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2. Pursuant to § 1.415(d) of the Commission's Rules, 47 CFR 1.415(d), the Commission hereby seeks additional comment in the wireless Enhanced 911 (E911) rulemaking proceeding¹ regarding the *ex parte* presentations filed by Wireless E911 Coalition, GTE Wireless and Ad Hoc Alliance for Public Access to 911 (Alliance) regarding certain technical issues pertaining to the provision of 911 emergency calling services pursuant to the rules adopted in the *Report and Order*.

3. In the *Report and Order*, the Commission established rules requiring wireless carriers to implement basic 911 and E911 services. Some of the petitions seeking reconsideration, and *ex parte* presentations regarding the *Report and Order*, raise issues touching on the technical feasibility of the schedule and other aspects of the *Report and Order*. In light of *ex parte* discussions with the Wireless E911 Coalition and several other wireless service and equipment manufacturers, the staff of the Wireless Telecommunications Bureau prepared a set of questions to help our understanding and evaluation of these technical issues.

4. In response to our inquiry, GTE Wireless filed its response on July 7, the Wireless E911 Coalition filed its response on July 10, and Alliance filed its response on July 11. Additional comment on these responses is sought to assist the Commission in determining whether to revise § 20.18(b) of the Commission's Rules, requiring covered carriers to transmit 911 calls which transmit a Code Identification without validation of the call, and process all 911 calls (regardless of whether a Code Identification is included as part of the call transmission) where requested by the administrator of the designated Public Safety Answering Point.²

5. Pursuant to applicable procedures set forth in §§ 1.415(d) and 1.419 of the

Commission's Rules, 47 CFR 1.415(d), 1.419, interested parties may file comments to these *ex parte* presentations filed by GTE Wireless, the Wireless E911 Coalition, and Alliance no later than July 28, 1997. No reply comments or other pleadings will be accepted. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and five copies of all comments. If participants want each Commissioner to receive a personal copy of their comments, an original and nine copies must be filed. All comments should be filed with the Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554, referencing CC Docket No. 94-102.

List of Subjects in 47 CFR Part 20

Communications common carriers.
Federal Communications Commission.
William F. Caton,
Acting Secretary.
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DEPARTMENT OF TRANSPORTATION

49 CFR Parts 23 and 26

[Docket OST-97-2550; Notice 97-5]

RIN 2105-AB92

Participation by Disadvantaged Business Enterprise in Department of Transportation Programs

AGENCY: Office of the Secretary, DOT.

ACTION: Extension of comment period.

SUMMARY: The Department is extending the comment period on its supplemental notice of proposed rulemaking (SNPRM) to revise its rules governing the disadvantaged business enterprise (DBE) program. The SNPRM proposed numerous changes to the DBE program to respond to changes in the legal standards applicable to such programs and to improve the program's administration. The extension is in response to requests from a number of interested parties for additional time to review the proposed rule and formulate comments.

DATES: Comments should be received by September 29, 1997. Late-filed comments will be considered to the extent practicable.

ADDRESS: Interested persons should send comments to Docket Clerk, Docket No. OST-97-2550, Department of

Transportation, 400 7th Street, SW., Room PL-401, Washington, DC 20590. We request that, in order to minimize burdens on the docket clerk's staff, commenters send three copies of their comments to the docket. Commenters wishing to have their submissions acknowledged should include a stamped, self-addressed postcard with their comments. The docket clerk will date stamp the postcard and return it to the commenter. Comments will be available for inspection at the above address from 10 a.m. to 5 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street, S.W., Room 10424, Washington, DC 20590. (202) 366-9306 (voice); (202) 755-7687 (TDD).

SUPPLEMENTARY INFORMATION: In May 30, 1997, the Department issued a supplemental notice of proposed rulemaking (SNPRM) to amend the Department's disadvantaged business enterprise (DBE) program (62 FR 29548). The SNPRM proposed "narrow tailoring" changes to the program to respond to the Supreme court's decision in *Adarand v. Peña*, proposed a variety of improvements to the certification and other administrative provisions of the Department's rules intended to reduce burdens on participants, and proposed revisions and updates to requirements for DBE participation in airport concessions. The original comment closing date for the SNPRM was July 29, 1997.

This SNPRM is one of great interest to many affected parties, including disadvantaged business enterprises, other contractors, airports, state highway agencies, and transit authorities. It is also a lengthy and complex document. Because of the SNPRM's importance, and its length and complexity, several parties have requested additional time to formulate comments on it. These parties include the American Public Transit Association (a trade association for transit authorities); the Airports Council International-North America and the American Association of Airport Executives (airport trade associations); the Airport Minority Advisory Council (a trade association for DBEs and others interested in airport contracting); airports in Reno and Las Vegas, Nevada, St. Louis, Missouri, and Roanoke, Virginia; the Maine and Wisconsin Departments of Transportation; Senator Susan Collins of Maine; and the City of Philadelphia.

¹ See Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Notice of Proposed Rulemaking, 59 FR 54878 (1994); Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Report and Order and Further Notice of Proposed Rulemaking, 61 FR 40348, 40374 (1996) (*Report and Order*).

² Section 20.18(b) of the Commission's Rules, 61 FR 40352 (1996).

These letters, which have requested extensions of between 30 and 90 days in the comment period, have focused on the amount of time needed to digest the SNPRM and formulate thoughtful comments. In addition, Department staff who have been meeting with groups of interested parties to explain the content of the SNPRM have heard numerous informal expressions of concern about the time needed to review the SNPRM and draft comments on it.

The Department believes that these requests for extension have merit. This is an important rulemaking, and the Department has emphasized, in discussing it with interested parties, that we are very interested in receiving thoughtful, thorough comments that will help the Department create a final rule that is legally sound and practically workable. We believe that providing additional time for comments will help commenters and the Department achieve this objective. Therefore, we are extending the comment period for an additional 60 days, through September 29, 1997.

Issued this 14th day of July, 1997 at Washington, D.C.

Nancy E. McFadden,
General Counsel.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-

Endangered and Threatened Wildlife and Plants; Proposed Threatened Status for Newcomb's Snail From the Hawaiian Islands

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes threatened status pursuant to the Endangered Species Act of 1973, as amended, for Newcomb's snail (*Erinna newcombi*). This freshwater snail is restricted to the Hawaiian Island of Kaua'i. The distribution of this snail has greatly decreased from the known historic distribution and extant populations are presently limited to restricted habitats within five perennial streams on State land. The five known populations of this snail and its habitat are currently threatened by predation by a species of non-native predatory snail and two

species of non-native marsh flies. These populations are also subject to an increased likelihood of extirpation from naturally occurring events, including natural disasters such as hurricanes and landslides. Comments and materials related to this proposal are solicited.

DATES: To ensure consideration in the final rule for this species, comments from all interested parties should be received by September 19, 1997. Public hearing requests must be received by September 4, 1997.

ADDRESSES: Comments and materials concerning this proposal should be sent to Robert P. Smith, Manager, Pacific Islands Ecoregion, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, Room 3108, Box 50088, Honolulu, Hawaii 96850. Comments and material received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Robert P. Smith, Pacific Islands Ecoregion Manager, at the above address (808/541-2749; facsimile 808/541-2756).

SUPPLEMENTARY INFORMATION:

Background

The Hawaiian archipelago is comprised of eight main islands (Ni'ihau, Kaua'i, O'ahu, Moloka'i, Lāna'i, Kaho'olawe, Maui, and Hawaii) and their offshore islets, plus the shoals and atolls of the Northwest Hawaiian Islands. The main islands and the northwestern chain were formed sequentially by basaltic lava that emerges from a crustal hot spot currently located near the southeast coast of the island of Hawaii (Stearns 1985). Hawaii is the youngest island in the chain and is characterized by gently sloping shield volcanoes and currently active lava flows. Volcanoes on the other islands are either dormant or extinct. Ongoing erosion has formed steep-walled valleys with well developed soils and stream systems throughout the chain. Kaua'i, the oldest and most northwesterly of the main islands, is characterized by high rainfall, deep valleys, numerous perennial streams, and luxuriant vegetation.

Four species of Lymnaeidae snails are native to Hawaii (Morrison 1968, Hubendick 1952). Three of these species are found on two or more of the eight main islands. The fourth species, Newcomb's snail, is restricted to the island of Kaua'i. Newcomb's snail is unique among the Hawaiian lymnaeids in that the shell spire typically associated with lymnaeids has been completely lost. The result is a smooth,

black shell formed by a single, oval whorl, 6 millimeters (mm) (0.25 inches (in.)) long and 3 mm (0.12 in.) wide. A similar shell shape is found in a Japanese lymnaeid (Burch 1968), but Burch's study of chromosome number shows that Newcomb's snail has evolutionary ties to the rest of the Hawaiian lymnaeids, all of which are derived from North American ancestors (Patterson and Burch 1978). This parallel evolution of similar shell morphology in Japan and Hawaii from two distinct lineages of lymnaeid snails is of particular scientific interest.

At the present time, there is no generally accepted nomenclature for the genera of Hawaiian lymnaeids, although each of these snail species, including Newcomb's snail, is recognized as a well defined species. Newcomb's snail was originally described as *Erinna newcombi* in 1855 by H. & A. Adams (see Hubendick 1952). Hubendick (1952) did not feel that the distinctive shell form (described above) and reduced structures of the nervous system of Newcomb's snail warranted a monotypic genus. In fact, Hubendick included all Hawaiian lymnaeids in the genus *Lymnaea*. Morrison (1968) opposed Hubendick, and argued that the distinctive shell characters of Newcomb's snail supported the generic name *Erinna*. Burch (1968), Patterson and Burch (1978), Taylor (1988), and Cowie (1995) all followed Morrison and referred to Newcomb's snail as *Erinna newcombi*. This is the currently accepted scientific name for Newcomb's snail.

Newcomb's snail is an obligate freshwater species. While the details of its ecology are not well known, Newcomb's snail probably has a life history similar to other members of the family. These snails generally feed on algae and vegetation growing on submerged rocks. Eggs are attached to submerged rocks or vegetation and there are no dispersing larval stages; the entire life cycle is tied to the stream system in which the adults live (Baker 1911). Dispersal of Newcomb's snail between stream systems is probably very infrequent due to their obligate freshwater habitat requirements. Historic dispersal probably relied on long-term erosional events that captured adjacent stream systems. It should be noted that this life history differs greatly from the freshwater Hawaiian neritid snails (*Nertinana* sp.), which have marine larvae that colonize streams following a period of oceanic dispersal (Kinzie 1990). It is likely that larvae of these neritid snails can disperse across the oceanic expanses that separate the Hawaiian Islands and colonize streams