powered channel. To accommodate the requested allotments at Moncks Corner, Branchville and Richmond Hill, Cedar Carolina Limited Partnership, Eutaw Broadcast Associates and Richmond Hill Broadcasting also request the subsitution of Channel 249A for Channel 287A at Walterboro, SC, and the modification of TBJ Broadcasting Partnership's construction permit to specify the alternate Class A channel. Williams Communications requests the allotment of Channel 250C3 to Estill, SC, as the community's first local FM service, and the substitution of Channel 239A for unoccupied but applied for Channel 250A at Blackville, South Carolina. Coastline Communications of Carolina, Inc., requests the substitution of Channel 249C1 for Channel 249C2 at Georgetown, South Carolina, and the modification of its license for Station WBPR to specify the higher powered channel. *See* Supplementary Information, *infra.*

DATES: Comments must be filed on or before June 17, 1991, and reply comments on or before July 2, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Brian M. Madden, Esq., Richard A. Helmick, Esq., Cohn and Marks, 1333 New Hampshire Avenue, NW., Suite 600, Washington, DC 20036–1573 (Counsel to Cedar Carolina Limited Partnership); William E. Kennard, Esq., Michael E. Beller, Esq., Verner, Liipfert, Bernard, McPherson and Hand, Chartered, 901–15th Street, NW., Suite 700, Washington, DC 20005–2302 (Counsel to Richmond Hill Broadcasting); Robert C. Rickenbacker, Jr., President, Eutaw Broadcast Associates, P.O. Box 175, Holly Hill, South Carolina 29059 (Petitioner for Branchville); Edward W. Hummers, Jr., Esq., Anne Goodwin Crump, Esq., Fletcher, Heald & Hildreth, 1225 Connecticut Avenue, NW., Suite 400, Washington, DC 20036–2679 (Counsel to Coastline Communications of Carolina, Inc); John E. Fiorini III, Esq., Gardner, Carton & Douglas, 1001 Pennsylvania Avenue, NW., Suite 750, Washington, DC 20005 (Counsel to Williams Communications).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 91–127, adopted April 17, 1991, and released April 25, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

The allotment of Channel 287C2 of Moncks Corner is mutually exclusive with the allotment of Channel 286A at Branchville, SC, and Channel 287C3 at Richmond Hill, GA. The allotment of Channel 249A to Walterboro conflicts with the allotment of Channel 249C1 to Georgetown, SC, and Channel 250C3 at Estill, SC. Channel 239A at Blackville, SC, does not conflict with any pending proposal.

Channel 287C2 can be allotted to Moncks, SC, with a site restriction of 30.1 kilometers (18.7 miles) south, at coordinates North Latitude 32–55–20 and West Longtitude 80–00–00. This allotment is proposed as a result of a petition for rule making filed prior to October 2, 1989. Therefore, if adopted, Cedar Carolina Limited Partnership may be able to avail itself of the provisions of Section 73.213(c) of the Commission's Rules. Channel 249A can be allotted to Walterboro, SC, at the transmitter site specified in TBJ Broadcasting Partnership's outstanding construction permit, at coordinates North Latitude 32–49–54 and West Longitude 80–43–30. Channel 286A can be allotted to Branchville, SC, without the imposition of a site restriction, at coordinates North Latitude 33–15–06 and West Longitude 80–49–00. Channel 250C3 can be allotted to Estill, SC, with a site restriction of 18.6 kilometers (11.6 miles) north at coordinates North Latitude 32–55–18 and West Longitude 81–15–52. Channel 239A can be allotted to Blackville, SC, without the imposition of a site restriction at coordinates North Latitude 33–21–48 and West Longitude 81–16–06. Channel 249C1 can be allotted to Georgetown, SC, with a site restriction of 35 kilometers (21.8 miles) northeast to accommodate petitioner's desired transmitter site, at coordinates North Latitude 33–35–27 and West Longitude 79–00–50. Channel 287C3 can be allotted to Richmond Hill, GA, with a site restriction of 19.3 kilometers (12 miles) northeast, at coordinates North Latitude 31–59–42 and West Longitude 81–06–40.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Andrew J. Rhodes,

Chief, Allocations Branch Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91–10231 Filed 4–30–91; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AB42

Endangered and Threatened Wildlife and Plants; Finding on a Petition To List the Lee Creek Population of the Fish, the Longnose Darter

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of finding on petition.

SUMMARY: The Fish and Wildlife Service announces a 90-day petition finding for a petition to amend the List of Endangered and Threatened Wildlife and Plants. The petitioners did not present substantial information that listing the Lee Creek population of the longnose darter (*Percina nasuta*) may be warranted. Although the threats to the Lee Creek population are sufficient to warrant concern about its continued existence, the Service finds that the population is not eligible for consideration for protection under the Endangered Species Act. Vertebrate populations are eligible for protection only if they are biologically distinct. The evidence suggests that the Lee Creek population is simply one subset of a larger undifferentiated gene pool occupying nine other streams.

DATES: The finding announced in this notice was made on June 22, 1990. Comments and information may be submitted until further notice.

ADDRESSES: Information, comments, or questions should be sent to the Complex Field Supervisor, Jackson Field Office, U.S. Fish and Wildlife Service, Jackson Mall Office Center, suite 316, 300

Woodrow Wilson Avenue, Jackson, Mississippi 39213.

FOR FURTHER INFORMATION CONTACT: James H. Stewart at the above address (telephone: 601/965–4900 or FTS 490–4900).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973 (Act), as amended in 1982, (16 U.S.C. 1531 et seq.) requires that the U.S. Fish and Wildlife Service (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. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register**. If the funding is positive, the Service is also required to promptly commence a review of the status of the involved species.

The Service has received and made a finding on a petition to emergency list the Lee Creek population of the longnose darter, *Percina nasuta*, that was submitted by the Native Americans for a Clean Environment. The petition is dated September 29, 1989, and was received by the Service on October 4, 1989. The petition cited the known distribution as Lee Creek, Arkansas and Oklahoma, and, based on apparently incomplete research, indicated that the Lee Creek population was "* * * an entirely separate (sic) species from the single other known population of Longnose darter identified in Louisiana." In addition to citing the potential taxonomic difference, the petition cited the ongoing construction of a dam on Lee Creek that endangered "* * * the most significant sized population and habitat in the world for this species."

The Service has reviewed the petition and gathered other available scientific information through a search of the literature and communication with knowledgeable biologists. The longnose darter was described by Bailey in 1941 from the Middle Fork of the Little Red River, Searcy County, Arkansas (Bailey 1941). Subsequent populations were discovered in the drainages of the White River, Arkansas and Missouri; Spring, Strawberry, Fourche la Fave, Ouachita, Caddo, and Little Missouri Rivers of Arkansas; the Arkansas River, Arkansas and Oklahoma; and the St. Francis River, Missouri (Pflieger 1975, Thompson 1977, Buchanan 1984, Robison and Buchanan 1988). The population in Louisiana as cited in the petition is erroneous. The longnose darter has never been reported from Louisiana.

There is a question about the taxonomy of some populations of *Percina nasuta*. The Ouachita, Little Missouri, and Caddo Rivers populations are considered an undescribed species, now referred to as *Percina* sp. (Robison and Buchanan 1988, Dr. Bruce Thompson, Louisiana State University, pers. comm. 1990). A description of this form is in preparation. The taxonomic status of the Spring and Strawberry River populations is questionable and warrants further study (Buchanan 1984, Thompson, pers. comm., Dr. Henry Robison, Southern Arkansas University, pers. comm. 1990). Dr. Robison also states that the Fourche la Fave River form may be distinct from *Percina nasuta* at some taxonomic level.

The St. Francis River population of *Percina nasuta* has not been found since 1969 (Pflieger 1975) and may have been extirpated. This species has not been collected from the White River in Missouri since the impoundment of Table Rock Lake (Pflieger 1975). The known range of populations that are considered by Robison and Thompson to be *Percina nasuta* is the Middle Fork of the Little Red River, Arkansas; the headwaters of the White River and a tributary, War Eagle Creek, Arkansas; and the Arkansas River tributaries of Big Piney Creek, Illinois Bayou, and Mulberry River, in Arkansas, and Lee Creek, Arkansas and Oklahoma. Current scientific literature also attributes the Fourche la Fave, Spring, and Strawberry River forms to *Percina nasuta*, and under the requirements of the Act, must be considered as such. In summary, *Percina nasuta* is known from nine streams in addition to Lee Creek.

On the basis of the best scientific and commercial information available, the Service finds that this petition does not present substantial information indicating that the action requested may be warranted. For the Lee Creek population to be eligible for listing, it must be biologically distinct from other populations of *Percina nasuta*. There is no documentation to suggest that differences exist among the populations, nor is there any apparent need for emergency protection of the species when considered on a rangewide basis.

In the review of this petition, the Service has determined that *Percina nasuta*, as a species, warrants further review for protection under the Act. Information is needed on the current range and abundance of the species and the taxonomic question needs to be resolved. Over the next several months, the Service will gather information on the status of and threats to this species and seek to clarify the taxonomic issue. On the basis of this information, the status of the species will be reviewed and a determination made on the need for its protection.

References Cited

Buchanan, T.M. 1984. Status of the longnose darter, *Percina nasuta* (Bailey), in Arkansas. Report to Arkansas Natural Heritage Commission. 29 pp.

Pflieger, W.L. 1975. The fishes of Missouri. Missouri Dept. Conservation. p. 302.

Robison, H.W., and T.M. Buchanan. 1988. Fishes of Arkansas. Univ. Arkansas Press. p. 452–454.

Thompson, B.A. 1977. An analysis of three subgenera (*Hypohomus, Odontopholis* and *Swainia*) of the genus *Percina* (Tribe Etheostomatini, Family Percidae). PhD dissertation to Tulane University, 399 pp.

Author

This notice was prepared by James Stewart (see **ADDRESSES** section).

Authority: The authority for this action is the Endangered Species Act (16 U.S.C. 1531–1544).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Dated: April 4, 1991.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.

[FR Doc. 91–10295 Filed 4–30–91; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 215

[Docket No. 910492–1092]

Subsistence Taking of Northern Fur Seals

AGENCY: National Marine Fisheries Service, (NMFS), NOAA, Commerce.

ACTION: Notice of proposed harvest levels and notice of public meeting.

SUMMARY: Regulations on subsistence taking of northern fur seals require NMFS to publish a summary of the previous year's fur seal harvest and a projection of the number of seals expected to be taken in the current year to meet the subsistence needs of the Aleut residents of the Pribilof Islands, Alaska. This notice summarizes the 1990 harvest and estimates the number of seals that may be taken in 1991.

Following a public meeting and the expiration of a 30-day public comment period, a final notice of harvest levels will be published before the start of the harvest season on June 30, 1991.

DATES: A public meeting will be held in Anchorage, Alaska, on May 29, 1991, at 9 a.m., and in Silver Spring, Maryland, on May 20, 1991, at 10 a.m. Written comments must be received on or before May 31, 1991.

ADDRESSES: The public meeting in Alaska will be held at the Federal Building, room 154, 222 W. 7th Avenue, Anchorage, Alaska. The public meeting in Maryland will be held at SSMC2, Second Floor Conference Room, 1325 East-West Highway, Silver Spring, Maryland. Written comments should be addressed to Dr. Nancy Foster, Director, Office of Protected Resources (F/PR), 1335 East-West Highway, Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT: Dr. Steven Zimmerman, 907–586–7235, Dr. Aleta A. Hohn or Lynne Harris, 301–427–2289.

SUPPLEMENTARY INFORMATION:

Background

The subsistence harvest of northern fur seals, *Callorhinus ursinus*, on the Pribilof Islands, Alaska, is governed by regulations found in 50 CFR part 215 subpart D—Taking for Subsistence Purposes. Those regulations were published under the authority of the Fur Seal Act, 15 U.S.C. 1151 *et seq.*, and the Marine Mammal Protection Act, 16 U.S.C. 1361 *et seq.* (see 51 FR 24828, July 9, 1986). The purpose of the regulations is to limit the take of fur seals to a level providing for the legitimate subsistence needs of the Pribilovians using humane harvesting methods, and to restrict taking by sex, age, and season for herd management purposes. As required by 50 CFR 215.32(b), this notice summarizes the 1990 harvest and estimates the number of seals that may be needed for subsistence in 1991.

Summary of Data on the 1990 Harvest Season

Subsistence harvesting of northern fur seals was conducted on St. George Island on 7 days between July 10, 1990, and August 7, 1990, and on St. Paul Island on 16 days between July 5, 1990, and August 8, 1990. During the 1990 season, a total of 164 seals were harvested on St. George Island and 1076 seals were harvested on St. Paul Island. An additional seal that died of heat stress subsequent to one of the harvests on St. Paul brought the total number of seals taken on that island to 1077. Since 1985, detailed information has been compiled on subsistence taking and use of seal meat on St. Paul Island only. No comparable information is available for St. George Island where, on average, less than 10 percent of the Pribilof subsistence harvest is conducted. The following table provides a comparison of the 1990 harvest data with summary information from previous years. Although these regulations prohibit the killing of female seals, small numbers were taken accidentally from 1985–1987. No females were killed in 1988–1990. Percent-use is the percent by weight of meat removed per carcass. The maximum possible percent use for food is about 53.3.

NMFS is concerned about the apparent decline in the efficiency of the 1989 and 1990 subsistence harvests on St. Paul Island compared to previous years. Detailed discussions of "substantial use" of seal meat and calculations and comparisons of percent-use estimates for harvests since 1985 can be found in the 1989 harvest notices (see especially 54 FR 23234, May 31, 1989, and 54 FR 32347, August 7, 1989). Comments and discussion are invited on this aspect of the subsistence harvest, as well as on the proposed harvest levels discussed below.

Estimated Number of Seals Needed for Subsistence in 1991

NMFS is required by its regulations to include in this notice a prediction of the fur seal harvest levels for 1991 that will satisfy the subsistence needs of the residents of the Pribilof Islands. Previous harvest levels, current economic conditions, and community population size need to be considered when establishing future harvest levels. A review of the previous years' subsistence usage on St. Paul Island indicates that over the last 5 years, harvest levels have fluctuated from a low of 1,077 (1990) to a high of 1,710 (1987). The average number of seals harvested over this time period was 1,314 (standard deviation = 246). Over the past 2 years, however, unemployment levels on St. Paul have increased from 20–30 percent to 60–80 percent, due to reductions in the city work force, completion of capital construction projects, and bankruptcies of local fish processing facilities. The population meanwhile, has remained relatively stable. Consequently, it is reasonable to expect that a larger number of seals may be required this year to satisfy the subsistence needs of the community. Trends in abundance of fur seals on St. Paul Island indicate that the population is stable and possibly increasing. Based on this information, NMFS proposes that the harvest level for northern fur seals on St. Paul Island in 1991 be set at 1314 seals. Should this quota be reached before August 8, 1991, the Aleut Community of St. Paul may request a specific number of additional seals for harvest that are necessary to satisfy the subsistence needs of the community. The additional number of seals to be made available for harvest in 1991 shall not exceed 246.

St. George Island seal harvests have ranged from a low of 92 (1987) up to a high of 181 (1989) over the past 5 years. The average number of seals harvested over this time period was 135 (standard deviation=37). The economic conditions that currently prevail on St. George Island are similar to those of St. Paul Island, and the population size has also remained stable. Trends in abundance of fur seals on St. George Island indicate that the fur seal population is declining. However, considering the age and sex classes being removed, i.e., subadult males, the subsistence harvest is not contributing to this decline. NMFS proposes to set the number of seals to be harvested on St. George Island in 1991 at 135. Should this quota be reached before August 8, 1991, the Aleut Community of St. George may request the harvest of a specific number of additional seals that are necessary to satisfy the subsistence needs of the community. The additional number of seals to be made available shall not exceed 37.

Dated: April 26, 1991.

Samuel W. McKeen,

Program Management Officer, National Marine Fisheries Service.

TABLE 1.—A COMPARISON OF 1990 LEVELS OF SUBSISTENCE HARVEST OF NORTHERN FUR SEALS WITH THAT OF THE PREVIOUS 5 YEARS FOR ST. PAUL ISLAND

	1985	1986	1987	1988	1989	1990
Number of harvest days	15	20	20	12	16	16
Number of seals taken	3,384	1,299	1,710	1,145	1,340	1,077
Number of females taken	5	9	6	0	0	0

TABLE 1.—A COMPARISON OF 1990 LEVELS OF SUBSISTENCE HARVEST OF NORTHERN FUR SEALS WITH THAT OF THE PREVIOUS 5 YEARS FOR ST. PAUL ISLAND—Continued

	1985	1986	1987	1988	1989	1990
Percent-use of carcasses	43.8	47.2	40.7	43.5	38.2	39.9
Pounds of meat taken	93,400	31,700	38,800	26,500	26,600	21,800

[FR Doc. 91-10288 Filed 4-30-91; 8:45 am]
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