requests relief from meeting the FMVSS because the Whizzer requires human power to start from a static position, it will not exceed 25 mph., it is extremely light weight, and is designed to accommodate one person only. In its October 2, letter, the petitioner argued that it should be allowed to offer the Whizzer without lighting, so as to deter night riding. Recognizing that some riders will still go out at night, the petitioner offered to provide a large prominent warning decal with the advisory ''not approved for night riding''.

Finally, the petitioner claims that the Whizzer is a nostalgia vehicle. The petitioner did not elaborate on this point. NHTSA assumes that the petitioner is arguing that since its goal is to produce a replica of a 1940s style vehicle, it should not be required to depart from the original design in order to conform the bicycle to standards intended for vehicles manufactured a half century later.

Discussion and Decision

NHTSA concludes that the Whizzer is a motor vehicle. This conclusion is based on the information presented by the petitioner that the Whizzer is fully capable of 25 mph sustained speed without pedal assist. Since the Whizzer has two wheels and its motor is less than 2 horsepower, it is classified not only as a motorcycle, but also as a motor-driven cycle.

The petitioner has provided no justification for excepting the Whizzer and other motorized bicycles from compliance with the FMVSS. Although the Whizzer is intended to replicate a design of the 1940s, the public expects, and is entitled to, a greater degree of safety on the road than was available 50 years ago. Federal motor vehicle safety standards are now in place for the purpose of protecting the operators of two-wheeled vehicles in an environment of heavier road traffic than existed half a century past. For 30 years, motor-driven cycles have been built and certified to comply with FMVSS addressing not only lighting, braking, and controls and displays as discussed, but also with FMVSS covering brake hoses, mirrors, tires and rims, and glazing if provided. Over the years, NHTSA has learned the importance of ensuring that small vehicles are detectable by larger users of the roadway. Detectability is enhanced by a vehicle's lamps and reflectors. Whizzers of the 1940s were equipped with a magneto and no electrical generating capability, and the only lamps available were add-on lamps powered by self-contained batteries. Today, motor-driven cycles have either generators or alternators to provide power for Federally required headlamps, taillamps, turn signals and stop lamps. Congress expected NHTSA to promulgate standards that would continue to allow the public a wide choice of vehicles, but it did not intend that NHTSA do so at the expense of safety. Therefore, the agency does not accept the petitioner's argument that it should be allowed to produce a motor-driven cycle without the safety equipment found on other motor-driven cycles, simply because to require compliance might detract from the authenticity of the vehicle.

NHTSA has completed its technical review pursuant to 49 CFR Sec. 552.6, and, taking into account other appropriate factors as discussed above, denies the petition by Whizzer Motorbike Company.

Authority: Delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: July 15, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98–19216 Filed 7–17–98; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AC21

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposed Endangered Status for Puccinellia Parishii (Parish's Alkali Grass)

AGENCY: Fish and Wildlife Service, Interior.

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

SUMMARY: The Fish and Wildlife Service provides notice that the public comment period is reopened for the proposal to list *Puccinellia parishii* (Parish's alkali grass) as an endangered species pursuant to the Endangered Species Act of 1973, as amended. This small annual grass occurs near desert springs, seeps, and seasonally wet areas in Apache, Coconino, and Yavapai counties, Arizona; San Bernardino County, California; and Catron, Cibola, Grant, Hidalgo, McKinley, Sandoval, and San Juan counties, New Mexico.

DATES: This comment period closes on August 19, 1998.

ADDRESSES: Written comments and materials should be sent to the Field Supervisor, New Mexico Ecological Services Field Office, U.S. Fish and Wildlife Service, 2105 Osuna Road, NE., Albuquerque, New Mexico 87113. Comments and materials received will be available for public inspection during normal business hours, by appointment, at the above address.

FOR FURTHER INFORMATION CONTACT: Charlie McDonald at the above address or telephone (505) 346–2525.

SUPPLEMENTARY INFORMATION:

Background

Puccinellia parishii (Parish's alkali grass) was proposed for designation as an endangered species under the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*) on March 28, 1994 (59 FR 14378). A 60-day public comment period was provided on the proposal. All interested parties were requested to submit factual reports or information that might contribute to the accuracy and effectiveness of any final action resulting from the proposal. The U.S. Fish and Wildlife Service (Service) received one request for a public hearing, and a notice announcing the public hearing and reopening the comment period was published in the **Federal Register** on August 30, 1994 (59 FR 44700). The public hearing was held on September 15, 1994, in Tuba City, Arizona.

Following the initial and reopened comment periods and public hearing, the Service received additional information on the distribution, abundance, habitat requirements, and threats for Parish's alkali grass. This new information is summarized in the following paragraphs.

Parish's alkali grass is now known from 29 sites as opposed to the 10 sites reported in the proposed rule. The known sites in New Mexico have increased to 16 from the 1 that was reported in the proposed rule. The new sites for New Mexico are in Catron (1), Cibola (1), Hidalgo (1), McKinley (6), Sandoval (4), and San Juan (2) counties. The 1 site reported in the proposed rule is in Grant County. The known sites in Arizona have increased to 11 from the 7 that were reported in the proposed rule. The new sites for Arizona are in Apache (3) and Yavapai (1) Counties. The 7 sites reported in the proposed rule are in Coconino County.

The known sites in California have decreased to 1 from the 2 that were reported in the proposed rule. Dr. Andrew Sanders of the University of California, Riverside identified the

plants from Edwards Air Force Base in Kern County as *Puccinellia simplex* rather than *P. parishii* (C. Rutherford, U.S. Fish and Wildlife Service, *in litt.* 1995). The other California site reported in the proposed rule is in San Bernardino County.

Some of the newly discovered sites extend the overall range of the species. In particular, discoveries in northwestern New Mexico extend the species' range about 300 km (200 mi) eastward from previously known sites in Arizona, and the discovery in west-central Arizona extends the species' range about 240 km (150 mi) southwestward in that state. Many of the new sites fill gaps in the known distribution making populations much less disjunct from one another than previously believed.

Some newly discovered sites for Parish's alkali grass indicate the species occupies a broader range of habitats than previously supposed. In addition to sites near desert springs and seeps, some newly discovered sites are in areas where the soils are subirrigated and wet only during the winter and spring months. These sites are generally not identified as springs on maps and are only noticeable because their greener vegetation contrasts with the surrounding brown vegetation during the spring months. One newly discovered site occurs at 2,240 m (7,350 ft) in elevation, which is 410 m (1,350 ft) higher than any of the sites in the proposed rule. These discoveries greatly increase the number of potential sites where Parish's alkali grass might be found.

Some of the newly discovered sites indicate Parish's alkali grass may withstand disturbance better than previously suspected. At several sites, cattle have closely cropped the vegetation and severely trampled the area. However, Parish's alkali grass persists at the sites. In one instance, a highway right-of-way fence protects part of the site from grazing. The protected area has a dense stand of sweet clover (*Melilotus sp.*) and no Parish's alkali grass, but the grass is abundant in the grazed area only a few meters away. Some disturbance likely reduces competition and creates microsites for seedling establishment for Parish's alkali grass, which is a short-statured annual plant.

No final decision has been made on whether to give Parish's alkali grass protection under the Act or to withdraw the listing proposal. In consideration of the length of time since the initial proposal and the new information about the species, the Service is reopening the comment period and seeking comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning the proposed rule. The Service is seeking any other new information that may have been developed since the proposal was published, and that may expand the current knowledge of the status, distribution, or threats for Parish's alkali grass. The new comment period closes on August 19, 1998. Any comments should be sent to the Field Supervisor, New Mexico Ecological Services Field Office (see **ADDRESSES** section).

Reference Cited

Sivinski, R. 1995. Parish's alkali grass, progress report. New Mexico Forestry and Resources Conservation Division Section 6 Performance Report, Project E9, Segment 9. U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

Author: The primary author of this document is Charlie McDonald (see **ADDRESSES** section).

Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1532 *et seq.*).

Dated: July 9, 1998.

Frank Shoemaker,

Regional Director, Region 2.

[FR Doc. 98–19208 Filed 7–17–98; 8:45 am]

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