

(iii) The signature of a principal or attorney if so represented.

(2) After receipt of the requests from the applicants, the Commission, if this summary procedure is considered appropriate, will issue a notice designating the comparative criteria upon which the applications are to be evaluated. Each applicant will be requested to submit, within a specified period of time, additional information concerning its proposal relative to the comparative criteria.

(3) Within thirty (30) days following the due date for filing this information, competing applicants, potential customers, and other persons with relevant knowledge may submit concise, factual comments on the proposals to the Commission.

(4) Within fifteen (15) days following the due date for the filing of comments the competing applicants may submit concise, factual replies to these comments to the Commission.

[FR Doc. 86-10549 Filed 5-9-86; 8:45 am]
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47 CFR Part 97

[PR Docket No. 85-22, FCC 86-201]

Amateur Radio Service; Frequency Coordination of Repeaters

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document adopts rules to make amateur stations in repeater or auxiliary operation mutually responsible to resolve any interference between them, unless the operation of one is coordinated and the other is not. In the latter case, the non-coordinated repeater has primary responsibility to resolve the interference. These rules are being adopted in order to significantly reduce the number of repeater interference disputes by encouraging their resolution through voluntary prior coordination.

EFFECTIVE DATE: 0001 UTC July 12, 1986.

FOR FURTHER INFORMATION CONTACT: John J. Borkowski, Private Radio Bureau (202) 632-4964.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, PR Docket No. 85-22, adopted April 21, 1986 and released May 2, 1986.

The full text of Commission decisions are available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, Northwest, Washington, DC. The complete text of this decision may also be purchased from the Commission's

copy contractor, International Transcription Service (202) 857-3800, 2100 M Street, Northwest, Suite 140, Washington, DC 20037.

Summary of Report and Order

1. In a notice of proposed rule making, PR Docket No. 85-22, 50 FR 6219, February 14, 1985, the FCC proposed to amend the rules in the Part 97 Amateur Radio Service to provide that amateur stations in repeater operation would be mutually responsible to resolve interference between them unless one's operation was coordinated and the other's was not. In that case, the non-coordinated repeater would have primary responsibility to resolve the interference. These rules were proposed in order to significantly reduce the number of repeater interference disputes.

2. The Notice also sought comment on a wide variety of issues related to amateur repeater coordination. Most of the commenters supported the proposed rules in some form. Some commenters favored a national coordinator to promote uniformity and to minimize favoritism; more than twice as many opposed a national coordinator and instead supported local coordination with a national umbrella entity as most responsive to local needs.

3. The comments were divided on other related subjects, such as whether to require frequency coordination, use of spectrum-efficient technologies, a national database, FCC recognition of coordination, repeater licensing, open and closed repeaters, and uniform band plans.

4. The Commission decided to adopt the proposed rules with the addition of auxiliary stations, as recommended by several commenters. The Commission decided not to require a national coordinator, but to encourage evolution of a voluntary national coordination umbrella entity and a national repeater data base. No other requirements, such as mandatory coordination, mandatory use of particular technologies, FCC recognition of coordinators, repeater licensing, or uniform band plans were imposed. The Commission indicated that such requirements were premature, and should not be considered unless adoption of the proposed rules does not accomplish the desired objective: to significantly reduce the number of repeater interference disputes.

5. The new rules require that a frequency coordinator be recognized as such by all amateur operators eligible to engage in repeater operation in the coordinated area. This is because a local coordinator's authority is derived from the entire local amateur

community. Also, by making non-coordinated repeaters primarily, rather than solely, responsible to resolve interference associated with a coordinated repeater, the Commission continued to make coordinated repeaters secondarily responsible. This permits local coordinators and the FCC to consider technical alternatives, questions of equity, and spectrum efficiency in reaching the most reasonable solution.

6. In accordance with Section 605 of the Regulatory Flexibility Act of 1980 (5 U.S.C. 605) we certified in the Notice of Proposed Rule Making, supra, in this proceeding that these rules would not, if promulgated, have a significant economic impact on a substantial number of small entities.

7. The new rules adopted herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or record keeping, labeling, disclosure, or record retention requirements; and will not increase or decrease burden hours imposed on the public.

Ordering Clauses

8. Accordingly, it is ordered, that effective 0001 UTC July 12, 1986, Part 97 of the Commission's rules (47 CFR Part 97) is amended as shown in the Appendix attached hereto. The authority for this action is found in sections 4(i) and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303.

9. It is further ordered, that this proceeding is terminated.

List of Subjects in 47 CFR Part 97

Amateur radio; Repeaters.

William J. Tricarico,
Secretary.

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 97—AMATEUR RADIO SERVICE

1. The authority citation for Part 97 continues to read:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

2. Paragraphs (k), (r) and (aa) of § 97.3 are revised to read as follows:

§ 97.3 Definitions.

(k) *Coordinated station operation.* The repeater or auxiliary operation of an amateur station for which the transmitting and receiving frequencies have been implemented by the licensee

in accordance with the recommendation of a frequency coordinator.

(r) *Harmful interference.* Interference which seriously degrades, obstructs or repeatedly interrupts the operation of a radiocommunication service.

(aa) *Frequency coordinator.* An individual or organization recognized in a local or regional area by amateur operators whose stations are eligible to engage in repeater or auxiliary operation which recommends frequencies and, where necessary, associated operating and technical parameters for amateur repeater and auxiliary operation in order to avoid or minimize potential interference.

§ 97.67 [Amended]

3. Paragraph (c) of § 97.67, including the table contained therein, is removed and reserved.

4. Paragraph (g) of § 97.85 is revised to read as follows:

§ 98.85 Repeater operation.

(g) Where an amateur radio station in repeater or auxiliary operation causes harmful interference to the repeater or auxiliary operation of another amateur radio station, the two stations are equally and fully responsible for resolving the interference unless one station's operation is coordinated (see § 97.3(k)) and the other's is not. In that case, the station engaged in the non-coordinated operation has primary responsibility to resolve the interference.

APPENDIX 5 TO PART 97—[REMOVED AND RESERVED]

5. Appendix 5 to Part 97 is removed and reserved.

[FR Doc. 86-10551 Filed 5-9-86; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of *Iliamna corei* (Peter's Mountain mallow) To Be an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines *Iliamna corei* (Peter's Mountain mallow)

to be an endangered species. This plant, which occurs as a single population in western Virginia, will now be provided the protection of the Endangered Species Act of 1973, as amended. Its continued existence is threatened by the encroachment of competing vegetation, browsing by white-tailed deer, habitat degradation, and low reproductive potential. The population, which occurs on land now partially owned by The Nature Conservancy, was reduced in total area and number of plants by construction of a hiking trail in the early 1970's. Although the trail has now been abandoned, hikers occasionally follow the old path through the colony. Critical habitat is not being determined.

DATE: The effective date of this rule is June 11, 1986.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Service's Regional Office, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

FOR FURTHER INFORMATION CONTACT: Richard W. Dyer at the above address (617/965-5100 or FTS 829-9316).

SUPPLEMENTARY INFORMATION:

Background

Peter's Mountain mallow is a member of the family Malvaceae (mallow family) presently known to exist in only one small population in western Virginia. The population occurs on private land, partially owned by The Nature Conservancy, near the summit of Peter's Mountain in Giles County. The perennial plants are 20 to 36 inches (0.5 to 0.9 meters) tall and resemble small hollyhocks with large rose or light pink flowers 1 to 2 inches (2.5 to 5.0 centimeters) across. The short-stalked, odorless, flowers occur in terminal clusters or in the axils of the upper leaves in late July and August.

When the population was first discovered by Dr. Earl Core in 1927 (Strausbaugh and Core 1932), approximately 50 plants were growing vigorously in the soil-filled pockets and crevices of an exposed sandstone outcrop. The plants were in full sunlight and produced an "abundant supply of seeds." The Peter's Mountain site was visited periodically in ensuing years and "40 clumps, with 1 to 15 plants in each clump" were counted in 1962 (Keener and Hardin 1962). The plants were noted as being scattered through a 30-by-150-foot (9-by-45-meter) area following the ridge contour. Although the interpretation and counting of clumps, stems, or plants has not been uniformly applied over the years, there is little doubt that the population has declined

considerably, as only 5 plants and 32 stems were observed in September 1985.

Considerable debate has existed among botanists as to the taxonomic distinction between *Iliamna corei* and a closely related species, *Iliamna remota*, which is also a candidate for Federal listing. Because of the confusion, significant points in the taxonomic history of these two taxa will be summarized. The first collections of *Iliamna remota* were made in 1872, by E.J. Hill, on a gravelly island in the Kankakee River near Alton, Illinois. The distinct nature of the species was not recognized at that time and the plants were identified as a western species of mallow, *Sphaeralcea acerifolia*, which occurs in the Rocky Mountains from Colorado to British Columbia. In 1899, Dr. Edward L. Greene examined the Illinois plants, recognized differences between them and the widespread western species, and described the Kankakee River plants as *Iliamna remota*. Meritt L. Fernald transferred the Kankakee plants to the related genus *Sphaeralcea* under the name *Sphaeralcea remota* in the seventh edition of *Gray's Manual of Botany* (Fernald 1908). Seeking to clarify the situation for the second edition of *An Illustrated Flora of the United States, Canada and the British Possessions from Newfoundland to the Parallel of the Southern Boundary of Virginia and from the Atlantic Ocean Westward to the 102nd Meridian*, Nathaniel Lord Britton called upon Earl E. Sherff for assistance in obtaining specimens from the Kankakee Island site. Sherff visited the site with the original discoverer, Mr. Hill, in 1912. They found a vigorous colony and obtained several plants for analysis. Dr. Britton then named the species as *Phymosia remota*.

Twenty years then passed before P.D. Strausbaugh and Dr. Earl Core published an account (Strausbaugh and Core 1932) of Dr. Core's discovery of *Phymosia remota* on Peter's Mountain in August of 1927. Dr. Sherff was particularly interested in reading of the discovery because of the remarkable distance between the two populations and the differences in habitat types, i.e., mountain outcrop versus river island. Of equal interest to Sherff was a statement in the article that the Kankakee River population had been destroyed.

Sherff returned to the Kankakee River site in 1945, discovered "hundreds of plants flourishing" on the now abandoned island, and began a detailed study comparing the Illinois and Virginia populations. Dr. Sherff concluded that the Peter's Mountain and the Kankakee River plants appropriately

belonged to the same species, but that the Virginia plants were a different variety, which he named *Iliamna remota* var. *corei* (Sherff 1946). Later he concluded in fact that they were two separate species and in 1949 named the Peter's Mountain plants *Iliamna corei* (Sherff 1949). Sherff's work has been the most comprehensive analysis published to date of the two populations. Although Kartesz (Kartesz and Kartesz 1980) synonymized *Iliamna corei* under *Iliamna remota*, there appears to be no definitive and specific work on which to base that conclusion. The most recent work on the two species was conducted by William A. Pusateri, while a graduate student at Miami University. Although he has not yet completed his investigations, he is of the opinion that Sherff's conclusion on the distinctiveness of the two species is correct (Pusateri, personal communication).

Although *Iliamna remota* is also a candidate for Federal listing, sufficient information is not on hand to justify a proposal at this time. At least three wild or perhaps introduced populations of *Iliamna remota* are known to exist, and the literature refers to additional populations being established in home gardens and other "secure places." The original Kankakee River island site is also now protected as a State ecological preserve.

Iliamna corei was designated as a category-1 candidate for Federal listing in the Service's Federal Register Notice of Review of plant taxa for listing as endangered or threatened on December 15, 1980 (45 FR 82480). Category-1 taxa are defined as species for which sufficient information is on hand to support the biological appropriateness of proposing to list. The Endangered Species Act Amendments of 1982 required that all petitions pending as of October 13, 1982, be treated as having been newly submitted on that date. The species listed in the December 15, 1980, Notice of Review were treated as if they had been petitioned, and the deadline for making a finding on such species, including *Iliamna corei*, was October 13, 1983. On October 13, 1983, and again on October 12, 1984, the petition finding was made that listing of *Iliamna corei* was warranted, but precluded by other pending listing actions, in accordance with section 4(b)(3)(B)(iii) of the Act. Such findings require a recycling of the petition pursuant to section 4(b)(3)(C)(i) of the Act. The proposed rule of September 3, 1985 (50 FR 35584), constituted the Service's final positive petition finding on this species.

Summary of Comments and Recommendations

In the September 3, 1985, proposed rule (50 CFR 35584) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. The Virginia Department of Agriculture and Consumer Services, the Giles county government, conservation organizations, and other interested parties were contacted and requested to comment. A notice inviting general public comments was also published in a local newspaper. Three comments were received, all of which supported the proposed rule. The comments are discussed below.

The Virginia Department of Agriculture and Consumer Services is responsible for plant conservation and protection in the state. The Department supported the proposed rule and stated it was also initiating action to list the species as endangered under the Virginia Endangered Plant and Insect Species Act. A "Notice of Intent" has been published in the *Virginia Register* and the Department plans to initiate public hearings on the listing early in 1986.

The Virginia Chapter of The Nature Conservancy also commented in favor of the proposed rule and provided up-to-date information on the status of the species and threats to its continued existence. The Conservancy recently acquired one-quarter interest in the property where the plants occur. This will greatly expedite the implementation of needed management actions including the removal of competing vegetation and control of browsing by white-tailed deer.

A private citizen also commented on the proposed rule expressing his interest in assisting in the development of the species' recovery plan.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Iliamna corei* should be classified as an endangered species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 et seq.) and regulations promulgated to implement the listing provisions of the Act (50 CFR Part 424) were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Iliamna corei*

(Sherff) Sherff (Peter's Mountain mallow) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Habitat degradation is the primary threat to the continued existence of *Iliamna corei*. The encroachment of competing vegetation and the subsequent reduction of direct sunlight reaching the plants appear to be major factors in the reduced size and reproductive vigor of the population. Historical references indicate that the population on the sandstone outcrop was previously open to a great deal more direct sunlight than is the case today. The growth of the forest canopy has been a factor, but the major threat is competition from an introduced herbaceous species, *Polymnia canadensis* (Canadian leafcup). Previous publications that list the woody and herbaceous plants growing in association with *Iliamna corei* (e.g., Keener and Hardin 1962) make no reference to the leafcup, which now dominates the site. How the leafcup became established is open to speculation, but establishment could have been expedited by the completion of a nearby power transmission line or the construction of a hiking trail. Although the trail has now been abandoned, a number of *Iliamna* plants were destroyed when the trail was built through the colony.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Scientific collecting has been a problem, as many botanists have visited the site since the original discovery in 1927 to collect herbarium specimens. Local professors and students have visited the site for educational purposes.

The population was once more vigorous and larger in numbers and in size, and some collecting might have been tolerated. Any further collecting, however, could be extremely detrimental. There is no known record of commercial collection for horticultural purposes; however, whole plants, fruits, and seeds have been taken for private purposes, particular for home gardens.

C. *Disease or predation.* White-tailed deer have been known to heavily browse the plants and appear to be a significant factor in reducing or suppressing the population.

D. *The inadequacy of existing regulatory mechanisms.* The Commonwealth of Virginia does not presently protect *Iliamna corei* under State law but has initiated action to list the plant. Under the State's Endangered Plant and Insect Species Act it is

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Malvaceae—Mallow family:						
<i>Iliamna corei</i>	Peter's Mountain mallow	U.S.A. (VA)	E	230	NA	NA

Dated: April 18, 1986.

P. Daniel Smith,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86-10530 Filed 5-9-86; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

[Docket No. 60229-6072]

Atlantic Surf Clam and Ocean Quahog Fisheries

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

ACTION: Final rule.

SUMMARY: NOAA issues this rule to implement revised Amendment 6 to the Fishery Management Plan for Atlantic Surf Clam and Ocean Quahog Fisheries (FMP). The rule establishes quarterly quotas and effort control measures for the Nantucket Shoals Area surf clam fishery, provides for adjustment of New England surf clam quotas between quarterly periods and years, and prohibits more than one surf clam trip during an authorized surf clam fishing period in the Mid-Atlantic Area. The intended effect of the rule is to augment the management program for surf clams on Nantucket Shoals and Georges Bank, and to foreclose opportunities for fishing outside of authorized Mid-Atlantic surf clam fishing periods.

EFFECTIVE DATE: June 6, 1986.

ADDRESSES: Copies of the revised amendment, environmental assessment, and the final regulatory impact review/regulatory flexibility analysis are available from Mr. John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 South New Street, Dover, Delaware 19901.

FOR FURTHER INFORMATION CONTACT: Bruce Nicholls, 617-281-3600 ext. 263.

SUPPLEMENTARY INFORMATION: Amendment 6 to the FMP was prepared by the Mid-Atlantic Fishery Management Council (Council) in consultation with the New England Fishery Management Council. A notice

of availability for Amendment 6 was published in the **Federal Register** on April 25, 1985 (50 FR 16326). A proposed rule with request for comments was published in the **Federal Register** on May 29, 1985 (50 FR 21910). A final rule implementing approved portions of Amendment 6 was published in the **Federal Register** on August 14, 1985 (50 FR 32707). The Council reviewed the reasons for partial disapproval and submitted a revised amendment. The proposed rule was published February 25, 1986 (51 FR 6571). The revised amendment has been approved and this rule implements the revised amendment.

Comments on the revised amendment were received from the Coast Guard, the New England Fishery Management Council, and from one New England surf clam processing venture.

Comment 1: The Georges Bank surf clam quota should be increased and the quarterly allocations altered to provide equal amounts of surf clams in each quarter.

Response: The portions of Amendment 6 dealing with the Georges Bank Area were approved during 1985. The revised amendment does not affect the Georges Bank Area management program. Revisions to that management program can be considered as part of Amendment 7 to the FMP, now in early planning stages.

Comment 2: The 5,000-bushel threshold for adjusting quarterly and annual New England area quota harvest shortfalls is inconsistent with the automatic adjustment of overages. The commenter cannot understand the rationale for the 10 percent of annual quota limit on adjustments.

Response: The criteria established in the revised amendment for quarterly quota adjustments in New England management areas makes those adjustment provisions consistent with those successfully employed in the Mid-Atlantic for the past 8 years. Because harvest volumes vary so greatly in New England, the limiting factor of 10 percent provided for in the revised FMP amendment is necessary to avoid exceeding OY (optimum yield).

Comment 3: The one trip per mid-Atlantic surf clam fishing period limit may encourage vessel overloading and can be easily circumvented unless all

landings are monitored by enforcement personnel.

Response: NOAA disagrees. The Council included this measure to foreclose opportunities to fish outside of authorized surf clam fishing periods. The prohibition on more than one trip per authorized fishing period will make enforcement of the fishing time restrictions more direct by limiting the number of contacts required between enforcement agents and vessels. This landing limit does not force fishermen to overload their vessels. Any such action by a vessel captain will be a personal decision not condoned by NMFS nor required by regulations.

This rule divides the annual quota for the Nantucket Shoals Area into quarterly quotas, and allows the Regional Director to impose trip landing limits, after 50 percent of a quarterly harvest quota has been caught, to minimize the possibility of fishery closures. The first and fourth quarters (January-March and October-December) are each allocated 20 percent of the annual quota; the second and third quarters (April-June and July-September) are each allocated 30 percent of the annual quota. The unused portion of any quarterly quota is transferred into the next quarter, except no more than 10 percent of the annual quota may be carried over from one year to the next if it has not been harvested.

This rule continues management of the Mid-Atlantic Area surf clam fishery unchanged, with the exception that § 652.7(n) and § 652.22(a)(2)(iii) are revised to add a provision prohibiting vessels from making more than one surf clam trip during an authorized surf clam fishing period in the Mid-Atlantic Area, as discussed above.

The regulatory changes included in the revised amendment required reorganization and subdivision of existing regulatory text in §§ 652.7, 652.21 (b) and (c), and 652.22(b)(2). This reorganization has not resulted in any substantive changes beyond those discussed in this preamble and the revised amendment. Section 652.22(a)(2) is reorganized to make it consistent with other paragraphs without changing its substance.