PART 721—[AMENDED]

1. The authority citation for part 721 would continue to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

§§ 721.700, 721.2840, 721.2860, 721.2880, 721.2940, 721.3200, 721.4640, 721.5990, 721.8125, 721.9260, 721.9780, 721.9962 [Removed]

2. By removing § § 721.700, 721.2840, 721.2860, 721.2880, 721.2940, 721.3200, 721.4640, 721.5990, 721.8125, 721.9260, 721.9780, and 721.9962.

[FR Doc. 97–32180 Filed 12–8–97; 8:45 am]

BILLING CODE 6560–50–F

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 Delist the Red Wolf

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: The Fish and Wildlife Service (Service) announces a 90-day finding for a petition to delist the red wolf (*Canis rufus*) under the Endangered Species Act of 1973, as amended. The Service finds that the petition did not present substantial scientific or commercial information indicating that delisting this species may be warranted.

DATES: The finding announced in this notice was made on August 28, 1997.

ADDRESSES: Information, comments, or questions regarding this petition may be submitted to the Red Wolf Recovery Coordinator, U.S. Fish and Wildlife Service, 160 Zillicoa Street, Asheville, North Carolina 28801. 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: V. Gary Henry (704/258–3939, Ext. 226) at the above address.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information demonstrating that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of receipt of the petition, and the finding is to be published promptly in the **Federal Register**. If the petition is found to present the required information, the Service is also required to promptly commence a review of the status of the species.

The Service has made a finding on a petition to delist the red wolf (*Canis rufus*). The petition, dated August 5, 1995, was submitted by Mr. Rob Gordon, Executive Director, National Wilderness Institute, and was received by the Service on August 15, 1995.

The processing of this petition conforms with the Service's final listing priority guidance published in the **Federal Register** on December 5, 1996 (61 FR 64475). The guidance clarifies the order in which the Service will continue to process the backlog of rulemakings during fiscal year 1997 following two related events: (1) the lifting, on April 26, 1996, of the moratorium on final listings imposed on April 10, 1995 (Public Law 104–6), and (2) the restoration of significant funding for listing through passage of the omnibus budget reconciliation law on April 26, 1996, following severe funding constraints imposed by a number of continuing resolutions between November 1995 and April 1996. The guidance calls for giving highest priority to handling emergency situations (tier 1), second highest priority (tier 2) to resolving the listing status of the outstanding proposed listings, and third priority (tier 3) to resolving the conservation status of candidate species and processing administrative findings on petitions. The processing of this petition falls under tier 3. At this time, the Southeast Region has no pending tier 1 actions and pending tier 2 actions are near completion. Additionally, the guidance states that ''effective April 1, 1997, the Service will concurrently undertake all of the activities presently included in Tiers 1, 2, and 3'' (61 FR 64480). The Service announced an extension on October 23, 1997 (62 FR 55268), of the guidance for fiscal year 1997. The 1997 guidance will remain in effect until final guidance for fiscal year 1998 is published in the **Federal Register**.

The petition presents the contention that the red wolf is a gray wolf (*Canis lupus*)/coyote (*C. latrans*) hybrid and references six literature citations to support the discussion of wolf/coyote hybridization. One of these citations includes four separate papers. The petition also cites two references regarding the reason for delisting other species. The petitioner concluded that those delistings were due to errors in the original data and contends that delisting the red wolf is also valid because of original data error. The petitioner also contends that since the red wolf is a cross between two species that are secure and plentiful, the red wolf is not the best available repository of genetic material of an endangered species that could be recovered through back-breeding.

The Service has reviewed the petition, the literature cited in the petition, other available literature and data, and has consulted with experts on wolves and molecular genetics. On the basis of the best scientific and commercial information available, the Service finds that the petition does not present substantial information indicating that delisting this species may be warranted. The following three points summarize the reasons for this finding:

1. Neither the submitted data nor other available data provides conclusive evidence for the contention that the red wolf is a wolf/coyote hybrid.

The petition included attached literature references. These references consisted of a July 1995 *Scientific American* article by Robert K. Wayne and John L. Gittleman and the list of further reading references in that same article. The petition states that substantial new evidence in the form of peer-reviewed scientific papers demonstrates the hybrid origin of the red wolf, and references the research of Wayne and Gittleman as the basis, thus indirectly focusing on the Wayne and Gittleman article. This article is not a peer-reviewed paper and only the senior author has published original research regarding the red wolf. The Service has reviewed the references, along with other data, to determine their content, significance, and relevance to the petitioned action. The Service views the data presented in the petition as (1) a selective misrepresentation of the information contained in the cited references and (2) a misrepresentation of the available scientific and commercial data.

An earlier petition to delist the red wolf as a hybrid based on the mitochondrial DNA (mtDNA) results of Wayne and Jenks (1991) was found not to present substantial information to indicate that delisting was warranted (57 FR 1246; 1992). Much of the supporting evidence for that conclusion is repeated in the finding for this petition. However, the primary focus in this finding is the results and interpretations regarding the nuclear DNA results of Roy *et al.* (1996); Roy *et al.* (1994); and Roy *et al.* (1994).

2. The petition misinterprets recent DNA data as constituting conclusive evidence of hybrid origin of the red wolf.

The DNA studies referenced in the petition support the hypothesis of past hybridizations between the three *Canis* species and that the extent of hybridization between wolves and coyotes in the southeastern United States was extensive. However, the data do not provide evidence of any continuing coyote influence on nuclear DNA in red wolves, and selective captive breeding provides a likely scenario for the possible elimination of such coyote nuclear DNA from existing red wolves. The data do not provide conclusive evidence of the hybrid origin of red wolves or any evidence of phenotypic, morphological, or behavioral traits of coyotes persisting in red wolves.

3. The best scientific and commercial data available support the continued listing of the red wolf.

The Service is required to use the best scientific and commercial data available when making a decision regarding listing or delisting. As discussed above, the scientific data supporting hybridization in red wolves came from a few related studies. These studies suggest past hybridization, but provide no support for continuing hybridization in the existing red wolf populations. The remainder of the relevant scientific data shows that historic and current red wolves lack coyote, gray wolf, or hybrid phenotypic and morphological traits. Dowling *et al.* (1992) and Cronin (1993) specifically address the fact that all available data must be applied to the question and that molecular characters are only one piece of the puzzle and are no more valid than other types of scientific evidence, including morphology, behavior, ecology, ontogeny, and paleontology.

References Cited

A complete list of all references cited herein, as well as others, is available upon request from the Red Wolf Recovery Coordinator (see **ADDRESSES** section).

Author. The primary author of this document is V. Gary Henry, Red Wolf Recovery Coordinator (see **ADDRESSES** section).

Authority

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

Dated: August 28, 1997.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 97–31837 Filed 12–8–97; 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: Reopening of Comment Period on Status Review for Cheetah in Namibia

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of status review; reopening of comment period.

SUMMARY: The Service gives notice that the comment period on the status review of the Cheetah in Namibia, as initiated in response to a petition to reclassify the species in that country from endangered to threatened, will be reopened.

DATES: Comments and information may be submitted through February 1, 1998.

ADDRESSES: Comments, information, and questions should be submitted to the Chief, Office of Scientific Authority; Room 750, 4401 North Fairfax Drive; U.S. Fish and Wildlife Service; Arlington, Virginia 22203 (Fax number 703–358–2276). The petition finding, supporting data, and comments will be available for public inspection, by appointment, from 8 a.m. to 4 p.m., Monday through Friday, at this address.

FOR FURTHER INFORMATION CONTACT:

Dr. Charles W. Dane, Chief, Office of Scientific Authority, at the above address (phone 703–358–1708).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 19, 1996 (61 FR 11181), the U.S. Fish and Wildlife Service (Service) announced the 90-day finding that a petition to reclassify the cheetah (*Acinonyx jubatus*) in Namibia from endangered to threatened had presented substantial information indicating that the requested action may be warranted. A status review was initiated, with the original comment period ending July 17, 1996. Subsequently, the Service received two new documents that may have major relevance to this issue: a management plan for the cheetah prepared by the Government of Namibia and a final report on a cheetah workshop held by the World Conservation Union (IUCN). In order to consider this new information and any comments thereon, the Service has decided to reopen the comment period until February 1, 1998, and will provide copies of the indicated documents upon request. All comments and information will be considered in making a final decision on whether the requested action is warranted, and will be included in the administrative record.

Authority: Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: November 19, 1997.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 97–31970 Filed 12–8–97; 8:45 am]

BILLING CODE 4310–55–M