

accordance with good agricultural practice.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 1, 2, 21 and 94

[ET Docket No. 95-183; PP Docket No. 93-253; DA 96-455]

#### 37.0-38.6 GHz and 38.6-40.0 GHz Bands and Implementation of Section 309(j) of the Communications Act—Competitive Bidding

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; denial of request for extension of time.

**SUMMARY:** The Commission denies an extension of time for filing reply comments in this proceeding on licensing and technical rules for fixed point-to-point microwave operations in the 37.0-38.6 GHz and 38.6-40.0 GHz bands. This action is taken because the filing dates were previously extended and it is the Commission's policy that extensions of time not be routinely granted. The intended effect of this action is to expedite the resolution of the issues raised in this proceeding.

**DATES:** Reply comments were due on April 1, 1996.

**ADDRESSES:** Federal Communications Commission, 1919 M Street N.W., Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Freda Lippert Thyden, Wireless Telecommunications Bureau, (202) 418-0627.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order, DA 96-455, adopted March 28, 1996 and released March 28, 1996. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C. 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, N.W., Washington, D.C. 20037.

By this action, we deny a third extension of time in which to file reply comments in this proceeding. (61 FR 2465, January 26, 1996). Bachow and Associates, Inc. ("Bachow"), requested that the time for filing reply comments in this proceeding be extended from April 1, 1996 to April 22, 1996.

By way of background, on January 16, 1996, the Commission's Office of Engineering Technology, on its own motion, extended the initial comment and reply comment period in the above-captioned proceeding from January 16, 1996, and January 31, 1996, respectively, to February 12, 1996, and February 27, 1996, respectively. On February 9, 1996, the Private Wireless Division further extended the deadline for filing comments and replies to March 4, 1996, and April 1, 1996, respectively, at the request of Winstar Wireless Fiber Corporation, GHz Equipment Company, Inc., and the Fixed Point-to-Point Communications Section, Network Equipment Division of the Telecommunications Industry Association (61 FR 6809, February 22, 1996).

Bachow contends that the volume of comments, the number and complexity of the issues involved and the initial delay in availability of filed comments necessitate an extension of three weeks for the filing of replies. We disagree. The facts of this case do not warrant what, in essence, would be a third extension of the filing period. It is the policy of the Commission that extensions of time not be routinely granted. Upon granting the last extension, the public was fully apprised of our increasing concern over the delay in this proceeding. In requesting additional time, Bachow has failed to cite any convincing reason for again postponing the deadline for filing reply comments.

#### Ordering Clauses

Accordingly, it is hereby ordered that the Motion for Extension of Time to File Reply Comments filed by Bachow and Associates, Inc., on March 25, 1996 is denied.

This action is taken pursuant to the authority provided in Section 1.46 of the Commission's Rules.

Federal Communications Commission.

Robert H. McNamara,

*Chief, Private Wireless Division, Wireless Telecommunications Bureau.*

[FR Doc. 96-10165 Filed 4-30-96; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### 49 CFR Parts 1100 Through 1149

[STB Ex Parte No. 527]

#### Expedited Procedures for Processing Rail Rate Reasonableness, Exemption and Revocation Proceedings

**AGENCY:** Surface Transportation Board.

**ACTION:** Advance notice of proposed rulemaking; extension of comment due date.

**SUMMARY:** The original comment due date in this proceeding of May 6, 1996, is extended to May 20, 1996, at the request of the Association of American Railroads (AAR), Edison Electric Institute (EEL), National Grain & Feed Association (NG&FA), National Industrial Transportation League (NITL), The Society of the Plastics Industry, Inc. (SPI), and Western Coal Traffic League (WCTL).

**DATES:** Comments are due on May 20, 1996.

**ADDRESSES:** Send comments (an original and 10 copies) referring to STB Ex Parte No. 527 to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Ave., N.W., Washington, DC 20423-0001. Parties are encouraged to submit all pleadings and attachments on a 3.5-inch diskette in WordPerfect 5.1 format.

**FOR FURTHER INFORMATION CONTACT:** Thomas J. Stilling, (202) 927-7312. (TDD for the hearing impaired: (202) 927-5721.)

**SUPPLEMENTARY INFORMATION:** On March 22, 1996, an Advance Notice of Proposed Rulemaking (ANPR) was served and published in the Federal Register, at 61 FR 11799, soliciting comments on how existing regulations could be modified to expedite the handling of rail rate reasonableness and exemption/revocation proceedings. On April 19, 1996, AAR, EEL, NG&FA, NITL, SPI, and WCTL jointly requested an extension of the comment due date until May 20, 1996, so that they can better respond to the ANPR. Because the parties requesting the extension represent a significant segment of railroad and shipper interests that are seeking "to identify and develop consensus positions on the major issues," the due date for comments is extended to May 20, 1996. Given our tight statutory deadline, we do not anticipate further extensions.

Decided: April 26, 1996.

By the Board, Linda J. Morgan, Chairman.  
Vernon A. Williams,  
Secretary.  
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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AD07

#### Endangered and Threatened Wildlife and Plants; Proposed Establishment of a Nonessential Experimental Population of the Mexican Gray Wolf in Arizona and New Mexico

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) proposes to reintroduce the endangered Mexican gray wolf (*Canis lupus baileyi*) into two designated recovery areas within the subspecies' probable historic range. The Blue Range Wolf Recovery Area consists of the entire Apache and Gila National Forests in east-central Arizona and west-central New Mexico. The White Sands Wolf Recovery Area consists of all land within the boundary of the White Sands Missile Range in south-central New Mexico together with designated land immediately to the west. The wolves reintroduced into these areas are classified as one nonessential experimental population under section 10(j) of the Endangered Species Act (Act) of 1973, as amended. The proposed rule sets forth management directions and provides for limited allowable legal take of wolves within a defined Mexican Wolf Experimental Population Area.

**DATES:** Comments from all interested parties must be received by July 1, 1996.

**ADDRESSES:** Send comments and materials concerning this proposal to the Mexican Wolf Recovery Program, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103-1306. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address. Copies of the draft Environmental Impact Statement or its summary can be obtained at this address.

**FOR FURTHER INFORMATION CONTACT:** Mr. David R. Parsons (see **ADDRESSES** section) at telephone 505/248-6920; or facsimile 505/248-6922.

#### SUPPLEMENTARY INFORMATION:

##### Background

**Legislative:** The Endangered Species Act Amendments of 1982, Pub. L. 97-304, made significant changes to the Act, including the creation of section 10(j), which provides for the designation of specific populations of listed species as "experimental populations." Under previous authorities of the Act, the Service was permitted to reestablish (reintroduce) populations of a listed species into unoccupied portions of its historic range for conservation and recovery purposes. However, local opposition to reintroduction efforts, stemming from concerns by some about potential restrictions, and prohibitions on Federal and private activities contained in sections 7 and 9 of the Act, reduced the effectiveness of reintroduction as a management tool.

Under section 10(j), a population of a listed species reestablished outside its current range but within its probable historic range may be designated as "experimental," at the discretion of the Secretary of Interior (Secretary), if reintroduction of the experimental population furthers the conservation of the listed species. An experimental population must be separate geographically from nonexperimental populations of the same species. Designation of a population as experimental increases the Service's management flexibility.

Additional management flexibility exists if the Secretary finds the experimental population to be "nonessential" to the continued existence of the species. For purposes of section 7 (except section 7(a)(1), which requires Federal agencies to use their authorities to conserve listed species), nonessential experimental populations located outside national wildlife refuge or national park lands are treated as if they are proposed for listing. This means that Federal agencies are under an obligation to confer (as if the species were only proposed for listing) as opposed to consult (required for a listed species) on any actions authorized, funded, or carried out by them that are likely to jeopardize the continued existence of the species. Nonessential experimental populations located on national wildlife refuge or national park lands are treated as threatened, and formal consultation may be required. Activities undertaken on private lands are not affected by section 7 of the Act unless they are authorized, funded, or carried out by a Federal agency.

Individual animals used in establishing an experimental population can be removed from a source

population if their removal is not likely to jeopardize the continued existence of the species (see Findings Regarding Reintroduction, below), and a permit has been issued in accordance with 50 CFR Part 17.22.

The Mexican wolf was listed as an endangered subspecies on April 28, 1976 (41 FR 17742). The gray wolf species in North America south of Canada was listed as endangered (except in Minnesota where it was listed as threatened) without reference to subspecies on March 9, 1978 (43 FR 9607). The Mexican Wolf Recovery Plan was adopted by the Directors of the Service and the Mexican Direccion General de la Fauna Silvestre in 1982. The plan guides recovery efforts for the subspecies, laying out a series of recommended actions. The recovery plan is currently being revised, and the revised document will more precisely define the points at which downlisting and delisting will occur.

**Biological:** This proposed experimental population rule addresses the Mexican wolf (*Canis lupus baileyi*), an endangered subspecies of gray wolf that was extirpated from the southwestern United States by 1970. The gray wolf (*C. lupus*) is native to most of North America north of Mexico City. An exception is in the southeastern United States, which was occupied by the red wolf (*C. rufus*). The gray wolf occupied areas that supported populations of hooved mammals (ungulates), its major food source.

The Mexican wolf historically occurred over much of New Mexico, Arizona, Texas, and northern Mexico, mostly in or near forested, mountainous terrain. Numbering in the thousands before European settlement, the Mexican wolf declined rapidly when its reputation as a livestock killer led to concerted eradication efforts. Other factors contributing to its decline were commercial and recreational hunting and trapping of wolves; killing of wolves by game managers on the theory that more game animals would be available for hunters; habitat alteration; and human safety concerns (although no documentation exists of Mexican wolf attacks on humans).

The subspecies is now considered extirpated from its historic range in the southwestern United States because no wild wolf has been confirmed since 1970. Occasional sightings of "wolves" continue to be reported from United States locations, but none have been confirmed through clear evidence. Recent field research has revealed no confirmed reports of wolves remaining in Mexico. Investigations are continuing.