(b) A request for interim approval of the operation of the properties sought to be acquired in the application must show that failure to grant interim approval may result in destruction of or injury to those properties or substantially interfere with their future usefulness in providing adequate and continuous service to the public.

(c) If a request for interim approval is submitted after the application is filed, it must be served on each person who files or has filed a comment in response to the published notice of the application. Service must be simultaneous upon those commenters who are known when the request for interim approval is submitted; otherwise, service must be within 5 days after the comment is received by applicants or their representative.

(d) Because the basis for requesting interim approval is to prevent destruction of or injury to motor passenger carrier properties sought to be acquired under 49 U.S.C. 14303, the processing of such requests is intended to promote expeditious decisions regarding interim approval. The Board has no obligation to give public notice of requests for interim approval, and such requests are decided without hearing or other formal proceeding.

(1) If a request for interim approval is included in the application, the Board's decision with regard to interim approval will be served in conjunction with the notice accepting the application.

(2) If an application is rejected, the request for interim approval will be denied.

(3) If an application is denied, after comments in opposition are submitted, any interim approval will terminate 30 days after service of the decision denying the application.

(e) A petition to reconsider a grant of interim approval may be filed only by a person who has filed a comment in opposition to the application.

(1) A petition to reconsider a grant of interim approval must be in writing and shall state the specific grounds upon which the commenter relies in opposing interim approval. The petition shall certify that a copy has been served on applicants' representative.

(2) The original and 10 copies of the petition to reconsider a grant of interim approval shall be filed with the Board, and one copy of the petition shall be served on applicants' representative(s).

(f) The Board may act on a petition to reconsider a grant of interim approval either separately or in connection with the final decision on the application.

§ 1182.8 Miscellaneous requirements.

(a) If applicants wish to withdraw an application, they shall jointly request dismissal in writing.

(b) An original and 10 copies of all applications, pleadings, and other material filed under this part must be filed with the Board.

(c) All pleadings (including motions and replies) submitted under this part shall be served on all other parties, concurrently and by the same (or more expeditious) means with which they are filed with the Board.

(d) Each pleading shall contain a certificate of service stating that the pleading has been served in accordance with paragraph (c) of this section.

(e) All applications and pleadings containing statements of fact (i.e., except motions to strike, replies thereto, and other pleadings that consist only of legal argument) must be verified by the person offering the statement, in the following manner:

I, [*Name and Title of Witness*], verify under penalty of perjury, under the laws of the United States of America, that all information supplied in connection with this application is true and correct. Further, I certify that I am qualified and authorized to file this application or pleading. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to five years and fines up to $10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to $2,000 or imprisonment up to five years for each offense. [*Signature and Date*]

(f) If completion of a transaction requires the transfer of operating authorities or registrations from one or more parties to others, the parties shall comply with relevant procedures of State authorities and of the Office of Motor Carriers of the U.S. Department of Transportation, to accomplish such transfers.

PART 1187—[REMOVED]

4. Part 1187 is proposed to be removed.

PART 1188—[REMOVED]

5. Part 1188 is proposed to be removed.

[FR Doc. 97–17746 Filed 7–7–97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Parts 1181, 1182, 1186, and 1188

[Ex Parte No. MC–216]

Jurisdiction Over Motor Finance Transactions

AGENCY: Surface Transportation Board.

ACTION: Proposed rule, withdrawal.

SUMMARY: The Surface Transportation Board is discontinuing the rulemaking in Ex Parte No. MC–216. The rulemaking is discontinued because the regulatory support is no longer required.

DATES: This withdrawal is effective on July 8, 1997.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565–1600]. [TDD for the hearing impaired: (202) 565–1695.]

SUPPLEMENTARY INFORMATION: The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803 (1995) (ICCTA), which took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain of its motor carrier regulatory functions to the Secretary of Transportation (Secretary) and to the Surface Transportation Board (Board). See ICCTA section 101 (abolition of the ICC). See also new 49 U.S.C. 13101–14914 (regulatory provisions applicable to motor carriers, administered in part by the Secretary and in part by the Board).

Prior to January 1, 1996, former 49 U.S.C. 11343 provided that certain motor carrier transactions, including those related to mergers, purchases, and acquisitions of control, could not be carried out without prior ICC approval. Under former 49 U.S.C. 11343(d)(1), however, ICC approval was not required if the only parties were motor carriers and their ''aggregate gross operating revenues'' did not exceed $2 million during a consecutive 12-month period ending not more than 6 months before the date of the agreement underlying the transaction.

Sale, lease, and merger transactions involving only motor carriers whose aggregate gross operating revenues did not exceed the $2 million threshold were subject to prior ICC approval under former 49 U.S.C. 10926 and the small carrier transfer rules of 49 CFR part 1181. Control transactions involving only motor carriers whose aggregate gross operating revenues did not exceed the $2 million threshold were not subject to ICC jurisdiction.

In the notice of proposed rulemaking (NPR) in this proceeding, served

December 15, 1993, and published December 16, 1993 (58 FR 65695), the ICC proposed to redefine aggregate gross operating revenues for purposes of calculating the $2 million threshold. The notice of proposed rulemaking included both a revised 49 CFR part 1188 and conforming amendments to 49 CFR parts 1181, 1182, and 1186.

Under new 49 U.S.C. 14303(g), the only remaining jurisdiction analogous to the non-rail portions of former section 49 U.S.C. 11343, motor carriers of passengers must still obtain Board approval for the same transactions that formerly were subject to old 49 U.S.C. 11343, unless the parties' aggregate gross operating revenues do not exceed the same $2 million jurisdictional threshold of old 49 U.S.C. 11343(d)(1). Other regulatory approval, as was required under former 49 U.S.C. 10926, is no longer required when the parties' aggregate gross operating revenues do not exceed the $2 million threshold. Consequently, in *Revision to Regulations Governing Finance Applications Involving Motor Passenger Carriers*, STB Ex Parte No. 559 (published elsewhere in this section of the **Federal Register**), we are issuing a new NPR proposing revised procedures for finance applications involving motor carriers of passengers. Because we will consider the jurisdictional threshold computation issue in STB Ex Parte No. 559, we are discontinuing this proceeding. The comments previously filed in this proceeding will be made part of the record in STB Ex Parte No. 559 and need not be refiled.

Environmental And Energy Considerations

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

Regulatory Flexibility Analysis

This action will not have a significant economic impact on a substantial number of small entities. It imposes no new requirements on any entity, and previous requirements involving carriers other than motor passenger carriers have been repealed by statute.

Decided: June 20, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 97–17747 Filed 7–7–97; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants: 90-Day Finding for a Petition To List the Southern California Population of the Mountain Yellow-Legged Frog With Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding and initiation of status review.

SUMMARY: The U. S. Fish and Wildlife Service (Service) announces a 90-day finding for a petition to list the southern California population of the mountain yellow-legged frog (*Rana muscosa*) pursuant to the Endangered Species Act of 1973, as amended (Act). The Service believes that the southern California population is a distinct vertebrate population segment and finds that the petition presents substantial information indicating that listing the species may be warranted. A status review is initiated.

DATES: The finding announced in this document was made on June 27, 1997. To be considered in the 12-month finding for this petition, comments and information should be submitted to the Service by August 7, 1997.

ADDRESSES: Data, information, comments, or questions concerning the finding should be submitted to the Field Supervisor, Carlsbad Field Office, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. 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: Paul J. Barrett at the above address or telephone 760/431–9440.

SUPPLEMENTARY INFORMATION: Section 4(b)(3)(A) of the Endangered Species Act of 1973 (Act), as amended (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 receipt of the petition, and the finding is to be published promptly in the **Federal Register**. If the finding is that substantial information was presented, the Service is required to promptly 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.

The processing of this petition conforms with the Service's final listing priority guidance published in the **Federal Register** on December 5, 1996 (61 FR 64475). The guidance clarifies the order in which the Service will continue to process the backlog of rulemakings during fiscal year 1997 following two related events: (1) The lifting, on April 26, 1996, of the moratorium on final listings imposed on April 10, 1995 (Public Law 104–6), and (2) the restoration of significant funding for listing through passage of the omnibus budget reconciliation law on April 26, 1996, following severe funding constraints imposed by a number of continuing resolutions between November 1995 and April 1996. The guidance calls for giving highest priority (tier 1) to handling emergency situations, second highest priority (tier 2) to resolving the listing status of the outstanding proposed listings, and third priority (tier 3) to resolving the conservation status of candidate species and processing administrative findings on petitions. The processing of this petition falls under tier 3. The guidance states that ''effective April 1, 1997, the Service will concurrently undertake all of the activities presently included in tiers 1, 2, and 3'' (61 FR 64480).

The Service has made a 90-day finding on a petition to list the southern California populations of the mountain yellow-legged frog (*Rana muscosa*) as threatened or endangered with critical habitat. The petition, dated July 10, 1995, was submitted by D. C. ''Jasper'' Carlton (of the Biodiversity Legal Foundation), Bonnie M. Dombrowski, and Michael C. Long, and was received by the Service on July 10, 1995. The petitioners clearly identified the document as a petition and the document contained the names, addresses, and signatures of all petitioners. The petitioners submitted biological, distributional, historical, and other information and scientific reference in support of the petition. The Service subsequently received a letter from Mr. Carlton dated December 21, 1995, requesting an emergency listing of this population of the frog. The Service has determined that emergency listing of the petition entity is not warranted. In the petition, the petition entity is referred to as the ''southern California 'populations' of mountain yellow-legged frogs''. Throughout the finding, we refer to all mountain yellow-legged frogs south of the Tehachapi Mountains as the ''southern California population.'' Groups of individuals within the