must be modified to remove the references to, and continuing duties of, RSPO. In subpart B, RSPO's only function was to receive a copy of the notice, and this responsibility can be easily eliminated.

The Federal Circuit has recently held:

''When a statute has been repealed, the regulations based on that statute automatically lose their vitality. Regulations do not maintain an independent life, defeating the statutory change.'' *Aerolineas Argentinas* v. *U.S.*, 77 F.3d 1564, 1575 (Fed. Cir. 1996).

The broader issue, however, is whether the remaining regulations have a validity independent of the existence of RSPO and the jurisdiction of the Board. While the ICCTA deleted the RSPO references at 45 U.S.C. 744(e) pertaining to Conrail, 49 U.S.C. 24505(b) still incorporates RSPO subsidy regulations in the requirements for an offer to provide subsidy to Amtrak Commuter. We also note that under 49 U.S.C. 10501(c)(2) the Board does not have jurisdiction over mass transportation provided by a local government authority. On its face, this restriction appears to eliminate our authority to modify, or resolve disputes under, the subsidy and notice regulations.[12] Nonetheless, it can be argued that there is still a need for the regulations, which, because of their utility, are ''frozen in time'' (at least until further statutory changes are made). We seek comment on these issues.

The Board preliminarily concludes that the removal of the rule, if adopted, would not have a significant effect on a substantial number of small entities. The rule removal will lessen the filing requirements of rail passenger carriers. Any harm to passengers that are considered small entities would be minimal and, in any event, are required by law. The Board, however, seeks comments on whether there would be effects on small entities that should be considered.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Part 1157

Railroads, Reporting and recordkeeping requirements, Uniform System of Accounts.

Decided: June 2, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

PART 1157—[REMOVED]

For the reasons set forth in the preamble and under the authority of 49 U.S.C. 721(a), title 49, chapter X of the Code of Federal Regulations is proposed to be amended by removing part 1157.

[FR Doc. 97–15266 Filed 6–11–97; 8:45 am]

BILLING CODE 4915–00–P

[12] Under section 10501(c)(1)(A) (i) and (ii), the term ''local governmental authority'' has two meanings. First, it takes the definition of 49 U.S.C. 5302(a)(6): State political subdivision, an authority of a state or political subdivision, an Indian tribe, or a public corporation, commission or board established under state law. It also ''includes a person or entity that contracts with the local governmental authority . * * *'' Section 10501(c)(1)(A)(ii). Under section 10501(c)(1)(B), ''Mass transportation'' means the rail services described in section 5302(a)(7): transportation providing regular and continuing general or specific public transportation.

By comparison, section 24501(a)(2) states that Amtrak Commuter ''provides by contract commuter rail passenger transportation for a commuter authority. * * *'' The terms ''commuter authority'' and ''commuter rail passenger transportation'' are similar to ''local governmental authority'' and ''mass transportation''. Under 49 U.S.C. 24102(4), commuter authority is defined as ''a State, local, or regional entity established to provide, or make a contract providing for, commuter rail passenger transportation.'' Under section 24102(5), commuter rail passenger transportation is ''short-haul rail passenger transportation in metropolitan and suburban areas usually having reduced fare, multiple-ride, and commuter tickets and morning and evening peak period operations.'' Thus, under either definition, the Board appears to have no jurisdiction over such activities.

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 the 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 is reopened on the rangewide status reviews for the Alexander Archipelago wolf (*Canis lupis ligoni*) and the Queen Charlotte goshawk (*Accipiter gentilis laingi*) under the Endangered Species Act of 1973, as amended. 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.

DATES: Comments and data from all interested parties must be received by July 28, 1997 to be included in the findings.

ADDRESSES: Data, information, comments, or questions concerning these status reviews should be sent to Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services Field Office, 3000 Vintage Blvd., Suite 201, Juneau, Alaska 99801–7100.

FOR FURTHER INFORMATION CONTACT: John Lindell, at the above address, or by calling 907/586–7240.

SUPPLEMENTARY INFORMATION:

Background

Alexander Archipelago Wolf

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 Berghoffen. On May 20, 1994, the Service announced a 90-day finding (59 FR 26476) that the petition presented substantial information indicating that the requested action may be warranted, and opened a public comment period until October 1, 1994 (59 FR 26476 and 59 FR 44122). The Service issued its 12-month finding that listing the Alexander Archipelago wolf was not warranted on February 23, 1995 (60 FR 10056).

On February 7, 1996, the Southwest Center for Biological Diversity, Biodiversity Legal Foundation, Save the West, Save America's Forests, Native Forest Network, Native Forest Council, Eric Holle, Martin Berghoffen, and Don Muller filed suit in the United States Court for the District of Columbia challenging the Service's not warranted finding. The complaint stated that the Service had based its not warranted finding on proposed changes to the USDA Forest Service's Tongass Land Management Plan, although there was no commitment that those proposed changes would be adopted in the final version. On October 9, 1996, the United States District Court remanded the 12-month finding to the Secretary of Interior, instructing him to reconsider the determination ''on the basis of the current forest plan, and status of the wolf and its habitat, as they stand today''' (96 CV 00227 DDC).

Accordingly, a public comment period was opened on December 5, 1996 (61 FR 64497) to gather all new information for review. It was extended until April 4, 1997 through three subsequent notices (61 FR 69065; 62 FR 6930; and 62 FR 14662). The Service has reevaluated the petition and the literature cited in the petition, reviewed the Tongass Land Management Plan and other available literature and

information, and consulted with biologists and researchers knowledgeable of gray wolves in general, and the Alexander Archipelago wolf in particular. The 1979 Tongass National Forest Land Management Plan, as amended, formed the basis for evaluating the status of the wolf on the Tongass National Forest. On May 23, 1997, the USDA Forest Service issued a revised Tongass Land Management Plan. Consequently, the review of the 1979 Tongass Land Management Plan no longer represented the ''current'' plan as specified by the Court ruling. The Fish and Wildlife Service was, therefore, granted an 90-day extension in order to reevaluate the status of the wolf under the provisions of the 1997 Tongass Land Management Plan.

Queen Charlotte Goshawk

On May 9, 1994, the Fish and Wildlife Service received a petition dated May 2, 1994, from the Southwest Center for Biological Diversity, Greater Gila Biodiversity Project, Biodiversity Legal Foundation, Greater Ecosystem Alliance, Save the West, Save America's Forests, Native Forest Network, Native Forest Council, Eric Holle, and Don Muller, to list the Queen Charlotte goshawk as endangered pursuant to the Endangered Species Act. The petition was based largely upon the present and impending impacts to the Queen Charlotte goshawk caused by timber harvest in the Tongass National Forest. On August 26, 1994, the Service published a positive 90-day finding (59 FR 44124) that substantial information was presented in the petition indicating that the requested action may be warranted.

In accordance with the Service's listing petition procedures, the positive 90-day finding initiated a more thorough 12-month evaluation, and based on this evaluation the Service determined on May 19, 1995, that listing was not warranted. Notice of this finding was published on June 29, 1995 (60 FR 33784). In the 12-month finding, the Service acknowledged that continued large-scale removal of old-growth forest in the Tongass National Forest would result in significant adverse effects on the Queen Charlotte goshawk in southeast Alaska; however, at that time the Forest Service was revising land use strategies to ensure goshawk habitat conservation. The Service believed that the proposed actions to protect goshawks would preclude the need for listing.

On November 17, 1995, the Southwest Center for Biological Diversity, Biodiversity Legal Foundation, Save the West, Save America's Forests, Native Forest Network, Native Forest Council, Eric Holle, and Don Muller filed a complaint in United States District Court, District of Columbia, against the Department of the Interior and the Service for their refusal to list the Queen Charlotte goshawk or designate critical habitat. The concern was that the Service based its not warranted finding on proposed changes to the Forest Service's Tongass Land Management Plan, although there was no commitment that those proposed changes would be adopted in the final version. On September 25, 1996, the United States District Court remanded the 12-month finding to the Secretary of Interior, instructing him to reconsider the determination ''on the basis of the current forest plan, and status of the goshawk and its habitat, as they stand today'' (95 CV 02138 DDC).

Accordingly, a public comment period was opened on December 5, 1996 (61 FR 64497) to gather all new information for review. It was extended until April 4, 1997 through three subsequent notices (61 FR 69065; 62 FR 6930; and 62 FR 14662). The Service has reevaluated the petition and the literature cited in the petition, reviewed the Tongass Land Management Plan and other available literature and information, and consulted with biologists and researchers knowledgeable of northern goshawks in general, and the Queen Charlotte goshawk in particular. The 1979 Tongass National Forest Land Management Plan, as amended, formed the basis for evaluating the status of the goshawk on the Tongass National Forest. On May 23, 1997, the USDA Forest Service issued a revised Tongass Land Management Plan. Consequently, the review of the 1979 Tongass Land Management Plan therefore, no longer represented the ''current'' plan as specified by the Court ruling. The Fish and Wildlife Service was, therefore, granted an 90-day extension in order to reevaluate the status of the goshawk under the provisions of the 1997 Tongass Land Management Plan.

Comments Requested

Separate findings based on the status reviews will be issued for the Alexander Archipelago wolf and the Queen Charlotte goshawk by August 31, 1997. In order to complete these status reviews, the Service is requesting any information, data, comments, and suggestions from the public, other concerned government agencies, the scientific community, industry, or other interested parties concerning the status of these species. In regard to the 1997 Tongass Land Management Plan, the Service is only interested in comments on the effects of the 1997 Tongass Land Management Plan on Alexander Archipelago wolves and Queen Charlotte goshawks.

For information on the 1997 Tongass Land Management Plan and Record of Decision, contact Pamela Finney, by telephone at 907/586–8726, or by writing the USDA Forest Service, 8465 Old Dairy Road, Juneau, Alaska, 99801. Any general comments on the Tongass Land Management Plan may be submitted to the Forest Service at that address.

Authority

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

Dated: June 6, 1997.

David B. Allen,

Regional Director, Region 7, Fish and Wildlife Service.

[FR Doc. 97–15388 Filed 6–11–97; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[I.D. 120996A]

Magnuson Act Provisions; Essential Fish Habitat; Public Meeting; Extension of Comment Period

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

ACTION: Extension of comment period.

SUMMARY: NMFS announces the extension of the public comment period on the proposed regulations containing guidelines for the description and identification of essential fish habitat (EFH) in fishery management plans. The public comment period is hereby extended to July 8, 1997, to give members of the public additional time to review and comment on the proposed regulation. NMFS also announces its intent to hold at least one additional public meeting at a date, time, and location to be announced in a future notice. This meeting is added to provide an additional opportunity for public comment on the EFH proposed regulations.

DATES: Written comments will be accepted on or before July 8, 1997. The date of the additional meeting will be announced in a future notice.

ADDRESSES: Comments should be addressed to Office of Habitat