

on the final decisions taken by the Commission. However, the Commission, in taking future action will continue to balance the need to provide the public with affordable, flexible, accessible high definition television service with the economic and administrative interests of the affected industries.

VII. Any Significant Alternatives Minimizing the Impact on Small Entities Consistent With Stated Objectives.

75. In re-examining issues discussed in past decisions, the Commission is seeking not only to establish a more comprehensive, reliable record, but, with that intent, is soliciting comments and suggestions that hopefully will represent the views of all of the industries concerned, and thus the commission will be better able to minimize whatever negative impact might face small entities as a result of our decisions.

76. As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document. The IRFA is set forth above. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the Notice, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis. The Secretary shall send a copy of this Fourth Further Notice of Proposed Rule Making and Third Notice of Inquiry, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq* (1981).

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

LaVera F. Marshall,

Acting Secretary.

[FR Doc. 95-20243 Filed 8-14-95; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB75 and 1018-AC09

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposed Rules To List the Copperbelly Water Snake and Lake Erie Water Snake as Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) is reopening the comment period on the proposals to list the copperbelly water snake (*Nerodia erythrogaster neglecta*) and the Lake Erie water snake (*Nerodia sipedon insularum*) as threatened species. The copperbelly water snake occupies portions of southern Michigan, northwestern Ohio and adjacent northeastern Indiana, southern Indiana, southeastern Illinois, and western Kentucky. The Lake Erie water snake is found only on the Ohio and Ontario islands of western Lake Erie and the adjacent mainland of Ohio.

DATES: The comment period on the two proposals is reopened, effective immediately, and will close on September 30, 1995.

ADDRESSES: Comments and materials concerning these proposals should be sent to the Division of Endangered Species, Bishop Henry Whipple Federal Building, 1 Federal Drive, Ft. Snelling, Minnesota 55111-4056. Comments and materials received will be available for public inspection, by appointment, during normal business hours at that location (612/725-3536; fax 612/725-3526).

FOR FURTHER INFORMATION CONTACT: Robert Adair, Chief, Division of Endangered Species, at the above address and phone number.

SUPPLEMENTARY INFORMATION:

Background

The copperbelly water snake occurs in two disjunct populations: (1) a southern population in the lower Ohio River Valley and the lower Wabash River Valley in southern Indiana, adjacent Illinois, and western Kentucky; and (2) a northern population in southern Michigan, northeastern Indiana, and northwestern Ohio. The Lake Erie water snake is found only on the islands of western Lake Erie and the nearby mainland of Ohio. Both species

are threatened by habitat destruction and direct persecution by humans.

These two snakes were proposed for Federal listing as threatened species on August 18, 1993 (58 FR 43857 and 43860). Public hearings were subsequently held in Port Clinton and Put-in-Bay, Ohio, for the Lake Erie water snake; and in Indianapolis, Indiana, for the copperbelly water snake. Public comment periods were reopened and extended to accommodate these hearings (October 12-November 16, 1993, 58 CFR 52740; March 22-April 21, 1994, 59 CFR 13472; May 13-June 16, 1994, 59 CFR 25024). The comment period for the copperbelly water snake was subsequently reopened two additional times to allow the Service to obtain, and for the public to review, additional data concerning intergradation of *N. e. neglecta* with *N. e. flavigaster* and the status of the species in Kentucky (July 11-November 1, 1994, 59 CFR 35307; December 15, 1994-January 13, 1995, 59 CFR 64647).

On April 10, 1995, Public Law 104-6, the Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995 (109 Stat 73), was signed and became effective. Language in that act established a moratorium on the final determinations of species to be threatened or endangered and on the designation of new critical habitat. During this period the Service is prohibited from finalizing rules which list additional species as threatened or endangered. This moratorium is in effect until September 30, 1995.

While the moratorium is in effect the Service will continue to monitor these proposed species, their habitats, and threats to their continued existence. The Service will also continue to discuss the conservation needs of the species and the appropriateness of listing them as threatened or endangered. If opportunities arise, the Service will promote and implement conservation actions for the species.

In order to promote the necessary free and open exchange of information and continued discussions with interested parties, the Service is reopening the comment periods on the proposed listings of the Lake Erie water snake and the copperbelly water snake until September 30, 1995. If the listing moratorium is extended or shortened the Service will modify, by **Federal Register** notice, the closing date of these comment periods, as appropriate.

The Service recognizes that there are no explicit provisions in the Endangered Species Act for this additional evaluation and clarification

process. We take very seriously our role in evaluating species for listing and our statutory duty to consider the best available scientific and commercial data. We believe that this additional open comment period will allow a full and fair hearing of all information presented concerning these two snakes.

Public Comments Solicited

The Service intends that any final actions resulting from the two August 18, 1993, proposals will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning these proposed rules

continue to be solicited by the Service. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to these species;

(2) The location of any additional populations of these species and the reasons why any habitat should or should not be determined to be critical habitat pursuant to section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of the two species;

(4) Current or planned activities in the subject areas and their possible impacts on these species.

Any final promulgation of the regulations on these species will take

into consideration the comments and any additional information received by the Service; such communications may lead to final regulations that differ from the proposals of August 18, 1993.

Author

This notice was prepared by Ronald L. Refsnider (see **ADDRESSES** section).

Authority: The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et. seq.*).

Dated: July 6, 1995.

John G. Rogers,

Acting Director, Fish and Wildlife Service.

[FR Doc. 95-20109 Filed 8-14-95; 8:45 am]

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