SUMMARY: The Bureau of Land Management (BLM) is seeking public comments on the effectiveness of the royalty rate reduction available to producers of Federal stripper well properties. A stripper well produces a daily average of less than 15 barrels of oil. BLM is evaluating the effectiveness of this program. Comments will assist BLM in deciding whether to continue, modify or end the royalty rate reduction program.

DATES: Comments must be submitted on or before October 29, 1996.

ADDRESSES: You may *hand-deliver* comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L St., NW., Washington, DC; or *mail* comments to the Bureau of Land Management, Administrative Record, Room 401LS, 1849 C Street, NW, Washington, DC 20240. You also may *transmit* comments *electronically* via the Internet to: WOComment@WO0033wp.wo.blm.gov. Please include ''Attn: AC68'' in your message. If you do not receive a confirmation from the system that we have received your Internet message, contact the person identified at **FOR FURTHER INFORMATION CONTACT.** You will be able to review comments at BLM's Regulatory Management Team office, Room 401, 1620 L St., N.W., Washington, D.C., during regular business hours (7:45 a.m. to 4:15 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Wayne Melton, Roswell (NM) District Office, (505) 627–0254.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Written comments should be specific, should be confined to issues pertinent to the regulations under review, and should explain the reason for any recommended change. Where possible, comments should reference the specific section or paragraph of the regulations that the commenter is addressing. BLM may not necessarily consider or include in the Administrative Record comments that BLM receives after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

II. Background

In 1992, BLM amended 43 CFR 3103.4–1 to establish conditions under which an operator or an owner of a Federal stripper oil well property could obtain a reduction in the royalty rate (57 FR 35968, August 11, 1992). This action was intended to encourage operators of stripper properties to place marginal or uneconomic shut-in wells back in production and to provide an economic incentive to increase production by reworking such wells, drilling new wells, and/or by implementing enhanced oil recovery projects. In addition, the 1992 final rule contained procedures for operators to follow in (1) determining whether a property qualifies for the royalty reduction and (2) calculating the appropriate royalty rate.

BLM's regulations at 43 CFR 3103.4–1(d)(5) indicate that the Secretary of the Interior will evaluate the effectiveness of the stripper well royalty reduction program and may at any time after September 10, 1997, terminate any or all royalty reductions granted upon six months notice. Based on this review, the Secretary could continue the program, modify it, or terminate it.

At the request of the Secretary, the BLM has established a task force to evaluate the effectiveness of the stripper royalty rate reduction in meeting the goals of encouraging operators of stripper properties to place marginal or uneconomic shut-in wells back in production and providing an economic incentive to increase production by reworking such wells, drilling new wells, and/or by implementing enhanced oil recovery projects. Through this notice, the task force is actively seeking public comments in support of, or against, continuance of this program. These comments, in conjunction with a Department of Energy analysis, will provide the basis for the task force's final recommendation to the Secretary.

Comments are specifically requested on whether or not the royalty reduction program has:

1. Enabled existing stripper oil well properties to continue producing;

2. Caused additional drilling into known reservoirs;

3. Caused drilling into previously undeveloped reservoirs;

4. Triggered implementation of enhanced recovery programs; and

5. Affected the economies of States and local communities where the stripper properties are located.

BLM is also interested in receiving any other information that may have a bearing on whether the royalty reduction program is accomplishing its goals.

Dated: August 26, 1996.

Annetta L. Cheek,

Chief, Regulatory Management Team.

[FR Doc. 96–22193 Filed 8–29–96; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 74–14; Notice 101]

RIN 2127–AG17

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend a provision in the agency's occupant crash protection standard which specifies that, during crash tests, all portions of a test dummy must remain in the vehicle throughout the test. NHTSA is considering a range of alternative requirements, all of which would require the test dummy to remain in the vehicle at the conclusion of the test. The agency is taking this action to ensure that the standard's requirements are practicable. This action results from a petition for rulemaking submitted by the American Automobile Manufacturers Association.

DATES: Comments must be received by October 29, 1996.

ADDRESSES: Comments should refer to the docket and notice number of this notice and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. (Docket Room hours are 9:30 a.m.–4 p.m., Monday through Friday.)

FOR FURTHER INFORMATION CONTACT: *For non-legal issues:* Mr. Clarke Harper, Chief, Light Duty Vehicle Division, NPS–11, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366–2264. Fax: (202) 366–4329.

For legal issues: Mr. Edward Glancy, Office of Chief Counsel, NCC–20, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366–2992. Fax: (202) 366–3820.

SUPPLEMENTARY INFORMATION:

Current Automatic Protection Requirements

Standard No. 208, *Occupant Crash Protection*, specifies, among other things, ''automatic protection'' requirements for passenger cars and light trucks. Vehicles must meet specified injury criteria, measured using test dummies, during a barrier crash test, at speeds up to 30 mph and at a

range of specified angles. The standard specifies several injury criteria, including ones for the head and chest, and one specifying that all portions of the dummies remain in the vehicle throughout the test. For air-bag-equipped vehicles, the criteria must be met both when the dummies are belted and when they are unbelted.

The automatic protection requirements have applied to passenger cars since the late 1980's, and are currently being phased in for light trucks. In establishing the requirements, NHTSA permitted a variety of methods of providing automatic protection, including automatic belts and air bags. Congress, however, included a provision in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) directing NHTSA to prescribe an amendment to Standard No. 208 to require, by the late 1990's, that all passenger cars and light trucks provide automatic protection by means of air bags. The final rule implementing this provision of ISTEA was published in the Federal Register (58 FR 46551) on September 2, 1993.

The vehicle manufacturers are far ahead of the ISTEA implementation schedule. Manufacturers have been providing air bags in a large number of passenger cars for several years, and nearly every 1996 model year passenger car will be equipped with both driver-side and passenger-side air bags as standard equipment. A large number of model year 1996 light trucks are also equipped with air bags.

Petition for Rulemaking

NHTSA has received a petition for rulemaking from the American Automobile Manufacturers Association (AAMA)[1] requesting a change in Standard No. 208's requirement that all portions of the dummies remain in the vehicle at all times throughout the test. More specifically, AAMA requested that the requirement be changed from: ''All portions of the test device shall be contained within the outer surfaces of the vehicle passenger compartment,'' to: ''The test device shall be within the vehicle passenger compartment at the completion of the test.''

AAMA argued that the existing requirement is ''an obsolete and subjective criterion (that) is a relic of the early 1970's notion that air bags alone could provide complete protection from frontal, lateral and rollover collisions.'' That organization stated that ''(a)ir bags have been recognized since at least 1984 as being a supplement to safety belt restraints and they simply cannot prevent ejection or partial ejection in all instances.''

AAMA provided the following further explanation for its request:

> AAMA is convinced that a momentary, partial excursion of a test dummy's extremity outside the outline of the door window opening does not demonstrate a significant safety risk. Changes that might be made to try to completely contain ''All portions of the test dummy,'' such as smaller and softer air bags, may inhibit design of the air bag for optimum performance in ''real-world'' impact conditions. Structural changes necessary to try to keep all portions of the test dummy completely within the occupant compartment may hinder the overall occupant protection performance of the vehicle. Accordingly, the specific requirement as it pertains to current vehicles is unreasonable.
>
> Recent NHTSA rulemaking has mandated compliance with specified injury criteria, as measured with an instrumented test dummy, during a dynamic side impact test described in FMVSS 214. The head of the side impact dummy routinely, although momentarily, traverses outside the confines of the vehicle during a FMVSS 214 dynamic side impact test, and such an excursion is not considered a failure to meet the requirements. This very limited dummy excursion through the window opening does not demonstrate a significant safety risk in frontal or front angular impacts. Applying this agency rationale clearly shows that the FMVSS 208 dummy containment requirement, as specified, is obsolete.
>
> Since the Intermodal Surface Transportation Efficiency Act mandated that vehicle manufacturers provide dual air bags for *all* vehicles by the 1999 model year, knowledge of the interaction between a test dummy and an air bag in all types of vehicles has grown. It is this more recent information that shows that a requirement to maintain complete dummy containment throughout a barrier impact test is both unreasonable and impracticable. For example, during an impact, an unbelted test dummy acts like a linked multi-piece projectile. The positions of its appendages during impact and rebound are difficult to predict and even more difficult to control. A test dummy tends to be unstable when seated in an upright position. If not supported by seat backs and belts, it will tip over easily. This instability also makes it difficult, if not impossible, to predict the position of the test dummy as it rebounds from an air bag system, especially during angular impacts. Momentary partial excursion of hands, arms, shoulders and/or head is very possible during impact or rebound, both during angular impacts and during perpendicular impacts conducted with the windows open.
>
> Many light trucks and vans, particularly those with higher seating reference points relative to the ground, have relatively low beltlines to provide appropriate driver vision characteristics. In these vehicles, it is becoming increasingly apparent that during angular impacts, parts of a dummy may randomly and momentarily, move slightly outside the plane of the open window during rebound from the air bag and knee bolster. These random dummy excursions result directly from the reaction of the dummy to (1) contact with the air bag and (2) the unpredictable motion of the vehicle as it reacts to the angled barrier after the initial impact. Because of the relative positioning of a driver to the steering wheel, which typically houses the air bag, it is the driver dummy that is more likely to exhibit a random, momentary excursion.
>
> Maintaining each appendage of a test dummy completely within the occupant compartment during an angular impact, a side impact or during rollover testing is impracticable. However, AAMA supports the position that the test dummy as a whole should remain within the vehicle during the test, i.e., it should not be ejected from the vehicle. The need for motor vehicle safety would be addressed in the most appropriate manner if the regulation were to optimize the performance of the air bag system, even though a dummy's head, shoulder, hand or arm might momentarily extend through the door glass.
>
> This position is consistent with the desire to maintain vehicle passenger compartment integrity and to prevent ejections. Accordingly, AAMA recommends this requirement be changed to incorporate the current understanding that a safety belt is required to prevent ejection.

NHTSA held a meeting with representatives of AAMA and its member companies to discuss the petition. One issue which was discussed was the possibility of using a vehicle's windows to meet the dummy containment requirement. Section S8.1.5 of Standard No. 208 provides that ''(m)ovable vehicle windows and vents are, at the manufacturer's option, placed in the fully closed position.'' While most vehicle manufacturers select the option for windows to be open during testing, a few select the option for windows to be closed.

AAMA stated that using windows to control dummy containment is not a practicable option. According to the petitioner, current crash pulses in certain vehicles are strong enough to cause permanent structural deformation of the door frame and door, always resulting in broken window glazing. These structural changes provide a path for partial ejection of the test dummy during a crash test. AAMA also indicated that manufacturers are designing their light trucks and vans to have lower beltlines. (The beltline is the widest perimeter of the vehicle when viewed from the top or plan view.) AAMA stated that crash forces during Standard No. 208 testing can cause structural deformation of the low-beltline front doors with attendant loss of the glazing's ability to provide containment because the glazing breaks.

[1] AAMA's member companies are Chrysler, Ford, and General Motors.

Another issue that was discussed at the meeting concerned the ability to determine whether the current dummy containment requirement has been met during a test. General Motors (GM) stated that determining how far the dummy extends beyond the outer surface of the vehicle is difficult when viewing test films. Even under controlled test conditions, dummy extension is difficult to confirm because of camera viewing angles and vehicle structural deformations. GM stated that two different viewers of the same film may perceive the degree of test dummy containment differently, or may even disagree whether the test dummy has extended beyond the outer surface of the vehicle.

Proposal

After analyzing the arguments presented by AAMA in its petition and in the subsequent meeting with agency personnel, NHTSA has decided that the question of whether to issue the amendment requested by the petitioner should be decided in the context of a rulemaking proceeding. The agency will consider options ranging from no change in the standard to adopting the amendment requested by the petitioner. The agency is setting forth proposed regulatory text that falls within the middle range of options:

All portions of the test device shall be within the vehicle passenger compartment at the completion of the test. If the test is conducted with safety belts fastened, the head of the test device shall be contained within the outer surfaces of the vehicle passenger compartment throughout the test.

In considering any petition to reduce the stringency of an existing safety requirement, NHTSA is obviously concerned about the possible impacts on safety. In the case of this requested change, however, it is difficult to assess the possible impacts.

On the one hand, it is ''directionally incorrect'' to permit partial dummy ejection, since there is a greater risk of injury to any portion of a person's body that is outside of a vehicle during a crash. Moreover, the requirement at issue is related to a critical area where the agency is focusing significant resources and attention, i.e., full and partial occupant ejections through windows, the subject of NHTSA's advanced glazing initiative.

On the other hand, AAMA argues that the vehicle manufacturers' experience in attempting to meet the requirement has shown that it is impracticable. That is, AAMA contends that at least for some vehicles and some test conditions, there are no available countermeasures to meet the requirement. Moreover, AAMA contends that some possible countermeasures, such as smaller air bags or structural changes, may negatively affect safety. To the extent that NHTSA amended the standard only to the extent necessary to ensure practicability, such an amendment would not appear to have any effect on safety.

While AAMA has provided sufficient information for NHTSA to decide to publish a notice of proposed rulemaking, the agency desires additional information to fully assess this issue for a possible final rule. The agency recognizes the need to ensure the practicability of its standards, and that experience in implementing a new requirement may demonstrate that a change is necessary. At the same time, before reducing an existing safety requirement, NHTSA must carefully assess the evidence indicating that a change is needed. The agency must also carefully consider the evidence with respect to the necessary scope of any such change.

NHTSA notes that the vehicle manufacturers have been certifying air-bag-equipped passenger cars to the current requirement for a number of years. The agency seeks additional information to assess the extent to which the problem cited by AAMA may apply only to light trucks, only to certain types of light trucks, or more generally to passenger cars and light trucks.

NHTSA also seeks additional information to assess the extent to which the problem cited by AAMA may apply to both the belted and unbelted test conditions, or only to the unbelted test condition. The agency notes that one of the purposes of safety belts is to prevent occupant ejection, and that even partial ejection of a person's head raises particular safety concerns. Therefore, one option that the agency is considering is to adopt the amendment suggested by AAMA, except that partial excursion of the dummy's head would be prohibited throughout the test for the belted condition. This is the option that is reflected in the proposed regulatory text.

In order to obtain the information needed to reach a final decision, NHTSA is setting forth below a number of questions directed toward the vehicle manufacturers. The agency is requesting more specific information and data concerning the manufacturers' efforts to meet the existing requirement and the problems they may have experienced or may be experiencing. The agency recognizes that some of this information may be confidential, e.g., it may relate to future product plans. The agency requests that, to the extent possible, manufacturers providing confidential information also provide a public document that generally discusses the significance of the underlying confidential data without revealing the data itself. For example, if a manufacturer provides confidential test data relating to a specific future product, it may be able to provide a general description of that information and its significance without revealing the specific future product. Such a general, non-confidential discussion would help the public understand the relevant issues. Also, NHTSA could use that non-confidential discussion in explaining whatever decision it reaches concerning this matter. While the questions are directed toward manufacturers, all interested persons, of course, may provide relevant information in response to the questions.

Questions for Manufacturers

1. Please explain how you have met Standard No. 208's dummy containment requirement for air-bag-equipped passenger cars. Have any particular passenger car models posed particular difficulties? How did you address those difficulties? Please address whether, and how, you are currently having difficulty meeting the dummy containment requirement for particular passenger car models.

2. For which light truck models (and passenger car models, if any) are you having difficulty meeting the dummy containment requirement? What design changes, including interior changes, air bag changes, structural additions or modifications, bracing, material changes, and window design changes, have you considered or investigated? To what extent do each of these design changes enable a vehicle to meet the dummy containment requirement? What tests have you conducted?

3. To what extent do the problems you are experiencing specifically relate to: The unbelted condition, the belted condition, the full frontal test condition, the angle test condition, the driver position, and the passenger position?

4. Please provide specific information concerning any safety tradeoffs associated with each of the designs identified in response to Question 2. How do each of the changes affect test dummy responses, including head injury criterion (HIC), chest g's, and femur loading?

5. What are the estimated costs of each of the changes identified in response to Question 2?

6. Please explain why the design strategies used for passenger cars are not

available for light trucks. Are there particular characteristics of light trucks which create a problem? Does this problem exist for all light trucks, or only for light trucks with particular characteristics?

7. To what extent have you considered the use of advanced glazing concepts to meet the dummy containment requirement?

Proposed Effective Date

The proposed amendment would not impose any new requirements but would instead ensure the practicability of Standard No. 208's requirements. According, NHTSA has tentatively concluded that there would be good cause for an effective date 60 days after publication of a final rule.

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This rulemaking document was not reviewed under E.O. 12866, ''Regulatory Planning and Review.'' NHTSA has considered the impact of this rulemaking action under the Department of Transportation's regulatory policies and procedures. This action has been determined to be not ''significant'' under those policies and procedures.

As discussed above, the purpose of this proposed revision is to ensure that Standard No. 208's requirements are practicable. While NHTSA needs additional information to complete its analysis for purposes of a final rule, the agency expects to conclude that a final rule would not affect vehicle designs. Consequently, the proposal is not expected to affect either occupant safety or compliance costs for manufacturers. Accordingly, the agency concludes that preparation of a full regulatory evaluation for this proposal is not warranted.

Regulatory Flexibility Act

NHTSA has considered the effects of this proposed rulemaking action under the Regulatory Flexibility Act. I hereby certify that it would not have a significant economic impact on a substantial number of small entities.

The proposal affects motor vehicle manufacturers. Almost all motor vehicle manufacturers would not qualify as small businesses. Moreover, as discussed above, the proposal is not expected to affect compliance costs for manufacturers.

National Environmental Policy Act

NHTSA has analyzed this proposal for the purposes of the National Environmental Policy Act and determined that a final rule adopting this proposal would not have any significant impact on the quality of the human environment.

Executive Order 12612 (Federalism)

The agency has analyzed this proposal in accordance with the principles and criteria set forth in Executive Order 12612. NHTSA has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Civil Justice Reform

This proposed rule would not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

Comments

Interested persons are invited to submit comments on this proposal. It is requested but not required that 10 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 the purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the NHTSA Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received by NHTSA 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 too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and recommends 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.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, it is proposed that 49 CFR part 571 be amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 of Title 49 would continue to read as follows:

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

2. Section 571.208 would be amended by revising S6.1.1 and S6.2.1 to read as follows:

§ 571.208 Standard No. 208; Occupant crash protection.

* * * * *

S6.1.1 All portions of the test device shall be within the vehicle passenger compartment at the completion of the test. In the case of a test conducted with safety belts fastened, the head of the test device shall be contained within the outer surfaces of the vehicle passenger compartment throughout the test.

* * * * *

S6.2.1 All portions of the test device shall be within the vehicle passenger compartment at the completion of the test. In the case of a test conducted with safety belts fastened, the head of the test device shall be contained within the outer surfaces of the vehicle passenger compartment throughout the test.

* * * * *

Issued on August 27, 1996.

Patricia Breslin,

Acting Associate Administrator for Safety Performance Standards.

[FR Doc. 96–22250 Filed 8–29–96; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AC63

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposed Threatened Status for Helianthus Eggertii (Eggert's Sunflower) in Kentucky, Tennessee, and Alabama

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Fish and Wildlife Service provides notice that the comment period is reopened on a proposal to list *Helianthus eggertii* (Eggert's sunflower) as threatened, pursuant to the Endangered Species Act of 1973 (Act), as amended. The Service is reopening the comment period on this proposal to allow members of the public to submit comments on this proposal.

DATES: The comment period on this proposal is extended until September 30, 1996.

ADDRESSES: Written comments and materials concerning the proposal should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, 160 Zillicoa Street, Asheville, North Carolina, 28801. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: J. Allen Ratzlaff at the above address (telephone 704/258–3939, ext. 229, fax 704/258–5330).

SUPPLEMENTARY INFORMATION:

Background

On September 9, 1994, the Service proposed to add Eggert's sunflower to the list of endangered and threatened plants (59 FR 174). At that time, Eggert's sunflower was known from 24 populations in 13 counties—in Alabama, one population in Blount County; in Kentucky, one population from the Edmonson/Barren County line, and one additional population from each of those counties, one population from Grayson County, and four populations from Hart County; in Tennessee, one population each in Dickson, Franklin, Lewis, Marion, Maury, and Williamson Counties, four in Lawrence County, and five in Coffee County. Since the closing of the comment period on November 8, 1994, ten additional populations have been discovered—nine within the counties listed above and one new population in Hardin County, Kentucky. The current range and distribution of the species is now—in Alabama, one population in Blount County; in Kentucky, one population from Grayson and Hardin Counties, two populations from Edmonson and Barren Counties, and seven populations from Hart County; in Tennessee, one population each in Dickson, Marion, and Williamson Counties, two in Franklin (and part of a third) and Maury Counties, three in Lewis County, four in Lawrence County, and six in Coffee County. Over half of the known populations are very small (less than 500 square meters) and many are even smaller (less than 300 square meters).

A moratorium on listing actions (Public Law 104–6) took effect April 10, 1995, and prevented the Service from making a final decision on this proposal by the August 1995 administrative deadline. The moratorium was lifted on April 26, 1996, when the appropriation for the Department of the Interior for the remainder of fiscal year 1996 was enacted into law. In a Federal Register document published on May 16, 1996 (61 FR 24722), the Service outlined in detail the history of the moratorium and indicated the priorities it would follow in eliminating the listing program backlog resulting from the moratorium. Preparation of the final rule for this proposed species is considered a Tier 2 priority—processing final decisions on proposed listings. For more information on the moratorium and the priority for backlogged listing actions, refer to the May 15, 1996, Federal Register notice.

The Service does not believe that the new distributional information has changed the status of the species. However, we are reopening the comment period on the proposed rule to solicit comments on this new information and request any additional information on scientific studies conducted since the comment period last closed on November 8, 1994. The Service hereby announces reopening of the comment period until September 30, 1996.

Author

The primary author of this notice is J. Allen Ratzlaff, Asheville Field Office, U.S. Fish and Wildlife Service, 160 Zillicoa Street, Asheville, North Carolina, 28801 (704/258–3939, ext. 229., fax 704/258–5330).

Authority: The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: August 22, 1996.

Richard A. Ivarie,

Acting Regional Director, Southeast Region, Fish and Wildlife Service

[FR Doc. 96–22139 Filed 8–29–96; 8:45 am]

BILLING CODE 4310–55–P