

committee meetings and agendas through further notices in the **Federal Register**. Unless announced otherwise, meetings are open to the public.

E. Committee Procedures

Under the general guidance and direction of the facilitator, and subject to any applicable legal requirements, the members will establish the detailed procedures for committee meetings that they consider most appropriate.

F. Defining Consensus

The goal of the negotiating process is consensus. Under the Negotiated Rulemaking Act, consensus means that each interest concurs in the result, unless the term is defined otherwise by the committee. We expect the participants to fashion their working definition of this term.

G. Failure of Advisory Committee To Reach Consensus

If the committee is unable to reach consensus, the OIG will proceed to develop an interim final rule. Parties to the negotiation may withdraw at any time. If this happens, the remaining committee members and the OIG will evaluate whether the committee should continue.

H. Record of Meetings

In accordance with FACA's requirements, minutes of all committee meetings will be kept. The minutes will be placed in the public rulemaking record.

I. Other Information

In accordance with the provisions of Executive Order 12866, this notice was reviewed by the Office of Management and Budget.

Dated: April 11, 1997.

June Gibbs Brown,
Inspector General.

Approved: May 19, 1997.

Donna E. Shalala,
Secretary.

[FR Doc. 97-13718 Filed 5-21-97; 10:02 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1039

[STB Ex Parte No. 561]

Rail General Exemption Authority— Nonferrous Recyclables

AGENCY: Surface Transportation Board, DOT.

ACTION: Proposed rule; extension of comment due date.

SUMMARY: By decision served May 5, 1997, the Surface Transportation Board issued a notice of proposed rulemaking (NPR) proposing, *inter alia*, a total exemption from regulation for 29 nonferrous recyclable commodities. The NPR was not published in the **Federal Register** until May 16, 1997 (62 FR 27003) although parties in an earlier proceeding (Ex Parte No. 346 (Sub-No. 36)) were served with a copy of the May 5, 1997 NPR. The May 16 **Federal Register** publication provided for the filing of a notice of intent to participate on May 26, 1997, with comments due June 30, 1997, and reply comments due July 15, 1997. The Association of American Railroads (AAR), in a request dated May 8, 1997, and supplemented on May 14, 1997, has requested an extension of time to July 15, 1997, to file comments and to August 5, 1997, to file reply comments. AAR requests the extension to allow it and its members sufficient time to compile current information and to consult and coordinate a response among themselves and shippers of nonferrous recyclable commodities. AAR contacted three parties who had filed opposition comments in the earlier proceeding and reports that two of those parties do not object to the extension, and the third took no position. The extension request will be granted. Moreover, because the due date of May 26, 1997 for notice of intent is a federal holiday, that due date will be extended to May 27, 1997.

DATES: Persons interested in participating in this proceeding as a party of record by filing and receiving written comments must file a notice of intent to participate by May 27, 1997. Comments must be submitted by July 15, 1997, and reply comments are due August 5, 1997.

ADDRESSES: Send an original plus 10 copies of notices of intent to participate and pleadings referring to STB Ex Parte No. 561 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001.

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

Decided: May 19, 1997.

By the Board, Vernon A. Williams,
Secretary.

Vernon A. Williams,
Secretary.

[FR Doc. 97-13631 Filed 5-22-97; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 227 and 425

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 17 and 425

Endangered and Threatened Species; Reopening of Comment Period on Proposed Threatened Status for a Distinct Population Segment of Anadromous Atlantic Salmon (*Salmo salar*) in Seven Rivers

AGENCIES: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce; and Fish and Wildlife Service, Interior.

ACTION: Reopening of public comment period.

SUMMARY: The State of Maine formally submitted the Maine Atlantic Salmon Conservation Plan (Plan) to the National Marine Fisheries Service and the U.S. Fish and Wildlife Service (collectively the Services) on March 5, 1997, in response to the Services' proposal to list Atlantic salmon in seven Maine rivers as threatened (60 FR 50530, September 29, 1995). The Services have determined that the Plan is significant new information relating to the proposed rule that merits review and consideration under the Endangered Species Act (ESA). The Services also note that information and data collected since the publication of the proposed rule is also available for review and has become part of the record for the Services' evaluation of the proposed listing. This information includes adult returns, redd counts, fry stocking, habitat assessments, commercial fishing agreements and management measures, and marine habitat assessment. Stocking, return and habitat data are provided in the Annual Report of the U.S. Atlantic Salmon Assessment Committee which is prepared annually for the U.S. Section to North Atlantic Salmon Conservation Organization. The annual field activity report prepared by the Maine Atlantic Salmon Authority and the U.S. Fish and Wildlife Service also documents management activities for the seven river populations. In order to ensure that the public has an opportunity to comment on all phases of this proposed listing, the Services are making the Plan available for review at selected locations throughout New England and the Washington DC area

(see **ADDRESSES**) and can provide guidance on the availability of other information. Because of the size of the Plan, the Services cannot send copies upon request. However, the Services will provide the Executive Summary of the Plan upon request. The Plan is also available for review on-line and the address is provided below.

DATES: The public comment period is reopened for 30 days. All comments should be received on or before June 23, 1997.

ADDRESSES: Please send any written comments to Mary Colligan, National Marine Fisheries Service, One Blackburn Drive, Gloucester, Massachusetts 01930-2298, or Paul Nickerson, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, Massachusetts 01035. Individuals are also encouraged to send a copy of their comments to the State of Maine at the following address: Henry Nichols, Maine Atlantic Salmon Task Force, Land Use Regulatory Commission, 22 State House Station, Augusta, Maine 04333-0022.

As stated previously, the Plan is available on-line at the following address: <http://www.state.me.us/governor>. Complete copies of the Maine Atlantic Salmon Conservation Plan are available for review at the following locations:

1. University of Maine—Machias, Merrill Library, c/o Jean Clemons, O'Brien Avenue, Machias, Maine 04654.
2. Ellsworth Public Library, c/o Patricia Foster, Director, 46 State Street, Ellsworth, Maine 04605.
3. Bangor Public Library, c/o Sue Wennrick, 145 Harlow Street, Bangor, Maine 04401.
4. Calais Public Library, c/o Marilyn Diffin, Librarian, 1 Union Street, Calais, Maine 04619.
5. Portland Public Library, Portland Room, c/o Tom Gaffney, 5 Monument Square, Portland, Maine 04101.
6. Maine State Library, c/o J. Gary Nichols, Librarian, 64 State House Station, Augusta Complex, Augusta, Maine 04333-0064.
7. Pleasant River Hatchery, c/o Dwayne Shaw, Manager, Columbia Falls, Maine 04623.
8. Maine Atlantic Salmon Authority, 650 State Street, Bangor, Maine 04401.
9. Camden Public Library, c/o Elizabeth Moran, Director, 55 Main Street, Camden, Maine 04843.
10. Wiscasset Public Library, c/o Janet Morgan, High Street, Wiscasset, Maine 04578.
11. Lincolnville Central School Library, c/o Suzanne Martell, Route 235, Lincolnville, Maine 04849.

12. National Marine Fisheries Service, Northeast Regional Office, Habitat and Protected Resources Division, One Blackburn Drive, Gloucester, Massachusetts 01930.

13. U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, Massachusetts 01035.

14. Craig Brook National Fish Hatchery, East Orland, Maine 04431.

15. U.S. Fish and Wildlife Service, 1033 South Main Street, Old Town, Maine 04468.

16. National Marine Fisheries Services, Office of Protected Resources, 1315 East West Highway, Room 13139, Silver Spring, MD 20910.

17. U.S. Fish and Wildlife Service, Division of Endangered Species, 4401 N. Fairfax Drive, Room 452, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Mary Colligan at (508) 281-9116 or Paul Nickerson at (413) 253-8615.

SUPPLEMENTARY INFORMATION:

Background

On September 29, 1995, the Services published a proposal to list a distinct population segment, or species, of Atlantic salmon in the Sheepscot, Ducktrap, Narraguagus, Pleasant, Machias, East Machias, and Dennys Rivers in Maine as threatened. That proposed designation contained a special 4(d) provision that invited the State of Maine to develop a conservation plan for the species. The special 4(d) rule, as proposed in the September notice (60 FR 50530, September 29, 1995) would allow for a state plan, approved by the Services, to define the manner in which certain activities could be conducted without violating the ESA. Federal furloughs and legislative and funding restrictions prevented the Services from immediately holding public hearings on the proposed action. On August 27, 1996, the Services reopened the comment period and announced three public hearings which were held in Maine on September 17, 18 and 19. The Services received additional verbal and written comments during that comment period which, together with all information submitted by the public, are being reviewed by the Services in making their final determination whether to list the distinct population segment of Atlantic salmon as threatened.

Partly in response to the special 4(d) provision in the proposed rule, the Governor of Maine issued an Executive Order creating a task force to draft the Maine Atlantic Salmon Conservation Plan. Biologists from the Services were not members of the task force but did

review the draft Conservation Plan and provide comments. The task force and its four subgroups have worked on the Plan since October 1995. The four subgroups addressed the potential threats identified in the Status Review for Anadromous Atlantic Salmon and the proposed rule. Each of the subgroups (agriculture, aquaculture, forestry and recreational fishing) examined its industry or activity to identify potential impacts to Atlantic salmon and recommended actions to avoid, minimize and mitigate such impacts. In the fall of 1996, the State held public hearings on the executive summary of the Plan. Comments received during that time were considered by the State in its final drafting of the Plan. The Plan is a State action plan to provide for the protection and conservation of Atlantic salmon and their habitat within the watersheds of the seven Maine rivers identified by the Services in the proposed rule.

Following closure of this comment period, the Services will make a final determination as to whether listing is warranted, and, if so, whether the Plan meets the criteria for a special 4(d) rule that could be promulgated in combination with a final rule designating the distinct population segment of Atlantic salmon as threatened under the ESA. The Services request comments from the public specifically addressing the Plan's effectiveness in meeting the criteria for acceptance as a special 4(d) rule identified above and contained in Section 10(a)(2)(B), 50 CFR 17.32(b)(2) and 50 CFR 222.22(c)(2).

In addition, the Services have been requested by the Governor of Maine to determine that the Plan sufficiently addresses the existing threats to Atlantic salmon such that its addition to the list of threatened species is not warranted. The Services make determinations whether a species is endangered or threatened based on their analysis of the effect of the factors contained in section 4 of the ESA on the species and after taking into account those efforts being made to protect such species. The State-prepared plan is designed to address those factors in order to prevent further decline. If, in their final determination, the Services conclude under *all* of the required provisions of section 4 of the ESA that the species is not likely to become endangered in the foreseeable future, and therefore is not "threatened" as defined in the ESA, then they will make a finding that listing is not warranted. This conclusion, while including an evaluation of the State's conservation plan, must *also* include an evaluation of the best scientific and

commercial data available, i.e. species abundance, new data received during the comment period, re-evaluation of existing data, and other federal and/or international efforts being taken to protect the species.

To assist in their analysis of the species status, the Services request any comments, which have not already been submitted, which provide new information or data and/or reflect on the new information and data that has become available since the publication of the proposed rule, including the state Plan. Written comments may be submitted on or before June 23, 1997 to either of the offices in the **ADDRESSES** section of this notice. Individuals are also requested to send a copy of their comments to the State of Maine.

Author: The primary authors of this notice are Mary Colligan and Paul Nickerson (addresses are above).

Authority: The authority for this section is the ESA (16 U.S.C. 1531–1544).

Dated: May 15, 1997.

Patricia A. Montanio,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

Dated: May 16, 1997.

Cathy Short,

Deputy Regional Director, U.S. Fish and Wildlife Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. 970129015–7072–02; I.D. 031997B]

RIN 0684–A184

Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations

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

ACTION: Proposed rule; reopening of comment period.

SUMMARY: On April 7, 1997, NMFS issued a proposed plan and implementing regulations that would reduce serious injury and mortality of four large whale stocks that occur incidental to certain fisheries. During the comment period NMFS received many comments expressing concern that the existing comment period is inadequate to allow for development of appropriate comments. Therefore, NMFS is reopening the public comment period in order to ensure that these important comments can be received.

DATES: Comments on the proposed plan and proposed rule to implement the plan must be received by June 13, 1997.

ADDRESSES: Send comments to Chief, Marine Mammal Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–33226.

FOR FURTHER INFORMATION CONTACT: Kim Thounhurst, NMFS, Northeast Region, 508/281–9368; Bridget Mansfield, NMFS, Southeast Region, 813/570–5312; or Michael Payne, NMFS, Office of Protected Resources, 301/713–2322.

SUPPLEMENTARY INFORMATION: On April 7, 1997 (62 FR 16519), NMFS issued a proposed plan and implementing regulations that would reduce the bycatch and serious injury and mortality of several large whale stocks that occur incidental to fishing for multiple species, including monkfish and dogfish, in U.S. New England sink gillnet fisheries; for multiple species in the U.S. mid-Atlantic coastal gillnet fisheries; for lobster in the Gulf of Maine and U.S. mid-Atlantic lobster trap/pot fisheries; and for sharks in the Southeastern U.S. Atlantic shark net fishery, pursuant to the Marine Mammal Protection Act (MMPA). The whale stocks considered under this plan consist of the North Atlantic right whale (*Eubalaena glacialis*), Western North Atlantic stock, humpback whale (*Megaptera novaeangliae*), Western North Atlantic stock, fin whale (*Balaenoptera physalus*), Western North Atlantic stock, and minke whale (*Balaenoptera acutorostrata*), Canadian East Coast stock. The comment period on the proposed rule and regulations implementing the rule ended on May 15, 1997. During the comment period NMFS received many comments at eleven public hearings expressing concern that the existing comment period is inadequate to allow for development of appropriate comments. Further, NMFS has been informed that several groups have been convened to review the proposed measures in detail in order to provide the agency with constructive comments on the proposed rule. Therefore, we are reopening the public comment period until June 13, 1997, in order to ensure that these important comments can be received.

Dated: May 19, 1997.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Services.

[FR Doc. 97–13551 Filed 5–22–97; 8:45 am]

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