

11. Section 97.505 is amended by revising paragraphs (a) introductory text, (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(8) and (a)(9) to read as follows:

§ 97.505 Element credit.

(a) The administering VEs must give credit as specified below to an examinee holding any of the following licenses and documents:

(1) An unexpired (or expired but within the grace period for renewal) Advanced Class operator license: Elements 1(B), 3(A), 3(B) and 4(A).

(2) An unexpired (or expired but within the grace period for renewal) General Class operator license: Elements 1(B), 3(A) and 3(B).

(3) An unexpired (or expired but within the grace period for renewal) Technician Plus Class operator license (including a Technician Class operator license granted before February 14, 1991): Elements 1(A) and 3(A).

(4) An unexpired (or expired but within the grace period for renewal) Technician Class operator license: Element 3(A).

(5) An unexpired (or expired but within the grace period for renewal) Novice Class operator license: Element 1(A).

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(8) An expired FCC-issued Technician Class operator license document (or proof of having held the document) granted before March 21, 1987: Element 3(B).

(9) An expired, or unexpired, FCC-issued Technician Class operator license document (or proof of having held the document) granted before February 14, 1991: Element 1(A).

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12. Section 97.507 is amended by revising paragraph (a) introductory text (a)(1), and (a)(2) to read as follows:

§ 97.507 Preparing an examination.

(a) Each telegraphy message and each written question set administered to an examinee must be prepared by a VE holding an Amateur Extra Class operator license. A telegraphy message or written question set may also be prepared for the following elements by a VE holding an operator license of the class indicated:

(1) Elements 1(B) and 3(B): Advanced Class operator.

(2) Elements 1(A) and 3(A): Advanced or General Class operator.

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13. Section 97.509 is amended by revising paragraphs (a) and (b)(3) to read as follows:

§ 97.509 Administering VE requirements.

(a) Each examination for an amateur operator license must be administered by a team of at least 3 VEs at an examination session coordinated by a VEC. Before the session, the administering VEs or the VE session manager must ensure that a public announcement is made giving the location and time of the session. The number of examinees at the session may be limited.

(b) * * *

(3) Be a person who holds an amateur operator license of the class specified below:

(i) Amateur Extra, Advanced or General Class in order to administer a Technician Class operator license examination;

(ii) Amateur Extra or Advanced Class in order to administer a General Class operator license examination;

(iii) Amateur Extra Class in order to administer an Advanced or Amateur Extra Class operator license examination.

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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 Rio Grande Cutthroat Trout

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: The Fish and Wildlife Service (Service) announces a 90-day finding for a petition to list the Rio Grande cutthroat trout (*Oncorhynchus clarki virginalis*) as endangered under the Endangered Species Act of 1973, as amended. The Service finds that the petition did not present substantial information indicating that listing this subspecies may be warranted. **DATES:** The finding announced in this document was made on August 22, 1998.

ADDRESSES: You may submit any data, information, comments, or questions concerning this finding to the Field Supervisor, New Mexico Ecological Services Field Office, 2105 Osuna NE, Albuquerque, New Mexico 87113. Members of the public may review the petition finding, supporting data, and

comments, by appointment during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Jennifer Fowler-Propst, Field Supervisor, New Mexico Ecological Services Field Office, at the above address (505/761-4525).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, 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 to demonstrate that the petitioned action may be warranted. The Service is required to base the finding on all information available at the time the finding is made. To the maximum extent practicable, the Service must make this finding within 90 days of the date the petition was received, and promptly publish a notice in the **Federal Register**. If the Service finds that substantial information was presented, the Service also 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 Service has made a 90-day finding on a petition to list the Rio Grande cutthroat trout (*Oncorhynchus clarki virginalis*) as endangered. Kieran Suckling, Director of the Southwest Center for Biological Diversity, submitted the petition, dated February 17, 1998. The Service received the petition on February 25, 1998. Additional petitioners included the Biodiversity Legal Foundation, Carson Forest Watch, Ancient Forest Rescue, and Southwest Trout.

The petitioners state that habitat destruction and degradation have reduced the current distribution of the subspecies to approximately 5% of its historical range; existing populations are small and isolated; habitat destruction and degradation from livestock grazing, logging, road construction, and mining continue to threaten the subspecies; and stocking of nonnative, closely related species such as the rainbow trout (*Oncorhynchus mykiss*) has replaced many of the historical populations of the native species with hybrids. The petition further states that these factors continue to threaten the stability and existence of the Rio Grande cutthroat trout.

The Service has reviewed the petition and other literature and information available in the Service's files, and

consulted with species experts concerning the current status of the Rio Grande cutthroat trout. Much of the information that the Service reviewed updated and corrected information which had been provided in the petition. On the basis of the best scientific and commercial information available, the Service finds the petition does not present substantial information that listing this subspecies may be warranted.

Approximately 200 populations of Rio Grande cutthroat trout inhabit cold headwater streams in the Rio Grande, Pecos River, and Canadian River drainages in Colorado and New Mexico (Alves 1998, Stumpff 1998). The petitioners cited only 92 extant populations. The New Mexico Department of Game and Fish and Colorado Division of Wildlife both prohibit stocking of nonnatives within the range of the Rio Grande cutthroat trout. In addition, all three national forests (Rio Grande, Santa Fe, and Carson) on which the subspecies occurs, have incorporated the State management plans into their forest plans. The States and national forests are implementing programs of stream inventory, protection of the Rio Grande cutthroat trout through removal of nonnatives, and repatriation of the native subspecies into historical waters. These actions are effectively addressing the protection of the subspecies from potential hybridization with rainbow trout.

Although habitat degradation has reduced the range of this once widely distributed subspecies, an adequate amount of habitat (4,500 to 5,000 miles (mi) of streams still capable of supporting trout) remains and can be included in management for the Rio Grande cutthroat trout. Of these stream miles, the subspecies currently occupies 480 mi of stream and 1,120 acres (ac) of lake habitats in Colorado; and 260 mi of stream habitat in New Mexico. Not all of the habitats potentially inhabited by the Rio Grande cutthroat trout have been surveyed; thus, the total number of existing known populations is considered to be a minimum.

Activities such as livestock grazing, road construction, and logging were primary factors in the constriction of the Rio Grande cutthroat trout's historical range and continue to impact streams and riparian habitats where measures to limit those impacts are lacking. However, the New Mexico Department of Game and Fish has found that the watersheds surveyed are in fair to good condition. Many watersheds have not been analyzed but are scheduled for such work by the State in cooperation

with the U.S. Forest Service. In Colorado, 82 populations of the Rio Grande cutthroat trout occupy streams in watersheds that have been classified as either relatively pristine (Class I), or exhibiting only a minor degree of impact (Class II). These conditions do not support a contention that the existing populations of the subspecies are vulnerable to extirpation based on watershed or habitat quality.

In summary, the management objectives of both States, set forth in the respective management plans formulated for the Rio Grande cutthroat, indicate that continued management and conservation emphasis will be placed on the habitat and population stability of the subspecies. The Service believes that the current population is secure and likely to improve with active management. Thus, the Service has determined that the petition to list the Rio Grande cutthroat trout did not present substantial information indicating that the petitioned action may be warranted.

References Cited

- Alves, J. 1998. Status of Rio Grande Cutthroat Trout in Colorado. Colorado Division of Wildlife. Denver, Co. 10 pp.
- Stumpff, W. K. 1998. Rio Grande Cutthroat Trout Management. Final Report. Federal Aid Grant F-60-M. Project No. 11. 14 pp.

Author: The primary author of this document is Jennifer Fowler-Propst, New Mexico Ecological Services Field Office (see ADDRESSES section).

Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1532 *et seq.*).

Dated: August 22, 1998.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AD34

Endangered and Threatened Wildlife and Plants; Withdrawal of Proposed Rule to List Johnston's Rock-Cress (*Arabis johnstonii*) as Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; withdrawal.

SUMMARY: The U.S. Fish and Wildlife Service (Service) withdraws the

proposal to list Johnston's rock-cress (*Arabis johnstonii*) as a threatened species under the Endangered Species Act of 1973, as amended (Act). The Service finds that insufficient information is available to substantiate the threats previously identified to the species. Although this species has a restricted range and threats can be identified to a portion of one of its two major population centers, the Service believes these threats are being minimized by the actions of the San Bernardino National Forest in managing grazing activities. Also, the lack of progress on proposed development in the Pine Meadow area diminishes threats to that population. If future development and grazing threats re-occur, the Service may revisit the need to list this species and repropose *Arabis johnstonii*, if necessary. Based on the lack of such evidence the Service concludes that listing of this species is not warranted.

ADDRESSES: The complete file for this rule is available for public inspection, by appointment, during normal business hours at the Carlsbad Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California, 92008.

FOR FURTHER INFORMATION CONTACT: Gary D. Wallace, Ph.D., Botanist, Carlsbad Fish and Wildlife Office, U.S. Fish and Wildlife Service, at the above address (760/431-9440).

SUPPLEMENTARY INFORMATION:

Background

On August 2, 1995, the Service published in the **Federal Register** (60 FR 39337) a proposal to list seven plant species from the mountains of southern California as endangered or threatened. Included among these seven taxa was *Arabis johnstonii* (Johnston's rock-cress), the subject taxon of this withdrawal. *Arabis johnstonii* was proposed as a threatened species in the 1995 proposal. *Arabis johnstonii* is a member of the mustard family (Brassicaceae) and was described by Philip A. Munz (1932) based on a collection made in May 1922 by Munz and Ivan M. Johnston at Kenworthy, San Jacinto Mountains, Riverside County, California. This plant is a herbaceous perennial with a basal rosette of linear-oblongolate, entire, densely pubescent leaves from which the flower stalk arises. The petals are purple and 8 to 10 millimeters (mm) (0.32 to 0.4 inches (in)) long. The elongate fruits (siliques) are erect to spreading, 3 to 5 centimeters (cm) (1 to 2 in) long. This species