

America and Johns Hopkins University. The prospective exclusive license field of use may be limited to: The use of KAI1 monoclonal antibodies in the diagnostic/prognostic fields of use for prostate cancer.

DATES: Only written comments and/or applications for a license which are received by NIH on or before October 10, 1997.

ADDRESSES: Requests for copies of the patent applications, inquiries, comments and other materials relating to the contemplated licenses should be directed to: Joseph K. Hemby, Jr., J.D., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852-3804; Telephone: (301) 496-7735 ext. 265; Facsimile: (301) 402-0220. A signed Confidentiality Agreement will be required to receive copies of the patent applications.

SUPPLEMENTARY INFORMATION: The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless within sixty (60) days from the date of this published notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The invention relates to the KAI1 gene which has been shown to suppress metastasis of prostate cancer and is down regulated in human malignant prostate cancers. The invention further provides methods of detection of alterations in the wild-type KAI1 gene sequence, KAI1 mRNA, and KAI1 protein useful in determining the presence of malignant cancer in a subject or genetic predisposition to malignancy in a subject. Other uses of the KAI1 gene include the possible treatment of patients who are diagnosed with early stage prostate cancer.

Applications for a license in the field of use filed in response to this notice will be treated as objections to the grant of the contemplated licenses. Comments and objections submitted to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: July 18, 1997.

Barbara M. McGarey,
Deputy Director, Office of Technology Transfer.

[FR Doc. 97-21094 Filed 8-8-97; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of Draft Recovery Plan for the Inyo California Towhee of the Southern Argus Range, Inyo County, California, for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service announces the availability for public review of a draft recovery plan for the threatened Inyo California towhee. The Service solicits review and comment from the public on this draft recovery plan.

DATES: Comments on the draft recovery plan must be received on or before October 10, 1997.

ADDRESSES: A copy of the draft recovery plan can be obtained from the Fish and Wildlife Service's Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, California, 93003, phone 805/644-1766. Written comments and materials regarding the plan should be addressed to the Field Supervisor at the Ventura Fish and Wildlife Office. Comments and materials received are available on request for public inspection by appointment at the Ventura Fish and Wildlife Office.

FOR FURTHER INFORMATION CONTACT: Robert Mesta in the Ventura Fish and Wildlife Office (see ADDRESSES section).

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the U.S. Fish and Wildlife Service's endangered species program. To help guide recovery efforts, the Service prepares recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of listed species, establish criteria for the recovery levels for reclassification from endangered to threatened or removal from the list, and estimate the time and cost for implementing the needed recovery measures.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*) requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an

opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will take these comments into account in the course of implementing approved recovery plans.

Inyo California towhees are restricted in range and number and therefore, are susceptible to habitat destruction and degradation. The recovery strategy for this subspecies will focus on the elimination of threats to all known habitats and the rehabilitation of those that have been degraded or destroyed. The draft recovery plan describes tasks that, when accomplished, should ensure the continued existence of the Inyo California towhee, and thereby justify its removal from the endangered and threatened species list. The draft recovery plan was developed in cooperation with the principle affected agencies: California Department of Fish and Game, Bureau of Land Management, and the Navy.

Public Comments Solicited

The Service solicits written comments on the draft recovery plan described herein. All comments received by the date specified above will be considered prior to approval of the plan.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: June 17, 1997.

Thomas J. Dwyer,

Acting Regional Director.

[FR Doc. 97-21095 Filed 8-8-97; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for the Cantara Residential Project in the City of Colton, San Bernardino County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The Fish and Wildlife Service has under consideration a proposal to issue an 8-year permit pursuant to the Endangered Species Act of 1973, as amended (Act), that would authorize incidental taking of the endangered Delhi Sands flower-loving fly (*Rhaphiomidas terminatus*

abdominalis). Take would occur during completion of a residential housing development in the City of Colton, California. The applicant for this incidental take permit is John Laing Homes (California), Incorporated. The application includes a Habitat Conservation Plan for the Delhi Sands flower-loving fly and an Implementing Agreement. The Implementing Agreement does not include "No Surprises" assurances (62 FR 29091). The Habitat Conservation Plan was prepared by the applicant and does not reflect the view of the Service relative to the site being occupied by the Delhi Sands flower-loving fly. In response to the permit application, the Service has prepared an Environmental Assessment pursuant to the National Environmental Policy Act. This assessment and the permit application are available for public review and comment. All comments received, including names and addresses, will become part of the administrative record and may be made available to the public.

DATES: Written comments on the Environmental Assessment, Habitat Conservation Plan, and Implementing Agreement should be received by the Service on or before September 10, 1997.

ADDRESSES: Comments should be submitted to Mr. Gail Kobetch, Field Supervisor, Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. Written comments also may be sent by facsimile to (760) 431-9618.

FOR FURTHER INFORMATION CONTACT: Mr. Pete Sorensen, Assistant Field Supervisor, at the above address, telephone (760) 431-9440.

SUPPLEMENTARY INFORMATION:

Availability of Documents

Individuals wishing copies of the documents should immediately contact the applicant's consultant, Mr. Larry Munsey, Larry Munsey International, 15901 Redhill Avenue, Suite 01, Tustin, California 92780, telephone (714) 440-8255. Documents also will be available for public inspection by appointment during normal business hours (8 a.m. to 5 p.m., Monday through Friday) at the Service's Carlsbad office (see **ADDRESSES** section above), and at the City of Colton Public Library, 656 North 9th Street, Colton, California, telephone (909) 370-5083.

Background Information

The Service listed the Delhi Sands flower-loving fly as an endangered species on September 23, 1993 (58 FR 49881). As an endangered species, the

Delhi Sands flower-loving fly is protected against take pursuant to section 9 of the Act; that is, no one may harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect the species, or attempt to engage in such conduct (16 U.S.C. 1538). Under certain circumstances, however, the Service may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

The applicant proposes to complete construction of a residential development project in the City of Colton, San Bernardino County. The proposed project is partially located in undeveloped areas that are either known to support the endangered Delhi Sands flower-loving fly or are considered suitable habitat for the species. Completion of the partially constructed project would result in the permanent loss of 36 acres of vacant land, including 3.4 acres of habitat for the Delhi Sands flower-loving fly.

John Laing Homes proposes to compensate for incidental take of the Delhi Sands flower-loving fly by donating \$125,000 to the National Fish and Wildlife Foundation to be used for the purchase and preservation of offsite habitat occupied by the species. In turn, the National Fish and Wildlife Foundation has committed to provide additional matching funds in an amount no less than \$175,000. The combined total of at least \$300,000 would be used to purchase approximately 4 to 10 acres of land selected to contribute to one of the Recovery Units established in the Recovery Plan for the Delhi Sands flower-loving fly.

Environmental Assessment

The Environmental Assessment considers the effects to the human environment of the proposed action and two alternatives. Under the No Action alternative, the Service would not issue an incidental take permit for the completion of the Cantara residential project as proposed by John Laing Homes. Under this alternative, John Laing Homes would redesign its project to avoid habitat of the Delhi Sands flower-loving fly onsite. No measures would be taken to secure the conservation of suitable habitat onsite for the Delhi Sands flower-loving fly. Under the Mitigation Bank alternative, John Laing Homes also would redesign its project to avoid habitat of the Delhi Sands flower-loving fly, and would secure the conservation of suitable habitat for this species onsite and would sell credits to others needing mitigation

for other projects that adversely affect the species.

This notice is provided pursuant to section 10(a) of the Act and Service regulations for implementing the National Environmental Policy Act (40 CFR 1506.6). The Service will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of the Act. If the Service determines that the requirements are met, a permit will be issued for the incidental take of the Delhi Sands flower-loving fly. The final decision on permit issuance will be made no sooner than 30 days from the date of this notice.

Dated: August 5, 1997.

Michael J. Spear,

Regional Director, Region 1, Portland, Oregon.

[FR Doc. 97-21101 Filed 8-8-97; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK-962-1410-00-P, AA-9242, AA-9252, and AA-9258]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of section 14(h)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(h)(1), will be issued to Calista Corporation for approximately 14.47 acres. The lands involved are in the vicinity of Nunivak Island, Alaska.

Seward Meridian, Alaska

T. 3 S., R. 96 W.,

Sec. 25.

T. 2 N., R. 98 W.,

Sec. 2;

Sec. 15.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the *Anchorage Daily News*. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599 (907) 271-5960.

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until September 10, 1997 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in