

for the negotiated rulemaking process. It also listed entities identified as interested parties that should be included in the negotiated rulemaking process either directly as members of the Committee or as part of a broader caucus of similar or related interests. The Notice requested comments on the proposal to establish a negotiated rulemaking advisory committee, on the proposed membership of the Committee, and on the proposed issues for consideration by the Committee. BTS has decided to supplement its request for comments by (1) holding a public meeting on this matter; and (2) extending the comment period until after the public meeting.

Announcement of BTS Public Meeting

To better determine the utility of negotiating a rule on this matter, BTS will hold a public meeting on February 10, 1997, 9:30 am to 3:00 pm, Eastern Standard Time. The meeting will take place at the U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C., in conference room 2230 of the Nassif Building. Since access to the DOT building is controlled, all persons who plan to attend the meeting must notify David Mednick on (202) 366-8871 prior to February 7. Attendance is open to the interested public but limited to space available. Persons with a disability requiring special services, such as an interpreter for the hearing impaired, should contact Mr. Mednick at (202) 366-8871 at least seven days prior to the meeting.

While negotiated rulemaking would attempt to resolve issues surrounding the motor carrier data collection program, several initial matters deserve attention. First, do we need to amend the existing rule and, if so, is negotiated rulemaking the best process for updating the motor carrier data collection program? Second, if so, what are the core issues in dispute and differing legitimate needs of the interested parties? Third, which organizations or interests should be represented on the Committee?

While comments received have been helpful, BTS does not have enough information to determine whether to pursue negotiated rulemaking. The public meeting will bring together the various interest groups. A facilitator will be on hand to help develop potential issues and promote open discussion. In addition to helping BTS decide whether to pursue the negotiated rulemaking, it should also help lay the groundwork for the proposed Committee.

All those interested in this rulemaking, including the potential

participants listed in the Notice and those submitting applications or nominations for membership, are encouraged to attend.

Extension of Comment Period

Because BTS has not reached a final decision on whether to use a negotiated rulemaking process for this rule, it is extending the comment period on its proposal published December 19, 1996, 61 FR 64849. The comment period is extended to February 28, 1997. BTS is soliciting comments on the proposal to establish a negotiated rulemaking advisory committee, on the proposed membership of the Committee, and on the proposed issues for consideration by the Committee. BTS is also accepting applications and nominations for membership on the Committee. Please refer to the original Notice for full details.

Issued in Washington, DC, on January 16, 1997.

Robert A. Knisely,

Deputy Director, Bureau of Transportation Statistics.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AA98

Endangered and Threatened Wildlife and Plants; Notice of Reopening of Comment Period on Reports and Other Data Pertaining to the Listing of the Bruneau Hot Springsnail

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of reopening of public comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice that the comment period on reports and other data pertaining to the listing of the Bruneau hot springsnail (*Pyrgulopsis bruneauensis*) is reopened. A notice of availability that opened the original public comment period was published on September 12, 1995 (60 FR 47339). The Service extended the comment period until December 15, 1995, in a notice published on November 13, 1995 (60 FR 56976). The Service hereby reopens the comment period and solicits new information and public comment on all information and data received since the listing of the species in 1993.

DATES: The comment period is reopened until March 10, 1997. Any comments and materials received by the closing date will be considered in the final determination.

ADDRESSES: Comments and materials concerning the reports and other information pertaining to the listing of the Bruneau hot springsnail should be submitted to the U.S. Fish and Wildlife Service, Snake River Basin Office, 1387 South Vinnell Way, Room 368, Boise, Idaho 83709. Reports and other data cited in this notice, and public comments and other materials received will be available for public inspection during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Robert Ruesink, Supervisor, at the address listed above (telephone 208/378-5243, facsimile 208/378-5262).

SUPPLEMENTARY INFORMATION:

Background

On January 25, 1993, the Service published a final rule in the Federal Register determining the Bruneau hot springsnail (*Pyrgulopsis bruneauensis*) to be an endangered species (58 FR 5946). In its decision to list the springsnail the Service relied, in part, on a provisional draft of a U.S. Geological Survey (USGS) report (Berenbrock 1992) analyzing the hydrology of the geothermal aquifer in the Bruneau Valley area. The USGS provided the Service with the draft report, but did not release it to the public and requested that the Service not release the report to the public, pending agency review and approval.

On May 7, 1993, the Idaho Farm Bureau Federation, Owyhee County Farm Bureau, Idaho Cattleman's Association, and Owyhee County Board of Supervisors challenged the listing decision on several grounds in a lawsuit filed in United States District Court for the District of Idaho. The plaintiffs argued that the Service committed a number of procedural errors during the listing process, including not allowing the public to review the draft USGS report. On December 14, 1993 the district court determined that the Service committed several procedural errors and set aside the final rule listing the springsnail as an endangered species.

The district court decision was appealed to the United States Court of Appeals for the Ninth Circuit by two intervening conservation groups, the Idaho Conservation League and Committee for Idaho's High Desert. On June 29, 1995, the appellate court overturned the district court decision

and reinstated the Bruneau hot springsnail to the endangered species list. However, the appellate court concluded that the Service should have made the draft USGS report (i.e., Berenbrock 1992) available for public review, as the Service relied largely on this report to support the final listing rule. The appellate court directed the Service to provide an opportunity for public comment on the final USGS report and to reconsider its listing decision.

To comply with the court's direction, the Service announced that the Berenbrock (1992) report, and other reports and data pertaining to the listing of the springsnail were available for public comment until November 13, 1995, in a notice published on September 12, 1995 (60 FR 47339). Because of a request from Susan E. Buxton on behalf of her client (John B. Urquidi, J & J Ranches, Bruneau, Idaho), the Service extended the public comment period until December 15, 1996, in a notice published on November 13, 1995 (60 FR 56976). Nearly 400 comments were received from individuals and agencies during the public comment period.

Because of a moratorium on final listing actions from April 10, 1995, until April 26, 1996 (Pub. L. 104-6), the Service was unable to comply with the June 1995 court decision and issue its reconsideration listing decision. In anticipation of the end of the moratorium and after it was lifted, the Service issued interim guidance on March 11, 1996 (61 FR 9651), final guidance for fiscal year 1996 on May 16, 1996 (61 FR 24722), and final guidance for fiscal year 1997 on December 5, 1996 (61 FR 64475), regarding the setting of priorities for various listing actions. These guidance documents focused the Service's limited funding on emergency actions, and final rules for imminently and highly threatened species, and for multi-species packages. Consequently, the Service took no action on the springsnail during fiscal year 1996. Though listing priorities now allow the Service to take final action on this court decision, it has been over 1 year since the close of the last public comment period. Therefore, the Service is now soliciting additional comments and making available for public review new information and other data pertaining to the listing of the Bruneau hot springsnail received since the last comment period.

Available Reports and Data

In addition to the draft USGS report, which was finalized in August 1993 (i.e., Berenbrock 1993), the Service

listed 13 additional reports and documents in its past notices (60 FR 47339 and 60 FR 56976) that are pertinent to the listing decision and were received since the original listing rule was published on January 25, 1993. Moreover, the Service received 5 additional reports or letters pertinent to this listing decision since the close of the public comment period on December 15, 1995. The following combined list of reports and letters contained in Service files, including other non-cited information, are available for public review and comment:

- Berenbrock, C. 1992. Effects of well discharges on hydraulic heads in and spring discharges from the geothermal aquifer system in the Bruneau area, Owyhee County, southwestern Idaho. U.S. Geological Survey, Water-Resources Investigations, Boise, Idaho. Preliminary report.
- Berenbrock, C. 1993. Effects of well discharges on hydraulic heads in and spring discharges from the geothermal aquifer system in the Bruneau area, Owyhee County, southwestern Idaho. U.S. Geological Survey, Water-Resources Investigations Report 93-4001, Boise, Idaho.
- Bruneau Valley Coalition, Inc. 1995. Habitat maintenance and conservation plan for the Bruneau hot springsnail, January, 1995. Unpublished plan.
- Bruneau Valley Coalition, Inc. 1995. Proposed amendment to the "Threatened and Endangered Species" section of the Interim Comprehensive Land Use Plan for the federally and state managed lands in Owyhee County. Unpublished amendment.
- Idaho Water Resources Research Institute. 1994. Bruneau hot springs aquifer restoration report: A preproposal. Unpublished report, University of Idaho, Moscow, Idaho.
- Lee, J.A. 1994. Summary report for the control survey of the Bruneau hot springsnail. Unpublished report, Bureau of Land Management, Boise District Office, Boise, Idaho.
- Mladenka, G.C. 1993. Report on the 1993 Bruneau hot springsnail site survey. Unpublished report.
- Mladenka, G.C. 1995. Bruneau hot springs invertebrate survey. Unpublished report, Stream Ecology Center, Idaho State University, Pocatello, Idaho.
- Mladenka, G.C. and G.W. Minshall. 1996. Report on the 1996 Bruneau hot springsnail site survey. Unpublished report.
- Royer, T.V. and G.W. Minshall. 1993. 1993 Annual Monitoring Report:

Bruneau hot springsnail (*Pyrgulopsis bruneauensis*). Unpublished report, Stream Ecology Center, Idaho State University, Pocatello, Idaho.

- U.S. Geological Survey. 1993. Unpublished letter addressing error in estimating natural recharge to geothermal aquifer system, and status of Bruneau-area ground water-levels and spring discharges. Boise, Idaho.
- U.S. Geological Survey. 1995a. Unpublished letter summarizing results of Bruneau-area ground water-level and spring discharge monitoring data through December 1994. Boise, Idaho.
- U.S. Geological Survey. 1995b. Unpublished letter commenting on Idaho Water Resources Research Institute's report and summarizing provisional, spring discharge data collected from June 1994 through July 1995 from three hot springs above Hot Creek, Idaho.
- U.S. Geological Survey. 1996a. Unpublished letter summarizing Bruneau-area ground water-level and spring discharge monitoring data collected through January 1996. Boise, Idaho.
- U.S. Geological Survey. 1996b. Annual report summarizing results of Bruneau-area ground water-level and spring discharge monitoring through June 1996. Boise, Idaho.
- U.S. Geological Survey. 1996c. Annual report summarizing results of Bruneau-area ground water-level and spring discharge monitoring through September 1996. Boise, Idaho.
- Varricchione, J.T. and G.W. Minshall. 1995. 1994 Monitoring Report: Bruneau hot springsnail (*Pyrgulopsis bruneauensis*). Technical Bulletin No. 95-14, Idaho Bureau of Land Management.
- Varricchione, J.T. and G.W. Minshall. 1995. Gut content analysis of wild *Gambusia* and *Tilapia* in Hot Creek, Bruneau, Idaho. Unpublished report, Idaho State University, Pocatello, Idaho.
- Varricchione, J.T. and G.W. Minshall. 1996. 1995 Monitoring Report: Bruneau hot springsnail (*Pyrgulopsis bruneauensis*). Idaho Bureau of Land Management Technical Bulletin No. 96-8. Stream Ecology Center, Idaho State University, Pocatello, Idaho.
- Authority
- The authority for this action is the Endangered Species Act, as amended (16 U.S.C. 1531-1544.)
- List of Subjects in 50 CFR Part 17
- Endangered and threatened species, Exports, Imports, Reporting and

recordkeeping requirements,
Transportation.

Dated: January 14, 1997

H. Dale Hall,

*Acting Regional Director, Region 1, U.S. Fish
and Wildlife Service.*

[FR Doc. 97-1602 Filed 1-22-97; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 011397B]

New England Fishery Management Council; Meeting

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

ACTION: Public meeting.

SUMMARY: The New England Fishery
Management Council (Council) will
hold a 2-day public meeting to consider
actions affecting New England fisheries
in the exclusive economic zone.

DATES: The meeting will be held on
Wednesday, January 29, 1997, at 10
a.m., and on Thursday, January 30,
1997, at 8:30 a.m.

ADDRESSES: The meeting will be held at
the King's Grant Inn, Route 128 and
Trask Lane, Danvers, MA 01923.
Requests for special accommodations
should be addressed to the New
England Fishery Management Council, 5
Broadway, Saugus, MA 01906-1097;
telephone (617) 231-0422.

FOR FURTHER INFORMATION CONTACT: Paul
J. Howard, Executive Director, New

England Fishery Management Council,
(617) 231-0422.

SUPPLEMENTARY INFORMATION:

January 29, 1997

After introductions, the January 29
session will begin with a report on the
23rd Stock Assessment Workshop
presented by the staff of the Northeast
Fisheries Science Center. Analyses will
be reviewed for the following species/
stocks: Atlantic sea scallops, monkfish,
and bluefish.

At the afternoon session and on the
following day, the Council will consider
action on framework adjustments to the
Fishery Management Plan for the
Northeast Multispecies Fishery (FMP)
under the framework for abbreviated
rulemaking procedure contained in 50
CFR 648.90. This will be the final
meeting to discuss and vote on
Framework Adjustment 20 to the FMP
(stock rebuilding measures for 1997).
The range of options under
consideration include area closures,
gear modifications, and possible
reductions in days-at-sea allocations. As
part of this action, the Council will
discuss effort reduction measures for
gillnet vessels and alternatives to the
current haddock trip limit. Measures to
protect the 1992 year class of winter
flounder also will be discussed and
included in this action. Other
adjustments included in Framework
Adjustment 20 would allow operation of
mussel dredges in Southern New
England and would modify the bycatch
allowances in the northern shrimp
fishery.

January 30, 1997

The January 30 session will begin
with reports from the Council
Chairman, Executive Director, NMFS

Northeast Regional Administrator
(Regional Administrator), Northeast
Fisheries Science Center, Mid-Atlantic
Council Liaisons, representatives of the
Atlantic States Marine Fisheries
Commission and the U.S. Coast Guard.
NMFS will follow with a briefing on the
Magnuson-Stevens Fishery
Conservation and Management Act
requirements concerning essential fish
habitat.

In the afternoon, the Council will
hold the final meeting on a framework
adjustment to consider measures that
would restrict fixed gear in the Great
South Channel area to protect right
whales in critical habitat during high
use periods.

There will be a review of the
Monkfish Committee's discussions on
the Draft Environmental Impact
Statement and the Draft FMP
Amendment dealing with monkfish.

The day will conclude with a
discussion on the use of negotiated
rulemaking to resolve gear conflicts in
the highly migratory species fisheries.
Any other outstanding business will
also be discussed.

Special Accommodations

This meeting is physically accessible
to people with disabilities. Requests for
sign language interpretation or other
auxiliary aids should be directed to Paul
J. Howard (see **ADDRESSES**) at least 5
days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 16, 1997.

Bruce Morehead,

*Acting Director, Office of Sustainable
Fisheries, National Marine Fisheries Service.*

[FR Doc. 97-1655 Filed 1-22-97; 8:45 am]

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