

Inert ingredients	Limits	Uses
Poly(vinylpyrrolidone) (CAS Reg. No. 9003-39-8), minimum number-average molecular weight 4,000..		Surfactant, related adjuvants of surfactant.

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 [FR Doc. 94-21103 Filed 8-30-94; 8:45 am]
 BILLING CODE 6560-50-F

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17 **178-94**

Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition to Remove the Northern Spotted Owl in California From the List of Threatened and Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition finding.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day finding on a petition to remove the northern spotted owl (*Strix occidentalis caurina*) in California from the list of species protected under the Endangered Species Act of 1973, as amended (Act). The Service finds that the petition does not present substantial information indicating the requested action may be warranted.

ADDRESSES: Data, information, comments or questions concerning the status of the petitioned subspecies described below should be submitted to the Field Supervisor, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room E-1803, Sacramento, California 95825-1846. The petition, finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

DATES: The finding announced in this notice was made on August 3, 1994. Comments and materials related to this petition finding may be submitted to the Field Supervisor at the above address until further notice.

FOR FURTHER INFORMATION CONTACT: Phillip J. Detrich at the above address (916/978-4866).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Act (16 U.S.C. 1533) requires that the Service

make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating 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 Service finds that a petition presents substantial information indicating that the requested action may be warranted, the Service then initiates a status review on that species. Section 4(b)(3)(B) of the Act requires the Service to make a finding as to whether or not the petitioned action is warranted within 1 year of the receipt of a petition that presents substantial information.

On October 7, 1993, the U.S. Department of Interior received a petition from the California Forestry Association, Sacramento, California, requesting removal of the northern spotted owl in California from the List of Endangered and Threatened Wildlife. The petition, supporting documentation, and other documents have been reviewed to determine whether substantial information has been presented indicating that the requested action may be warranted.

The northern spotted owl is a subspecies found in forested environments of western Washington, western Oregon, and northwestern California. On June 26, 1990, the Service published a final rule in the Federal Register listing the subspecies as threatened (55 FR 26114). The subspecies was listed because of widespread destruction and modification of its habitat and existing regulatory mechanisms were inadequate to control further habitat loss. Critical habitat for the subspecies was designated on January 15, 1992 (57 FR 1796).

Detailed descriptions of the biology of the subspecies may be found in the listing notices cited above, in Thomas *et al.* (1990), and in the draft recovery plan for the species (USDI 1992). The known habitat for the northern spotted owl in most of its range is old-growth coniferous forest, which was found to have declined substantially due to timber harvest. As recognized in the

final rule, northern spotted owls also were found in managed, second-growth forests in limited portions of the range, particularly in the coastal region of California, where coastal redwood (*Sequoia sempervirens*) is the dominant coniferous species. However, because the coastal redwood region constitutes only about 7 percent of the range of the subspecies and because available scientific studies indicated that the owl was primarily found in old-growth or mature stands in most of its range, these limited occurrences in managed timberlands were not of sufficient importance to prevent the listing of the subspecies. Recent surveys indicate that over 40 percent of the subspecies' known population in California is found in managed timberlands.

The petition to delist was submitted based on regulations at 50 CFR 424.11(d)(3), which state that a species may be delisted when "Subsequent investigations may show that the best scientific or commercial data available when the species was listed, or the interpretation of such data, were in error." The petitioner contends that "(1) the northern spotted owl in California is a delistable unit; (2) the population is large and well-distributed; (3) the habitat used by the population is stable and likely to increase; (4) models used to analyze trends at the time of the listing are oversimplified and misleading; and (5) a detailed model (prepared by the petitioner) predicts that the population is stable and the forests of northern California are completely packed with owl territories."

The Act defines the term "species" to include any subspecies of fish, wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife that interbreeds when mature. Although the Service has used international boundaries to define distinct vertebrate population segments, the Service has recently denied petitions to list species within certain states on the grounds that the requested listing did not involve a distinct vertebrate population segment—for example, the northern goshawk (*Accipiter gentilis*) in New Mexico and Arizona (57 FR 28474) and the lynx (*Felis lynx canadensis*) in the north Cascades of Washington (58 FR 36924).

The Service determines that substantial information has not been presented indicating that the requested action may be warranted. This conclusion is based upon the following: the northern spotted owls in California do not constitute a distinct vertebrate population segment (a discrete group that is markedly separated from other populations of the same taxon). In large part because California Forest Practice Rules seem to be providing habitat that supports large numbers of the subspecies, the Service may propose to lift prohibitions against incidental take of northern spotted owls, where timber harvest is conducted in accordance with California law. The Service conducts ongoing status reviews for all listed species and will continue to evaluate the information provided by the petitioner as part of the status review on the northern spotted owl. This finding is based on scientific information contained in the petition and on information otherwise available to the Service at this time.

References Cited

- Detrich, P.J., G.I. Gould, Jr., and D.M. Solis. In press. Status of spotted owl populations and management efforts in California. *Trans. West. Sec. Wildl. Soc.* Vol. 29. Sacramento, California.
- Smith, R. N. 1992. Declaration to U.S. Ninth Circuit Court of Appeals. *Marbled Murrelet v. Lujan*, 92-36705. September 22, 1992.
- Thomas, J.W., E.D. Forsman, J.B. Lint, E.C. Meslow, B.R. Noon, and J. Verner. 1990. A conservation strategy for the northern spotted owl. Washington, D.C.: U.S. Govt. Printing Off.
- U.S. Department of Agriculture, Forest Service, and U.S. Department of Interior, Bureau of Land Management. 1993. Draft environmental impact statement on management of habitat for late-

successional and old-growth forest related species within the range of the northern spotted owl. Portland, Oregon.

U.S. Dept. of Interior. 1992. Final draft recovery plan for the northern spotted owl. Washington, D.C.: U.S. Govt. Printing Off.

Author

The primary author of this notice is Phillip J. Detrich (see ADDRESSES section).

List of Subjects in 50 CFR Part 17

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

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Public Law 99-625, 100 Stat. 3500; unless otherwise noted.

Dated: August 3, 1994.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

[FR Doc. 94-21517 Filed 8-30-94; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 622, 625, 628, 649, 650, 651, 652, and 655

[Docket No. 930771-4237; I.D. 071994A]

Northeast Region General Fisheries Permit and Reporting Procedures

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

ACTION: Withdrawal of proposed rule.

SUMMARY: NMFS withdraws its proposed regulations for consolidating

permit and reporting requirements. NMFS has determined that fishery-specific reporting requirements are necessary.

FOR FURTHER INFORMATION CONTACT:

Bridgette S. Davidson, Fishery Management Specialist, 508-281-9347.

SUPPLEMENTARY INFORMATION: On

October 14, 1993, NMFS published proposed regulations (58 FR 53172) to consolidate NMFS Northeast Regional administrative and permitting provisions in a new part 622 of title 50 CFR. This rule proposed to amend 50 CFR parts 625, 628, 649, 650, 651, 652, and 655 by consolidating the permitting, recordkeeping and reporting provisions of these parts into a new part 622. The purpose was to eliminate redundancy, ensure consistency, and ease revision of permitting requirements.

Since the proposed rule was published, many of the regulatory provisions affected have been extensively revised by FMP amendments. The proposed rule is now obsolete because the regulations it proposed to change no longer exist. In addition, although the permit application has remained essentially the same for all the fisheries affected, the major provisions for each of these regulations, e.g., the requirements, qualifications, and restrictions, are now fishery-specific. For these reasons, this proposed rule is withdrawn.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 24, 1994.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

[FR Doc. 94-21390 Filed 8-30-94; 8:45 am]

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