

The request for comment seeks to determine whether shift mechanisms that employ a non-serial method of gear selection would degrade safety, and if so, could the standard be amended so as to allow for their safe inclusion in motor vehicles. If NHTSA decides to initiate rulemaking, it is NHTSA's intent that the rulemaking not impose any additional costs.

Procedures for Filing Comments

Interested persons are invited to submit comments on this request for comment. It is requested but not required that two copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received after the comment due date will be considered as suggestions for any future rulemaking action. Comments on the request for comment will be available for inspection in the docket. NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

Issued on: May 29, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants: Finding on Petitions To Change the Status of Grizzly Bear Populations in the North Cascades Area of Washington and the Cabinet-Yaak Area of Montana and Idaho From Threatened to Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 12-month petition finding.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a recycled 12-month petition finding for two petitions to amend the List of Threatened and Endangered Wildlife. The Service finds that reclassification of grizzly bears (*Ursus arctos horribilis*) in the North Cascades Recovery Zone of Washington and Cabinet-Yaak Recovery Zone of Montana and Idaho from threatened to endangered status remains warranted but precluded.

DATES: The finding announced in this document was approved on June 1, 1998.

ADDRESSES: Questions or comments concerning this finding should be sent to U.S. Fish and Wildlife Service, Grizzly Bear Recovery Coordinator, University Hall 309, University of Montana, Missoula, Montana 59812. The petition, finding, and supporting data are available for public inspection by appointment during normal business hours at the above office.

FOR FURTHER INFORMATION CONTACT: Dr. Christopher Servheen, Grizzly Bear Recovery Coordinator (see **ADDRESSES** above) at telephone (406) 243-4903.

SUPPLEMENTARY INFORMATION: Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that for any petition to revise the Lists of Endangered and Threatened Wildlife and Plants that contains substantial scientific and commercial information, the Service make a finding within 12 months of the date of the receipt of the petition on whether the petitioned action is (a) not warranted, (b) warranted, or "warranted, but

precluded. Section 4(b)(3)(C) requires that petitions for which the requested action is found to be warranted but precluded should be treated as though resubmitted on the date of such finding, i.e., requiring a subsequent finding to be made within 12 months. The Service announces a new 12-month finding on two petitions requesting the reclassification of grizzly bears from threatened to endangered status.

The Service received a petition dated March 13, 1990, from the Humane Society of the United States, Greater Ecosystem Alliance, North Cascades Audubon Society, Kittitas Audubon Society, Pilchuck Audubon Society, Skagit Alpine Club, North Cascades Conservation Council, and Carol Rae Smith. The petition requested the Service to reclassify the grizzly bear in the North Cascades area of Washington State from threatened to endangered. The Service made a 90-day finding that the petition presented substantial information indicating that the requested action may be warranted. The Service announced the 90-day finding in the **Federal Register** on August 7, 1990, (55 FR 32103) and initiated a status review. The Service issued a 12-month finding that the petitioned action was warranted but precluded on July 24, 1991 (56 FR 33892).

A petition dated January 16, 1991, was received from Mr. D.C. Carlton on January 28, 1991. The petition requested the Service to reclassify the grizzly bear in the Selkirk ecosystem of Idaho and Washington; the Cabinet-Yaak ecosystem of Montana and Idaho; and the North Cascades ecosystem of Washington from threatened to endangered. A petition dated February 4, 1991, was received from the Fund for Animals, Inc., on February 7, 1991. The petition requested the Service to reclassify the grizzly bear in the Selkirk ecosystem of Idaho and Washington; the Cabinet-Yaak ecosystem of Montana and Idaho; the Yellowstone ecosystem of Montana, Wyoming, and Idaho; and the Northern Continental Divide ecosystem of Montana from threatened to endangered. On April 20, 1992 (57 FR 14372) the Service issued a 90-day finding that there was not substantial information to warrant the reclassification of the grizzly bear in the Yellowstone and Northern Continental Divide ecosystems, but there was substantial information to indicate that reclassification in the Selkirk and Cabinet-Yaak ecosystems may be warranted. At the same time, the Service initiated a status review. On February 12, 1993 (58 FR 8250) the Service issued a 12-month finding that reclassification in the Cabinet-Yaak ecosystem was

warranted but precluded and that reclassification in the Selkirk ecosystem was not warranted.

Section 4(b) of the Act states that the Service may make warranted but precluded findings only if it can demonstrate that (1) an immediate proposed rule is precluded by other pending proposals, and that (2) expeditious progress is being made on other listing actions. On September 21, 1983 (48 FR 43098), the Service published in the **Federal Register** its priority system for listing species under the Act. The system considers magnitude of threat, immediacy of threat, and taxonomic distinctiveness in assigning species numerical listing priorities on scale of one through twelve. The two grizzly bear populations discussed here have been assigned a listing priority of 6.

The magnitude of the threat to the continued existence of the North Cascades and Cabinet-Yaak grizzly bear populations remains high. The reasons for this are detailed in the Service's 12-month petition findings in 1991 for the North Cascades (56 FR 33892) and in 1993 for the Cabinet-Yaak (58 FR 8250). However, grizzly bear habitat protection in the North Cascades and the Cabinet-Yaak areas is facilitated by Federal ownership of most of the land within both recovery zones. In the North Cascades, large portions of the recovery zone are designated wilderness or lie within North Cascades National Park. In the Cabinet-Yaak there is some designated wilderness and additional proposed wilderness. All actions on Federal lands which may affect grizzly bears undergo consultation under section 7 of the Act. The Grizzly Bear Recovery Plan was revised in 1993 (U.S. Fish and Wildlife Service 1993) and a supplemental chapter specific to the North Cascades was completed in 1997 (U.S. Fish and Wildlife Service 1997). These plans outline grizzly bear habitat and population management policies to be applied in the North Cascades and the Cabinet-Yaak.

On private land, the northern portion of the planning area for the Plum Creek Timber Company Habitat Conservation Plan (HCP) is within the North Cascades grizzly bear recovery area. After approval of the HCP, an incidental take permit under Section 10(a)(1)(B) of the Act was issued to Plum Creek Timber Company in June of 1996. At present, grizzly bears are not known to be present in the HCP planning area. Plum Creek HCP calls for implementation of a series of Best Management Practices that will address two major habitat-related concerns for grizzly bears: open road density and habitat diversity. Best

Management Practices will include restriction of public use, reduction of open road density, maintenance of visual screening along open roads, and prohibition of firearms in company vehicles. Once the Service verifies that grizzly bears have recolonized the area, additional practices will be implemented to address road location, road closures, cover, size of openings, and timing of operations.

Potential threats to the continued existence of the grizzly bear populations in both recovery zones include low numbers of individuals, alteration of habitat, and human intrusion into grizzly habitat. Cumulative impacts of recreation, timber harvest, mining, and other forest uses with associated road construction can reduce the amount of effective habitat for grizzly bears. Potential threats to grizzly bear habitat and the animals remaining in the North Cascades and the Cabinet-Yaak areas persist, but are nonimminent. Prior to this notice, the Service reviewed the status of the finding on the Cabinet-Yaak population in September 1992 and March 1996, and the status of the finding on the North Cascades population in March 1993. In these reviews, the Service determined that the threats to the grizzly bear populations in the North Cascades and the Cabinet-Yaak ecosystems remain of high magnitude and of a nonimminent nature and that a listing priority of 6 for the petitioned reclassification remained appropriate.

On December 6, 1996, the Service adopted a listing priority guidance for Fiscal Year 1997 (61 FR 64475) and this guidance was extended on October 23, 1997. Final listing priority guidance for Fiscal Year 1998 and Fiscal Year 1999 was published in the **Federal Register** on May 8, 1998 (63 FR 25502). Both the Fiscal Year 1997 and 1998/1999 guidance described a multi-tiered listing approach that assigns relative priorities to listing actions to be carried out under Section 4 of the Act. This guidance supplements, but does not replace the 1983 listing priority guidelines.

Grizzly bear reclassification from threatened to endangered status in the North Cascades and Cabinet-Yaak recovery zones falls into Tier 3 under Fiscal Year 1997 guidance and under Tier 2 in the Fiscal Year 1998 guidance. In both guidance documents, determinations and processing of proposed listings to add new species to the lists of threatened and endangered species receives higher priority than reclassifications of already listed species. Because the Service must devote listing funds to addressing high priority candidate species, preparation

of a proposed rule to reclassify the grizzly bear in the North Cascades or Cabinet-Yaak ecosystems remains warranted but precluded by higher listing priorities.

Based on a review of the status and threats affecting the grizzly bear in the North Cascades and Cabinet-Yaak ecosystems, the Service finds that there is no information to indicate that a change in the listing priority of 6 is appropriate for either of these populations.

The Notice of Review of Plant and Animal Taxa published in the **Federal Register** on September 19, 1997 (62 FR 49397), provided a discussion of the expeditious progress made in the past year on listing decisions and recycling of petition findings throughout all regions of the Service. In that publication, the Service provided notice of review of 18 recycled petitions and described its progress in completing final listing actions for 152 taxa, proposed listing actions for 23 taxa, and proposed delisting action for one taxa.

Since publication of the 12-month finding on the Cabinet-Yaak ecosystem in 1993, the Service has made expeditious progress in making listing decisions on 14 candidate species in the Mountain-Prairie Region (Region 6). At the present time, there remain in Region 6 an additional 19 candidate species with listing priority numbers of 1-5. These listing priority numbers are higher than the listing priority number of 6 given to reclassification of the grizzly bear in the North Cascades and the Cabinet-Yaak ecosystems.

The Service reaffirms that both the North Cascades and Cabinet-Yaak populations of grizzly bears continue to face threats of high magnitude that are nonimminent, and therefore are assigned listing priorities of 6. Work on species with a listing priority of 6 is precluded by work on species of a higher priority.

Author: The primary author of this document is Wayne Kasworm, U.S. Fish and Wildlife Service, Missoula, Montana (see **ADDRESSES** above).

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

References Cited

- U.S. Fish and Wildlife Service. 1993. Grizzly bear recovery plan. Missoula, Montana. 181 pp.
- U.S. Fish and Wildlife Service. 1997. Grizzly bear recovery plan supplement: North Cascades Ecosystem Recovery Plan Chapter. Missoula, Montana. 28 pp.

Dated: June 1, 1998.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 222, 226, and 227

[I.D. 022398C]

Endangered and Threatened Species; Extension of Comment Periods; and Notice of Public Hearing on Proposed Listing and Proposed Designation of Critical Habitat for West Coast Chinook, Chum, and Sockeye and on Proposed Listing of West Coast Steelhead

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

ACTION: Proposed rule; public hearing and extension of public comment periods.

SUMMARY: NMFS is extending the public comment periods and a public hearing will be held on the proposed listings and designations of critical habitat for west coast chinook (*Oncorhynchus tshawytscha*), sockeye (*Oncorhynchus nerka*), and chum (*Oncorhynchus keta*) salmon and on the proposed listings of west coast steelhead (*Oncorhynchus mykiss*). NMFS has received a request for an additional public hearing to allow further opportunity for the public to participate in the exchange of information and opinion among interested parties and to provide oral and written testimony. NMFS, finding the request reasonable, has scheduled a public hearing and extended the public comment periods to facilitate the reception of public views.

DATES: The meeting date is June 11, 1998, 6:00 p.m. - 9:00 p.m. Written comments on the proposed chinook, sockeye, and chum listing and critical habitat designation and on the proposed steelhead listing must be received by June 30, 1998.

ADDRESSES: The meeting will be held at Cunha Intermediate School, Kelly and Church Streets, Half Moon Bay, CA 94019. Written comments on the proposed chinook rule and requests for reference materials should be sent to Chief, Protected Species Division, NMFS, 525 NE Oregon Street, Suite 500, Portland, OR 97232-2737.

FOR FURTHER INFORMATION CONTACT: Garth Griffin, (503) 231-2005; Craig Wingert, (562) 980-4021; or Joe Blum, (301) 713-1401. Copies of the **Federal Register** documents cited herein and additional salmon-related materials are available via the Internet at www.nwr.noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

On March 9, 1998 (63 FR 11482), NMFS issued a proposed rule to list and designate critical habitat for the California Central Valley, spring-run and the Washington Upper Columbia River, spring-run Evolutionarily Significant Units (ESUs) as endangered and for the Central Valley fall-run, the Southern Oregon and California Coastal, the Puget Sound, the Lower Columbia River, and the Upper Willamette River ESUs as threatened, and to redefine the Snake River fall-run chinook salmon ESU to include fall chinook salmon populations in the Deschutes River, to list this redefined ESU as threatened, and to revise its existing critical habitat under the Endangered Species Act (ESA). That proposal does not affect the current definition and threatened status of the listed Snake River fall chinook salmon ESU.

On March 10, 1998, NMFS published proposed rules listing the Hood Canal summer-run and the Columbia River Chum ESUs as threatened and designating critical habitat (63 FR 11774), listing the Ozette Lake sockeye as threatened and designating critical habitat (63 FR 11750), and listing the Middle Columbia River and the Upper Willamette River ESUs as threatened (63 FR 11798).

Proposed critical habitat for all four species' ESUs is their current freshwater and estuarine range, certain marine areas for chinook, and all waterways, substrate, and adjacent riparian zones below longstanding, impassible, natural barriers.

On April 7, 1998 (63 FR 16955), NMFS announced the schedule for 20 public hearings in the states of Washington, Oregon, Idaho, and California to discuss the chinook, chum, sockeye, and steelhead proposals. On May 18, 1998, NMFS received a request for an additional public hearing for the chinook proposal from the Pacific Coast Federation of Fishermen's Association. The reason given for the request was to allow the many fishermen who could be most effected by the chinook proposed rule and who were participating in the salmon fishery at the time of the public hearings in California the opportunity to comment firsthand with NMFS' officials. NMFS finds that the request

reasonable and has scheduled a public hearing, and extended the public comment period for not only the chinook proposal but also the chum, sockeye, and steelhead proposals.

NMFS is soliciting specific information, comments, data, and/or recommendations on any aspect of the March 9 and 10, 1998, proposals from all interested parties. In particular, NMFS is requesting information or data as described in the **Federal Register** notice announcing the proposed listings and designations of critical habitat (see 63 FR 11482, 63 FR 11774, 63 FR 11750, and 63 FR 11798). This information is considered critical in helping NMFS make final determinations on the proposed listings and proposed designations of critical habitat. NMFS will consider all information, comments, and recommendations received during the comment period or at the public hearings before reaching a final decision.

Dated: May 28, 1998.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[Docket No. 980519132-8132-01; I.D.022498F]

RIN 0648-AK49

Magnuson-Stevens Act Provisions; List of Fisheries and Gear, and Notification Guidelines

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to establish a list of fisheries and fishing gear used in those fisheries under the authority of each Regional Fishery Management Council (Council), or the Secretary of Commerce (Secretary) for Atlantic highly migratory species. NMFS also proposes guidelines for determining when fishing gear or a fishery is sufficiently different from those listed to require notification of the appropriate authority. The list of fisheries and gear and the guidelines would apply only to fisheries and gear that occur within the