amended]**

Section 90.173 is amended by removing the words "220–222 MHz," in the paragraph (k) introductory text.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018–AD52

#### Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposed Threatened Status for the Guajón

AGENCY: Fish and Wildlife Service, Interior

ACTION: Proposed rule, reopening of comment period.

**SUMMARY:** The Service provides notice that the comment period is reopening on a proposal to list the guajón (*Eleutherodactylus cookii*) as threatened, pursuant to the Endangered Species Act (Act) of 1973, as amended. The Service is reopening the comment period to allow members of the public to submit comments on this proposal.

**DATES:** The comment period on this proposal is extended until November 4, 1996.

**ADDRESSES:** Written comments and materials concerning this proposal should be sent to the Field Supervisor, Boquerón Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at this office.

**FOR FURTHER INFORMATION CONTACT:** Ms. Susan Silander at the Boquerón Field Office address (809/851–7297).

#### **SUPPLEMENTARY INFORMATION:**

##### Background

On October 2, 1995, the Service proposed to add the guajón (*Eleutherodactylus cookii*) to the list of endangered and threatened species. At that time the guajón, a relatively large frog, was reported from its historical localities in the municipalities of Yabucoa and San Lorenzo. It is endemic to Puerto Rico and restricted in range to the southeastern part of the island. Since the closing of the comment period, the guajón has been reported from additional municipalities, including Humacao and Las Piedras. In addition, information on the reproductive biology and population genetics of the species has been published and additional research is ongoing.

A moratorium on listing actions (Public Law 104–6) took effect April 10, 1995, and prevented the Service from making a final decision on this proposal

by the October 1996 administrative deadline. The moratorium was lifted on April 26, 1996, when the appropriation for the Department of the Interior for the remainder of fiscal year 1996 was enacted into law. In a Federal Register document published on May 16, 1996 (61 FR 24722), the Service outlined in detail the history of the moratorium and indicated the priorities it would follow in eliminating the listing program backlog resulting from the moratorium. Preparation of the final rule for this proposed species is considered a Tier 2 priority—processing final decisions on proposed listings. For more information on the moratorium and the priority for

backlogged listing actions, refer to the May 16, 1996, Federal Register notice.

The Service does not believe that the new distributional information has changed the status of the species. However, we are reopening the comment period on the proposed rule to solicit comments on this new information and request any additional information on scientific studies conducted since the comment period last closed on December 1, 1995. The Service hereby announces reopening of the comment period until November 4, 1996.

#### Author

The primary author of this notice is Susan R. Silander, Boquerón Field Office, U.S. Fish and Wildlife Service, Box 491, Boquerón, Puerto Rico, 00622 (787/851-7297).

#### Authority

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

Dated: September 27, 1996  
Noreen K. Clough,  
*Regional Director, Southeast Region, Fish and Wildlife Service.*

[FR Doc. 96-25476 Filed 10-3-96; 8:45 am]

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