

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 99-218, adopted June 9, 1999, and released June 24, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 Twelfth Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800, facsimile (202) 857-3805.

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* contact.

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.

**John A. Karousos,**

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

[FR Doc. 99-16430 Filed 6-28-99; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 99-229, RM-9479]

#### Radio Broadcasting Services; Dayton, Incline Village, and Reno, NV

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition jointly filed by Salt Broadcasting, L.L.C., licensee of Station KTHX-FM, Incline Village, NV, and Americom Las Vegas Limited Partnership, licensee of Station KRNO-FM, Reno, NV. Petitioners request: (1) the substitution of Channel 261C1 for

Channel 261C2 at Incline Village, its reallocation to Dayton, as the community's first local aural service, and the modification of Station KTHX-FM's license to specify both the higher class channel and Dayton as its community of license; and (2) the reallocation of Channel 295C from Reno to Incline Village and the modification of Station KRNO-FM's license to specify Incline Village as its community of license. Channel 261C1 can be allotted to Dayton with a site restriction of 36.8 kilometers (22.9 miles) northeast, at coordinates 39-29-27 NL; 119-19-03 WL, to accommodate petitioner's desired transmitter site. Channel 295C can be allotted to Incline Village with a site restriction of 10.1 kilometers (6.3 miles) northeast, at coordinates 39-18-38 NL; 119-53-01 WL, which represents Station KRNO-FM's presently licensed transmitter site.

**DATES:** Comments must be filed on or before August 9, 1999, and reply comments on or before August 24, 1999.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Dennis P. Corbett, Ross G. Greenberg, Leventhal, Senter & Lerman, P.L.L.C., 2000 K Street, NW, Suite 600, Washington, D.C. 20006-1809 (Counsel to petitioners).

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99-229, adopted June 9, 1999, and released June 18, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

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

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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.

**John A. Karousos,**

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

[FR Doc. 99-16432 Filed 6-28-99; 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; 90-day Finding for a Petition To List the Plant "Esenbeckia runyonii" (Limoncillo) as Endangered

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

**ACTION:** Notice of petition finding.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce a 90-day finding for a petition to list *Esenbeckia runyonii* (limoncillo) as endangered under the Endangered Species Act of 1973, as amended. This small tree is known from Cameron County, Texas, and from the states of Tamaulipas, Nuevo Leon, San Luis Potosi, Queretaro, and Hidalgo in Mexico. We find that the petition failed to present substantial information indicating that listing this species may be warranted.

**DATES:** The finding announced in this document was made on June 3, 1999.

**ADDRESSES:** Data, information, comments, or questions concerning this petition finding should be submitted to the U.S. Fish and Wildlife Service, Ecological Services Field Office, c/o Texas A&M University-Corpus Christi, Campus Box 338, 6300 Ocean Drive, Corpus Christi, Texas 78412. The petition finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Robyn Cobb, c/o Texas A&M University-Corpus Christi Field Office (see **ADDRESSES** section) (telephone 512/994-9005; facsimile 512/994-8262).

#### 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 we

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. This finding is to be based on all information available to us at the time the finding is made. To the maximum extent practicable, we make this finding within 90 days of the date the petition was received, and notice of the finding must be published promptly in the **Federal Register**. If the finding is that substantial information was presented, we are also required to promptly commence a review of the status of the species involved if one has not already been initiated under our internal candidate assessment process.

We have made a 90-day finding on a petition to list the plant *Esenbeckia runyonii* (limoncillo). The petition, dated June 28, 1994, was submitted by Joe Ideker, Secretary of the Native Plant Project, and was received by the Service on July 5, 1994. The petitioner requested that we list *E. runyonii* as endangered. Action on this petition was delayed by a listing moratorium (Public Law 104-6, April 10, 1995) and rescission of listing program funding in Fiscal Year 1996. This moratorium was subsequently lifted and listing program funding restored on April 26, 1996. On May 16, 1996 (61 FR 24722) the Service issued guidance for priorities in restarting the listing program. This 90-day finding was precluded by the Service's listing priority guidance for Fiscal Year 1997, finalized December 5, 1996 (61 FR 64475). With the publication of listing priority guidance for Fiscal Years 1998 and 1999 on May 8, 1998 (63 FR 25502) the Service returned to a more balanced listing program. The processing of petition findings to add species to the list of threatened and endangered species have significant conservation benefit and these actions are now placed in Tier 2.

The petitioner states that all but one of the four (perhaps five) historically known U.S. populations of this small tree have been lost due to habitat destruction and that the remaining U.S. population consists of 15 plants occurring on less than 0.4 hectare (ha) (1 acre (ac)) of a Lower Rio Grande Valley National Wildlife Refuge (LRGV-NWR) tract. The petitioner states that this population is vulnerable to destruction from catastrophic events such as hurricanes, freezes, or fires. The petitioner mentions two unverified groups of *E. runyonii* plants in a Brownsville, Texas, park that are threatened by construction of a road to the Los Tomates Bridge. We investigated these plants and found them to be

*Crescentia alata*, a trifoliolate-leaved species in the bignonia family. The petitioner notes that other *E. runyonii* populations occur in Mexico, but provides no information on these populations.

Cameron County, Texas, on the U.S./Mexico border, is the northern range limit of *E. runyonii*. Populations in Mexico are known from the states of Tamaulipas, Nuevo Leon, San Luis Potosi, Queretaro, and Hidalgo (F. Gonzalez-Medrano, Instituto de Biologia, Mexico City, Mexico, *in litt.* 1994; Kaastra 1982; A.M. Olivo, Instituto de Ecologia y Alimentos, Ciudad Victoria, Tamaulipas, Mexico, *in litt.* 1994; J.M. Poole, Texas Parks and Wildlife Department, Austin, Texas, *in litt.* 1994). Information from herbarium specimens at the Missouri Botanical Garden (J.M. Poole, *in litt.* 1994), Universidad Autonoma de Tamaulipas (A.M. Olivo, *in litt.* 1994), Universidad Nacional Autonoma de Mexico, Mexico, D.F. (F. Gonzalez-Medrano, *in litt.* 1994), and Kaastra (1982) indicate at least 45 collection sites in Mexico. Chiang (1989) notes a collection by Pringle in Nuevo Leon that may represent an additional site. The species is also known from the canyons of the Sierra de Picachos (Nuevo Leon) and the El Cielo (Tamaulipas) bioserve (C. Best, LRGV-NWR, Alamo, Texas, pers. comm. 1994).

*Esenbeckia runyonii* populations in Mexico occur primarily in moist canyons on rocky talus slopes (C. Best, pers. comm. 1994; F. Gonzalez-Medrano, *in litt.* 1994). This habitat is vastly different from the floodplain delta of the Rio Grande where the species occurs in the United States.

The petition indicates a willingness to list only the Texas population of this plant until further studies are done on the populations in Mexico. The Act allows the listing of distinct population segments of vertebrate fish or wildlife species, but does not extend the same option to plants or invertebrate animals. The listing of any plant or invertebrate animal must include all populations within the species' historical range.

We have reviewed the petition and appended data, and other literature and information available in our files. On the basis of the best scientific and commercial information available, we find that the petition does not present substantial information that listing this species may be warranted. The petition includes no information regarding distribution, population sizes, or threats to *E. runyonii* in Mexico, which constitutes most of the species' documented range (Kaastra, 1982). Information readily available to us

indicates that while the U.S. populations have been reduced from four to one, the populations in Mexico appear to be relatively abundant and under no immediate threat that would justify listing the species as endangered or threatened.

#### References Cited

- Chiang, F. 1989. *Casimiroa greggii*, formerly in *Sargentia* (Rutaceae) Taxon 38:116-119.  
Kaastra, R.C. 1982. Flora Neotropica, Monograph Number 33, Pilocarpinae (Rutaceae). New York Botanical Garden, Bronx, New York.

Author: The primary author of this document is Angela Brooks, formerly of the Corpus Christi Ecological Services Field Office (See ADDRESSES).

#### Authority

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

Dated: June 3, 1999.

**Jamie Rappaport Clark,**

Director, Fish and Wildlife Service.

[FR Doc. 99-16418 Filed 6-28-99; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 990506119-9119-01; I.D. 040799B]

RIN 0648-AM66

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

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**SUMMARY:** NMFS issues proposed regulations to implement certain provisions of a regulatory amendment prepared by the Gulf of Mexico Fishery Management Council (Council) in accordance with framework procedures for adjusting management measures of the Reef Fish Resources of the Gulf of Mexico (FMP). These proposed regulations would set the opening date of the recreational red snapper fishing season at March 1, beginning with the