

standards to include non-part 70 sources. If no adverse comments are received in response to this rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action must do so at this time.

**DATES:** Comments must be received in writing on or before September 15, 2000.

**ADDRESSES:** Written comments may be mailed to: Richard R. Long, Director, Air and Radiation Program, Mail Code 8P-AR, Environmental Protection Agency (EPA), Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the above address. Copies of the State documents relevant to this action are available for public inspection at the Colorado Department of Health and Environment, Air Quality Control Division, 4300 Cherry Creek Drive S., Denver, CO 80222-1530.

**FOR FURTHER INFORMATION CONTACT:** Patricia Reisbeck, EPA, Region VIII, (303) 312-6435.

**SUPPLEMENTARY INFORMATION:** See the information provided in the direct final notice of the same title which is located in the Rules section of this **Federal Register**.

**Authority:** 42 U.S.C. 7401, *et seq.*

Dated: August 4, 2000.

**Jack W. McGraw,**

*Regional Administrator, Region 8.*

[FR Doc. 00-20724 Filed 8-15-00; 8:45 am]

**BILLING CODE 6560-50-U**

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### **Endangered and Threatened Wildlife and Plants: Notice of Finding on a Petition to Include Over 2,500 Foreign Species in the List of Threatened and Endangered Species**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of 90-day petition finding.

**SUMMARY:** We, the U.S. Fish and Wildlife Service announce a 90-day

finding for a petition to list over 2,500 foreign species as threatened and endangered. Under the Endangered Species Act of 1973, as amended (Act). The petitioner did not present substantial scientific or commercial information indicating that the listing of over 2,500 foreign species may be warranted.

**DATES:** The finding announced in this document was made on August 9, 2000.

**ADDRESSES:** Data, information, comments or questions concerning this petition should be sent to the Office of Scientific Authority, U.S. Fish and Wildlife Service, Mail Stop ARLSQ-750, Washington, D.C. 20240. The petition finding, and comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Susan Lieberman, at the above address (phone: 703-358-1708; fax: 703-358-2276; e-mail: [r9osa@fws.gov](mailto:r9osa@fws.gov).)

#### **SUPPLEMENTARY INFORMATION**

##### **Background**

Section 4(b)(3)(A) of the Act, requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. This finding is based upon all information submitted with and referenced in the petition and all other information available to us at the time the finding is made. To the maximum extent practicable, this finding is to be made within 90 days following receipt of the petition, and promptly published in the **Federal Register**. If the finding is positive, section 4(b)(3)(B) of the Act requires us to promptly commence a review of the status of the species and to disclose our findings within 12 months.

We have made a 90-day finding on a petition to list over 2,500 foreign species as endangered or threatened under the Act. We received the petition from PEER, Public Employees for Environmental Responsibility, on May 21, 1997. PEER included a copy of the 1996 IUCN Red List of Threatened Animals with the petition as the only supporting documentation to substantiate the petition.

PEER requested that we list all foreign species, subspecies, and distinct vertebrate populations that are classified as Critically Endangered, Endangered, Vulnerable, Conservation Dependent, or Near Threatened in the 1996 IUCN Red List of Threatened Animals as endangered or threatened under ESA.

This petition covers approximately 1,000 mammals, 1,000 birds, 200 reptiles, 100 amphibians, and over 500 other fish species currently not listed under the Act.

The 1996 IUCN Red List of Threatened Animals consists of lists of the species that are considered Threatened; of Lower Risk: Conservation Dependent; of Lower Risk: Near Threatened; and Extinct/Extinct in the Wild. The list includes, for each species its scientific name, common name (if known), the range countries, and an IUCN criteria code. The IUCN criteria code value is based on an evaluation of five criteria established by the IUCN. The code provides a general idea of the status of a species, but does not provide specific information. The IUCN criteria do not provide sufficient information to address the five factors that we must consider under the Act. Especially omitted from the IUCN information is an assessment of the threats to the species' survival, such as the likelihood of various factors (such as habitat changes or disease) to effect the survival of the species.

In addition, the list does not provide the references or data on which IUCN bases the code for each species. As stated on page Intro15, individuals, groups of individuals, active Specialist Groups, or other non-government organizations that are knowledgeable about the species assessed the code values. In many cases, one individual may have made the assessment based on limited data or information without peer review. Given the sheer volume of species and subspecies listed, it was not feasible to include how the assessment was made or how much data is available to make the assessment. This book does not provide substantial information to determine if further investigation is warranted.

We agree that there may be species listed in the book that meet the criteria established for listing under the Act, but the information is not available to assess which species would warrant further analysis. That information is also not readily available in our files for the more than 2,500 species involved. In order for us to make a positive 90-day finding, the petitioner must provide enough information to warrant further investigation on each species covered by the petition (50 CFR 424.14(b)). We are currently evaluating our process for determining which foreign species would most critically warrant listing under the Act.

When evaluating petitions for listing of species under the Act, a "not-substantial information" finding is made when a petitioner does not

provide sufficient information on the status and distribution of a petitioned species. We have reviewed the petition and other readily available information and literature in our files.

We find the petition does not present substantial information to indicate that the listed actions may be warranted.

#### References Cites

1996 IUCN Red List of Threatened Animals

Author: The primary author of this finding is Dr. Susan Lieberman, U.S. Fish and Wildlife Service, Office of Scientific Authority, (see **ADDRESSES** section).

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

Dated: August 9, 2000.

**Jamie Rappaport Clark,**

*Director, Fish and Wildlife Service.*

[FR Doc. 00-20746 Filed 8-15-00; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 000809230-0230-01; I.D. 062000D]

RIN 0648-AM46

#### Fisheries of the Northeastern United States; Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Recreational Measures for the 2000 Fisheries

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes recreational measures for the 2000 summer flounder and black sea bass fisheries. The implementing regulations for these fisheries require NMFS to publish recreational measures for the upcoming fishing year and to provide an opportunity for public comment. The intent of these measures is to prevent overfishing of the summer flounder and black sea bass resources.

**EFFECTIVE DATE:** Comments must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m., local time, on September 15, 2000.

**ADDRESSES:** Copies of supporting documents used by the Summer

Flounder, Scup, and Black Sea Bass Monitoring Committees and of the Environmental Assessment and Regulatory Impact Review are available from Dan Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19904-6790.

Written comments on the proposed specifications should be sent to Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298. Mark on the outside of the envelope, "Comments—2000 Summer Flounder and Black Sea Bass Recreational Measures." Comments may also be sent via facsimile (fax) to (978) 281-9135. Comments will not be accepted if submitted via e-mail or Internet.

#### FOR FURTHER INFORMATION CONTACT:

Myles Raizin, Fishery Policy Analyst, (978) 281-9104, fax (978) 281-9135, e-mail myles.a.raizin@noaa.gov.

#### SUPPLEMENTARY INFORMATION:

#### Background

The Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries (FMP) outlines the process for specifying annual recreational measures. The FMP has established Monitoring Committees (Committees) for each of the three fisheries composed of representatives from the Atlantic States Marine Fisheries Commission (Commission), the Mid-Atlantic Fishery Management Council (Council), the New England and South Atlantic Fishery Management Councils, and NMFS. The Committees are required to review annually scientific and other relevant information and to recommend measures necessary to achieve the recreational harvest limits for the summer flounder, scup, and black sea bass fisheries. These measures are limited to minimum fish sizes, possession limits, and closed seasons. The Council's Demersal Species Committee and the Commission's Summer Flounder, Scup, and Black Sea Bass Board (Board) then consider the Committees' recommendations and any public comment in making their recommendations to the Council. The Council reviews the Demersal Committee recommendations, makes its own decision, in turn, and submits its recommendation to NMFS.

Final specifications for the 2000 summer flounder, scup, and black sea bass fisheries were published on May 24, 2000 (65 FR 33486), and included a coastwide recreational harvest limit of 7.41 million lb (3.361 million kg) for summer flounder, 1.24 million lb (0.562

million kg) for scup, and 3.14 million lb (1.42 million kg) for black sea bass. Recreational measures were not established as part of those specifications, since final recreational catch data were not available when the Council made its recommendation to NMFS.

#### Scup

On January 12, 2000, the Council submitted the annual recreational measures for the FMP. The submission proposed measures for scup that included a minimum size of 7 inches (17.78 cm) total length (TL) with a 50-fish possession limit and no closed season. After careful review of the Council's submission of recommendations for recreational measures for the scup fishery, NMFS returned the scup submission to the Council on March 10, 2000, because the Council submission indicated the proposed measures would result in landings in excess of the 1.24 million lb (0.562 million kg) recreational harvest. The 2000 harvest limit recommended by the Council was unchanged from the 1999 level. However, based on the estimated 1999 recreational harvest of scup of 1.82 million lb (0.899 million kg), a 32-percent reduction in harvest would be required to prevent landings from exceeding the harvest limit.

The Council analysis compared its recommendation of a minimum size of 7 inches (17.78 cm) TL with a 50-fish possession limit and no closed season yields to the 1999 measures, which imposed the 7-inch (17.78-cm) minimum size only. The analysis indicates the Council's proposal would achieve only a 1-percent reduction from the estimated 1999 level. The documents accompanying the Council recommendation did not provide justification for this divergence based on biological factors. Because there was insufficient information in the submission for NMFS to develop an acceptable alternative, the submission was returned to the Council. Pending a resubmission of scup measures by the Council, a minimum size limit of 7 inches (17.78 cm) remains in effect for scup in Federal waters, with the individual states regulating recreational scup fishing in their waters.

#### Summer Flounder

NMFS specified 2000 quotas for the summer flounder fishery which include a TAL of 18.52 million lb (8.40 million kg), a commercial quota of 11.11 million lb (5.039 million kg), and a recreational harvest limit of 7.41 million lb (3.361 million kg).