of patented land owned by the Smoky Valley Common Operation. The proposed facilities would comprise an expansion of the existing operation at the Round Mountain Mine to improve the recovery of gold from ore that is being mined from the existing open pit. Ancillary facilities would include a new primary crusher; a power line; fresh water, reclaim water, and tailings pipelines; and a septic system. The proposed facilities would be located on approximately 757 acres of public land administered by the BLM, Battle Mountain District Office, Tonopah Resource Area. Construction is scheduled to begin in 1996; operation of the mill and tailings facility would begin in 1997 and continue until 2008.

This full-text Final EIS analyzes the environmental impacts associated with the proposed mill and tailings facility and ancillary facilities, a range management alternative, an alternative tailings impoundment site, and the no action alternative. In addition, the Final EIS analyzes potential impacts associated with pit dewatering and pit water quality, and the leach offload piles. Issues analyzed in the Final EIS include geology and minerals, water resources, soils and watershed, vegetation, wildlife and fisheries, range resources, paleontological resources, cultural resources and Native American traditional and religious values, air quality, access and land use, recreation and wilderness, social and economic values, visual resources, noise, and hazardous materials.

Public participation has occurred throughout the EIS process. A Notice of Intent to prepare an EIS was published in the Federal Register in August 1993, and an open scoping period was held for 120 days. Two public scoping meetings to solicit comments and ideas were held in November 1993, and a newsletter was issued to keep the public informed of the progress of the EIS. A Notice of Availability for the Draft EIS was published in the Federal Register in September 1995. The Draft EIS was issued to the public and agencies in September 1995, and comments on the document were accepted during a 60-day comment period. Comments were also accepted during two public comment meetings on the Draft EIS, held in October 1995.

The Final EIS contains in its entirety the analyses originally published in the Draft EIS as well as responses to public comments received during the public comment period. The comments received include 15 letters and 2 public meeting transcripts, which are reproduced in the Final EIS. These comments have been responded to by clarifying or updating the analyses, making factual revisions, or explaining why a comment does not warrant further response.

Comments on the Final EIS, if any, will be reviewed to determine if they have merit (i.e., if they identify significant issues not previously addressed or introduce new significant information). If so, the official responsible for preparing the EIS will determine whether additional analysis is warranted. If not, a Record of Decision will be issued following the 30-day availability period for this Final EIS.

A copy of the Final EIS will be sent to all individuals, agencies, and groups who have expressed interest in the project or as mandated by regulation or policy.

Dated: February 5, 1996.

Thomas H. Jury,

Acting District Manager.

[FR Doc. 96–3091 Filed 2–12–96; 8:45 am]

BILLING CODE 4310–HC-P

[AZ-933–06–1310–01; AZA 26597]

Oil and Gas Leases: Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed reinstatement of Terminated Oil and Gas Lease.

SUMMARY: Under the provisions of Public Law 97–451, a petition for reinstatement of oil and gas lease AZA 26597 for lands in Mohave County, Arizona, was timely filed and was accompanied by all required rental and royalties accruing from June 1, 1995, the date of termination. The lessee has met all the requirements for reinstatement of the lease as set out in Sections 31(d) and (e) of the Mineral Leasing Act of 1920 (30 USC 188), and the Bureau of Land Management is proposing to reinstate the lease effective June 1, 1995, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited below.

FOR FURTHER INFORMATION CONTACT: Mary Hyde, BLM Arizona State Office, P.O. Box 16563, Phoenix, Arizona 85011, (602) 650–0518.

SUPPLEMENTARY INFORMATION: No valid lease has been issued affecting the lands. The lessee has agreed to new lease terms for rentals and royalties at rates of $5 per acre or fraction thereof, and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and has reimbursed the Bureau of Land Management for the cost of the Federal Register notice.

Dated: January 25, 1996.

Mary Jo Yoas,

Chief, Lands and Mineral Operations Section.

[FR Doc. 96–3092 Filed 2–12–96; 8:45 am]

BILLING CODE 4310–32–P

Fish and Wildlife Service

Availability of a Draft Environmental Assessment and Receipt of an Application for an Incidental Take Permit of the Atlantic Coast Piping Plover in Massachusetts

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Massachusetts Division of Fisheries and Wildlife has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(a) of the Endangered Species Act (Act). The requested permit, which is for a period of two years, would authorize the incidental take of the threatened piping plover (*Charadrius melodus*) in Massachusetts. The proposed take would occur as a result of specific actions relating to the management of recreational use of beaches where breeding piping plovers are found.

The Service has prepared a draft environmental assessment (EA) for the incidental take application. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the application and EA should be received on or before March 14, 1996.

ADDRESSES: Written comments regarding the application and requests for copies of the draft EA and the conservation plan should be addressed to Field Supervisor, New England Field Office, 22 Bridge St., Unit 1, Concord, New Hampshire 03301–4986, telephone (603) 225–1411. Comments regarding the conservation plan will be forwarded to the Massachusetts Division of Fisheries and Wildlife for review and response.

FOR FURTHER INFORMATION CONTACT: Susanna L. von Oettingen at the above address.

SUPPLEMENTARY INFORMATION: The Atlantic Coast piping plover was listed as a threatened species on January 10, 1986. Because of its listing as threatened, the piping plover is protected by the Act's prohibitions against ''take''. However, the Service may issue permits to carry out otherwise prohibited activities involving endangered and threatened wildlife

under certain circumstances. Regulations governing permits are at 50 CFR 17.22, 17.23 and 17.32. For threatened species, such permits are available for scientific purposes, incidental take, or special purposes consistent with the purposes of the Act.

The Massachusetts Division of Fisheries and Wildlife (Division) has applied to the Service for an incidental take permit pursuant to Section 10(a) of the Act. This permit would authorize the incidental take of piping plovers through otherwise lawful activities occurring on plover breeding beaches. 0.Included in the application is a conservation plan prepared by the Division detailing the activities that would result in incidental take and describing measures that mitigate, minimize and monitor the amount of take.

The draft revised recovery plan for the Atlantic Coast piping plover (U.S. Fish and Wildlife Service. 1995. Piping Plover (*Charadrius melodus*), Atlantic Coast Population, Revised Recovery Plan. Technical/Agency Draft. Hadley, MA. 238pp) identified New England (which includes Massachusetts) as a recovery unit. Guidelines in the draft recovery plan state that permits for incidental take that will reduce the productivity of breeding piping plovers should only be allowed in recovery units where the subpopulation has achieved at least 70% of its portion of the recovery goal. As of 1995, the piping plover population in the New England recovery unit had reached 89% of the recovery goal (555 pairs) specified in the draft recovery plan. Furthermore, under an intensive management program, the Massachusetts piping plover population has increased more than three-fold over the last eight years, from 126 pairs in 1987 to 445 pairs in 1995.

The purpose of the proposed incidental take permit is to provide increased flexibility in managing Massachusetts beaches for use by recreationists and homeowners, while assuring continued progress toward the recovery of the Massachusetts and Atlantic Coast populations of the piping plover. The additional flexibility in managing beaches will prevent a disproportionate expenditure of resources directed at the protection of a few nests or broods in areas where they may significantly disrupt beach access by large numbers of people and be highly vulnerable to disturbance and/or mortality. Management flexibility also will create incentives for the continued participation by beach management agencies and organizations involved in protecting piping plovers.

The proposed action establishes strict eligibility criteria for landowners seeking to participate in permitted activities, and requires that these landowners make additional plover protection commitments, including the use of predator exclosures, prohibition of dogs, and plover monitoring and reporting. The proposed permit would be effective during the 1996 and 1997 plover breeding seasons. Authorized take would only affect piping plovers; take of other federally-listed species is specifically excluded from the proposed action.

Incidental take likely to occur on eligible sites may result from several management options outlined in the conservation plan. Landowners that choose to undertake such actions may apply to be included under the Division's proposed permit that will authorize the incidental take. Proposed authorized activities are (1) reduction of symbolically-fenced buffer areas around plover nests, applicable to one plover nest per site per year; (2) limited use of escorted off-road vehicle caravans or beach taxis for recreational access during periods when unfledged chicks are present on the beach; (3) use of essential vehicles during daylight hours without shorebird monitor escorts; (4) limited use of vehicles for homeowner access after dark through areas with unfledged chicks; and (5) moving eggs from heavily-used pedestrian or vehicle access points.

Take of piping plovers primarily will occur either through direct mortality of chicks, harassment of chicks or adults, or mortality of eggs that occurs as the result of nest abandonment or inadequate incubation or nest defense. As a result of these takings, overall reproductive success will be reduced at individual sites, and adverse effects may occur to immediate habitats of individual pairs or broods. However, the level of incidental take likely to occur will not reduce productivity enough to substantially slow progress toward recovery. Take that occurs as a result of a permit issued to the Division will not include mortality of adults, nor will actions undertaken within the scope of such a permit permanently degrade otherwise suitable habitat.

The Division has proposed to minimize and monitor the level of incidental take through a number of measures. Continued population growth over the duration of the permit should be ensured by conditioning the authorization of incidental take on maintaining average productivity of 1.5 chicks fledged per pair for the entire state, individual Management Units and individual sites. The conservation plan encompasses a sufficiently large geographic area that should some sites experience adverse effects from environmental or demographic stochasticity, unsuccessful management, or larger incidental take than predicted, those set-backs may be balanced by more favorable conditions or results of management elsewhere in the planning unit. Finally, the proposed permit duration of 2 years will allow for a relatively rapid evaluation of the conservation plan in light of management results and changes in the overall status of the Massachusetts and New England plover populations that may occur in 1996 and 1997.

Alternatives presented by the Division in the conservation plan are limited to the proposed action and the no-action alternative (continuation of current management recommendations without increased flexibility for limited take). In the draft EA, the Service considers four additional alternatives limitation of authorized take to pedestrian activities, limitation of authorized take to motorized activities, issuance of the permit for a duration of one year, and issuance of the permit for a duration of five years.

(**NOTICE:** Availability of a draft environmental assessment and receipt of an application for an incidental take permit of the Atlantic Coast piping plover in Massachusetts)

Dated: February 2, 1996.

Cathy Short,

Acting Regional Director, Region 5.

[FR Doc. 96–3145 Filed 2–12–96; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Hart Communication Foundation

Notice is hereby given that, on September 28, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* (''the Act''), Hart Communication Foundation (''HCF'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the identities of the new members are: Peek Measurement Ltd., Winchester, Hampshire, ENGLAND;