

“Not Elsewhere Classified.” This definition provides that a small entity is one with \$11 million or less in annual receipts. 13 CFR 121.201, Standard Industrial Classification (SIC) Code 4899. According to the SBA, the Census Bureau estimates that there are approximately 631 entities providing communications services, not elsewhere classified. Of those, between 401 and 631 reported annual receipts of less than \$9.999 million or less and would qualify as small entities subject to the proposed rules.<sup>2</sup> More precise data is not available.

The proposed Notice requires Comsat Corporation (“Comsat”) to provide information concerning existing and future capacity in the INTELSAT system necessary for us to make the determination required by the ORBIT Act. The Commission also may seek information directly from INTELSAT if necessary and appropriate. Comsat’s 1999 revenues were in excess of \$11 million. Thus, Comsat does not qualify as a small entity under the SBA’s definition. U.S. carriers and users, including any small entities, that may be affected indirectly, would likely benefit from the proposed action.

#### IV. Description of Projected Reporting, Recordkeeping or Other Compliance Requirements

The proposals in the Notice are not expected to result in any additional reporting, recordkeeping and other compliance.

#### V. Steps Taken To Minimize Significant Economic Burden on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

Without prejudgment as to whether it will determine that “sufficient opportunity” exists, the Commission is

seeking comment on alternatives for “appropriate action” should it determine that sufficient opportunity does not exist for users and service providers to access INTELSAT directly. The Commission tentatively concludes that the first option for resolving this problem should be commercial solutions between Comsat and users and service providers. It also seeks comment on possible regulatory action should commercial negotiations fail to yield a solution. The intent of any regulatory action would be to permit users and service providers, including small entities, to benefit from the availability of direct access to INTELSAT space segment capacity to meet service or capacity requirements. We do not expect the proposals to cause any economic burden to small entities, and seek comment on any issues pertinent to this.

#### VI. Federal Rules That Overlap, Duplicate, or Conflict With These Proposed Rules

None.

#### List of Subjects in 47 CFR Part 25

Satellites.

Federal Communications Commission.  
Magalie Roman Salas,  
Secretary.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 16

#### Injurious Wildlife; Review of Information Concerning Black Carp (*Mylopharyngodon piceus*)

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

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The U.S. Fish and Wildlife Service is reviewing available economic and biological information on the black carp (*Mylopharyngodon piceus*) for possible addition to the list of injurious wildlife under the Lacey Act. The importation and introduction of *M. piceus* into the natural ecosystem of the United States may pose a threat to native mollusk and fish populations. Listing *M. piceus* as injurious would prohibit its importation into, or transportation between, the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any territory or possession of

the United States, with limited exceptions. This notice seeks comments from the public to aid in determining if a proposed rule is warranted.

**DATES:** Comments must be submitted on or before August 1, 2000.

**ADDRESSES:** Comments may be mailed or sent by fax to the Chief, Division of Fish and Wildlife Management Assistance, U.S. Fish and Wildlife Service, 1849 C Street, NW, Mail Stop 840 ARLSQ, Washington, DC 20240, or FAX (703) 358-2044.

**FOR FURTHER INFORMATION CONTACT:** Susan Mangin, Division of Fish and Wildlife Management Assistance at (703) 358-1718.

**SUPPLEMENTARY INFORMATION:** In a February 24, 2000, letter to the Director of the U.S. Fish and Wildlife Service, the Mississippi Interstate Cooperative Resource Association (MICRA) expressed concern that *Mylopharyngodon piceus* posed a threat to native fish and mollusk populations. MICRA requested that the Director take the necessary steps to list *M. piceus* as an injurious species of wildlife.

*M. piceus* is a freshwater fish that inhabits lakes and lower reaches of rivers. It is native to most major Pacific drainages of eastern Asia and highly esteemed as a food fish in China. *M. piceus* was introduced into the United States in the early 1970s as a “contaminant” in imported grass carp stocks. A second introduction occurred in the 1980s for yellow grub control and as a food fish.

*M. piceus* larvae and fingerlings feed on zooplankton, while larger *M. piceus* feed on benthic organisms with shells. Because the species commonly feeds on mollusks, *M. piceus* is considered an effective method of biological control of snails.

*M. piceus* spawn in rivers, and their eggs are pelagic or semipelagic and drift downstream. They are annual spawners, with spawning triggered by water temperature, rising water levels, and availability of food. Research has indicated that pond-cultured females can produce an average of 65,000 eggs per kg (29,000 per lb.) of body weight.

The Lacey Act (18 U.S.C. 42) and implementing regulation in 50 CFR part 16 restrict the importation into or the transportation of live wildlife or eggs thereof between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any territory or possession of the United States of any nonindigenous species of wildlife determined to be injurious or potentially injurious to certain interests, including those of agriculture, horticulture, forestry, the health and

<sup>2</sup> U.S. Bureau of the Census, U.S. Department of Commerce, 1992 Census of Transportation, Communications, and utilities, UC92-S-1, Subject Series, Establishment and Firm Size, Table D, Employment size of Firms: 1992, SIC Code 4899 (May 1995).

welfare of human beings, and the welfare and survival of wildlife and wildlife resources in the United States. However, injurious wildlife may be imported by permit for zoological, educational, medical, or scientific purposes in accordance with permit regulations at 50 CFR 16.22, or by Federal agencies without a permit solely for their own use. If the process initiated by this notice results in the addition of *M. piceus* to the list of injurious wildlife contained in 50 CFR part 16, their importation into the United States would be prohibited except under the conditions, and for the purposes, described above.

This notice solicits economic, biologic, or other information concerning *M. piceus*. The information will be used to determine if the species is a threat, or potential threat, to those interests of the United States delineated above, and thus warrants addition to the list of injurious wildlife in 50 CFR 16.13. The information will also assist us in preparing impact analyses and examining alternative protective measures under the Regulatory Flexibility Act (5 U.S.C. 601).

**Authority:** This notice is issued under the authority of the Lacey Act (18 U.S.C. 42).

Dated: May 16, 2000.

**Jamie Rappaport-Clark,**

*Director, U.S. Fish and Wildlife Service.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AF45

#### Endangered and Threatened Wildlife and Plants; Reopening of Comment Period and Notice of Public Hearing on Proposed Rule To List the Southwestern Washington/Columbia River Coastal Cutthroat Trout in Washington and Oregon as Threatened

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

**ACTION:** Proposed rule; reopening of comment period and notice of public hearing.

**SUMMARY:** The U.S. Fish and Wildlife Service (FWS) gives notice of a public hearing on the proposed rule to list the southwestern Washington/Columbia River coastal cutthroat trout in Washington and Oregon. In addition, the comment period which originally closed on May 15, 2000, will be

reopened. The new comment period and hearing will allow all interested parties to submit oral or written comments on the proposal.

**DATES:** The comment period for this proposal now closes on July 3, 2000. Any comments received by the closing date will be considered in the final decision on this proposal. The public hearing will be held from 1 p.m. until 3 p.m. and from 6 p.m. until 8 p.m. on June 20, 2000, in Ilwaco, Washington.

**ADDRESSES:** The public hearing will be held at the Ilwaco Heritage Museum, 115 SE Lake Street, Ilwaco, Washington. Written comments and materials should be sent to Kemper McMaster, State Supervisor, Oregon Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2600 SE 98th Avenue, Suite 100, Portland, Oregon 97266. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above FWS address.

**FOR FURTHER INFORMATION CONTACT:**

Kemper McMaster, at the above Portland, Oregon address, phone 503-231-6179, facsimile 503-231-6195, for written comments or Gerry Jackson, State Supervisor, Western Washington Fish and Wildlife Office, 510 Desmond Dr., Suite 102, Lacey, Washington, phone 360-753-9440, facsimile 503-231-9008 for information on the public hearing.

**SUPPLEMENTARY INFORMATION:**

#### Background

On April 5, 1999, the National Marine Fisheries Service (NMFS) and the Fish and Wildlife Service (FWS) published a notice in the **Federal Register** (64 FR 16397) proposing to list the coastal cutthroat trout (*Oncorhynchus clarki clarki*) population in southwestern Washington and the Columbia River, excluding the Willamette River above Willamette Falls, as threatened pursuant to the Endangered Species Act of 1973, as amended (Act). The FWS published a notice in the **Federal Register** (65 FR 20123) on April 14, 2000, to extend the deadline from April 5, 2000, to October 5, 2000 for the final action on the proposed rule to list this population in Washington and Oregon; and to provide a 30-day comment period. The 6-month extension was necessary to obtain and review new information needed to resolve substantial scientific disagreement about the status of this population.

In response to a request for a public hearing during the public comment period for the 6-month extension, the FWS will hold a public hearing on the

date and address described in the **DATES** and **ADDRESSES** sections above.

Anyone wishing to make an oral statement for the record is encouraged to provide a written copy of their statement and present it to the FWS at the hearing. In the event there is a large attendance, the time allotted for oral statements may be limited. Oral and written statements receive equal consideration. There are no limits to the length of written comments presented at the hearing or mailed to the FWS. Legal notices announcing the date, time, and location of the hearing will be published in newspapers concurrently with the **Federal Register** notice.

Comments from the public regarding the accuracy of this proposed rule are sought, especially regarding: (1) Biological or other relevant data concerning any threat to cutthroat trout; (2) The range, distribution, and population size of coastal cutthroat trout in southwestern Washington and the Columbia River; (3) Current or planned activities in the subject area and their possible impacts on the species; (4) Cutthroat trout escapement, particularly escapement data partitioned into natural and hatchery components; (5) The proportion of naturally reproducing fish that were reared as juveniles in a hatchery; (6) Homing and straying of natural and hatchery fish; (7) The reproductive success of naturally reproducing hatchery fish and their relationship to southwestern Washington and the Columbia River coastal cutthroat trout populations; and (8) Efforts being made to protect native, naturally reproducing populations of coastal cutthroat trout.

Reopening of the comment period will enable the FWS to respond to the request for a public hearing on the proposed action. The comment period on this proposal closes on July 3, 2000. Written comments should be submitted to the FWS office listed in the **ADDRESSES** section.

#### Author

The primary author of this notice is Jim Muck (Fish and Wildlife Service, Western Washington Office, 510 Desmond Dr. SE, Suite 102, Lacey, Washington, 98503).

#### Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544).

Dated: May 12, 2000.

**Thomas J. Dwyer,**

*Acting Regional Director.*

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