DATES: Written comments on the proposed rule should be submitted on or before September 11, 1989.

ADDRESSES: Address written comments identified by the document control number OPTS–42107A, in triplicate to: TSCA Public Docket Office (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm NE–G004, 401 M St., SW., Washington, DC 20460.

The public records supporting these actions are available for inspection in Room NE–G004 at the above address from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, TSCA Assistance Office (TS–799), Office of Toxic Substances, Rm EB–44, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551.

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule for 1,6-hexamethylene diisocyanate, published in the **Federal Register** of May 17, 1989 (54 FR 21240), in respone to the 22nd Interagency Testing Committee (ITC) Reports (53 FR 18196; May 20, 1988). EPA made a finding of "significant or substantial human exposure" to 1,6-hexamethylene diisocyanate under section 4(a)(1)(B) of TSCA. On June 2, 1989, the CMA requested an extension of the comment period for 30 days to allow industry additional time to address unanticipated issues.

Therefore, EPA is extending the comment period for 30 days. Comments on the proposed test rule for 1,6-hexamethylene diisocyanate are now due September 11, 1989. EPA believes that extension of the comment period will not cause undue delay in the consideration of the test rule proposal.

Authority: 15 U.S.C. 2603.

Dated: July 31, 1989.

Charles L. Elkins,

Director, Office of Toxic Substances.

[FR Doc. 89–18735 Filed 8–9–89; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[General Docket No. 89–349, FCC No. 89–244]

Importation of Radio Frequency Devices Capable of Causing Harmful Interference

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The FCC proposes to amend part 2 of its rules concerning the importation of radio frequency (RF) devices capable of causing harmful interference and the filing of FCC Form 740. It is made in response to United States Customs Service (Customs) efforts to eliminate paper filings, informal industry requests for changes in the existing rules and procedures, and the FCC's desire to reduce the burden associated with handling the existing Form 740. This proposal should result in the elimination of a significant and duplicative regulatory burden upon the imports industry, allow Customs to move from a paper system to an automated system, and allow the FCC to spend its limited resources on the most productive and important aspects of its imports program.

DATES: Comments must be submitted on or before September 28, 1989, and reply comments on or before October 13, 1989.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Richard B. Engelman, Chief, Inspections & Investigations Branch, Field Operations Bureau, Washington, DC 20554, (202) 632–6345.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, General Docket No. 89–349, FCC No. 89–244, adopted July 25, 1989 and released August 7, 1989. The full text of this proposal is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The full text may also be purchased from the Commission's copy contractor, International Transcription Services Inc., (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rule Making

The proposal would update existing rules, reduce the circumstances in which Form 740 information must be filed, require the filing of Form 740 only with the U.S. Customs Service (Customs) instead of with both the FCC and Customs, and allow the filing of Form 740 information electronically.

List of Subjects in 47 CFR Part 2

Communications equipment, Electronic products, Imports, Telecommunications.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 89–18705 Filed 8–9–89; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 89–16; Notice 01]

RIN 2127–AC84

Occupant Protection in Interior Impact

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

ACTION: Request for comments.

SUMMARY: This notice seeks public comment on a variety of issues relating to Safety Standard No. 201, Occupant Protection in Interior Impact. Some of the issues arise from this agency's granting of a petition for rulemaking from the Chrysler Motors Corporation requesting that NHTSA exclude air bag equipped vehicles from the head impact protection requirements of Standard No. 201. Chrysler alleges that the head impact protection requirements "interfere" with efforts to develop new "top mounted" crash deployed systems having an air bag module located beneath the top surface of the instrument panel. The agency seeks data and other information that would assist the agency in determining whether to propose such an exclusion from the standard.

The other issues explored by this notice arise partly out of the difficulty which the agency has experienced in applying the language of the standard in order to determine whether some portions of the interior in several vehicle models fall within exclusions from the standard's requirements. The agency's review of the exclusions for "console assemblies" and for "areas below any point at which a vertical line is tangent to the rearmost surface of the panel" has led it to seek comment on whether to issue a proposal to clarify, narrow or eliminate those exclusions.

DATE: Comments on this notice must be received by the agency no later than September 25, 1989.

ADDRESS: Comments should refer to the docket number and notice number and be submitted in writing to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366–5267. Docket hours are 8:00 a.m. to 4:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Jettner, NRM–12, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration,

400 Seventh St., SW., Washington, DC 20590. Telephone: (202) 366–4917.

SUPPLEMENTARY INFORMATION:

The Standard

Standard No. 201 specifies occupant impact protection requirements for interior vehicle components likely to be struck by a lap-belted occupant in a crash, including instrument panels, seat backs, sun visors and armrests. In addition, the standard requires interior compartment doors (e.g., glove compartment doors) to remain closed during a crash.

In order to comply with Standard No. 201's impact requirements, vehicle manufacturers install energy absorbing materials in the areas of the instrument panel within the "head impact area," as defined in 49 CFR 571.3. The requirements specify that when those areas are impacted by a head form at 15 miles per hour (mph), the deceleration of the head form must not exceed 80g continously for more than 3 milliseconds (S3.1). Installation of appropriate energy absorbing materials in the upper and middle surfaces of the instrument panel in order to meet the requirement can prevent or mitigate chest and head injuries resulting from contacts with the panel.

Paragraph S3.1.1 of Standard No. 201 sets forth five exclusions from the above head impact protection requirements. One of these (S3.1.1(a)) is for "console assemblies." The other four exclusions relate to areas on the instrument panel which, although located in the head impact area, had been thought to be unlikely to be struck by a vehicle occupant in a crash, due to the location of other vehicle components (e.g., the windshield) relative to the instrument panel.

Chrysler's Petition

Chrysler requests that S3.1.1 be amended by adding an exclusion for the "head impact area determined for the front passenger seating positions in vehicles that conform to the requirements of Standard No. 208 by means of air bag systems." The petitioner's request apparently stems from its research efforts at exploring "top mounted" air bag systems for future model vehicles. Chrysler believes Standard No. 201's head impact protection requirements "interfere" with the development of their top-mounted system.

According to the petitioner, the air bag module for the top-mounted system must be located in the head impact area because only there can it rapidly deploy and be supported with sufficient structure "to provide a reaction to the high deployment forces, properly direct the deploying air bag toward the occupant, and * * * provide occupant ride-down" (i.e., cushion and decelerate the occupant). The petitioner states that Standard No. 201's head impact protection requirements "simply cannot be met in the area of the rigid module and its support structure."

Chrysler states that it has attempted to achieve compliance with the head impact protection requirements of Standard No. 201, but has been unsuccessful in its efforts. The petitioner states:

> We have studied the possibility of locating the module beneath the panel surface and employing a rigid tube to direct the deploying bag to the panel surface. Our conclusion is that the structural tube rather than the module would then preclude meeting the head form impact requirements * * *. Recessing the module is therefore not a solution, and we have not been able to determine another. (Petitioner for rulemaking, page 2.)

Chrysler believes that top-mounted air bags "appear to have an advantage in the accommodation of the out-of-position occupant and standing child." NHTSA interprets this statement to mean that top-mounted air bags initially deploy more upward (toward the windshield) than directly rearward, and that petitioner believes the benefits of this upward deployment is that the deploying air bag is less likely than rearward-deploying ones to strike forcefully an occupant leaning toward or a child standing near the instrument panel.

Chrysler further believes Standard No. 201's head protection requirements are unnecessary because they only duplicate the occupant crash protection required by Standard No. 208. The petitioner believes the front barrier test of Standard No. 208 is "far more sensitive to the many sources of occupant head injury than is the head impact test of MVSS 201."

The agency has determined that the alleged "interference" from Standard No. 201's head impact protection requirements with the development of new air bag systems should be further considered. NHTSA notes that in January 1988, the agency denied a petition for rulemaking from Mitsubishi Motors Corporation which, similar to Chrysler's petition, had requested that NHTSA exclude air bag equipped vehicles from Standard No. 201. (53 FR 780; January 13, 1988.) However, unlike Chrysler, Mitsubishi did not even allege that compliance with Standard No. 201 interferes in any way with the development of air bag technology, or that there is sufficient reason for removing the protection offered by that standard. Since Chrysler has based its petition on alleged incompatibility problems between Standard No. 201 and petitioner's efforts at developing new air bag technology, NHTSA decided to grant Chrysler's petition.

However, although vehicle manufacturers should be allowed flexibility in developing complying air bag systems to the extent possible, the agency is concerned about any potential safety problems that may arise from an amendment to Standard No. 201. Therefore, the agency seeks comments on the issues raised by the petition before deciding whether a notice of proposed rulemaking should be issued.

NHTSA does not agree with the petitioner that the protection afforded by Standard No. 201's requirement for padded instrument panels duplicates the occupant crash protection provided by an air bag. Typically, current air bag systems deploy during a collision at an approximate barrier equivalent speed of 12 mph. NHTSA believes Standard No. 201 reduces injuries occurring when occupants strike the instrument panel in crashes for which an air bag was not designed to deploy, such as under-12 mph frontal crashes; in crashes involving a car whose air bags had been previously deployed, but not replaced; in rear crashes in which the occupant rebounds from the seat and strikes the instrument panel; or in side crashes or rollover crashes. Data indicate that occupant contact with the instrument panel occurs frequently. Based on 1982–1985 data from the National Accident Sampling System, there are approximately 2,100 AIS 2 or greater injuries annually resulting from contacts between front seat occupants' heads or faces and the instrument panel in side impacts alone. NHTSA seeks more information on the possible safety effect of amending Standard No. 201 along the lines suggested by the petitioner.

NHTSA requests comments on whether the requested exclusion would have net safety benefits above the level of safety protection afforded by the existing provision. The agency notes that Chrysler has presented only limited evidence that compliance with Standard No. 201 for top mounted systems is impracticable or infeasible, and has not provided alternative suggestions for a proposed amendment, short of a complete exclusion, that might be able to provide relief. However, the agency believes it would not have been appropriate to deny this petition because vehicle manufacturers have begun to acquire testing experience of crash deployed restraint systems under

Standard No. 208 which may have produced data or other information on top-mounted or other air bag systems, and potential incompatibility problems between Standards No. 201 and No. 208. If information indicates that the Standard No. 201 compliance problem alleged by Chrysler could be solved without changing the provisions of that standard for air bag equipped vehicles, the agency will consider terminating rulemaking on this petition.

The agency is particularly interested in obtaining comments relating to the questions numbered below. In responding to a particular question, interested persons are requested to provide any relevant factual information to support their conclusions or opinions, including but not limited to test data, statistical data and estimated costs and benefits, and the source of such information.

NHTSA emphasizes that the granting of Chrysler's petition does not necessarily mean that a rule will be issued. The determination of whether to issue a rule is made in the course of the rulemaking proceeding, in accordance with statutory criteria. If the agency were ultimately to issue a final rule, it would do so only after further notice of proposed rulemaking and opportunity to comment.

Issues

1. What benefits are foreseen from implementation of top-mounted air bags? How do these benefits compare to those for a conventionally mounted passenger-side air bag?

2. Are other manufacturers planning to use top-mounted air bags at the right front position in passenger vehicles?

3. If so, are they experiencing difficulty meeting both FMVSS No. 208 and No. 201 requirements? Do they anticipate problems in future designs using top-mounted air bags?

4. Are there feasible design and/or material selections for top-mounted air bag installations which show potential for satisfying head form acceleration limitations now specified for FMVSS No. 201 compliance?

5. What problems in achieving compliance with FMVSS No. 201 are encountered by manufacturers who currently install an air bag for the front outboard passenger position? Are these problems limited to top-mounted designs?

6. Could top-mounted air bag designs meet S3.1 of FMVSS No. 201 if the test speed were lowered from 15 mph to 10–12 mph for air bag equipped vehicles?

7. Are there data from manufacturers, hospital records or insurance claims that would indicate the frequency and severity of head injuries currently occurring in frontal crashes from impacts on the instrument panel in crashes with delta V's (i.e., reductions in velocity) between 0 and 15 mph?

8. If Standard No. 201 were amended as suggested by the petitioner, would a top-mounted air bag only reduce one set of injuries and increase other instrument panel injuries? Would there be a net decrease or a net increase in injuries?

9. If Standard No. 201 were amended as suggested by the petitioner, should Standard No. 208 require lap/shoulder belts at all positions exempted from Standard No. 201 for which automatic crash protection is provided by air bags?

Areas Currently Excluded

The agency is interested in assessing whether existing exclusions in Standard No. 201 should continue. As noted above, paragraph S3.1.1 of Standard No. 201 excludes five areas or objects within the head impact area from the instrument panel performance requirements. One exclusion is for console assemblies. (Paragraph S3.1.1(a).) Another exclusion is for "[a]reas below any point at which a vertical line is tangent to the rearmost surface of the panel." (Paragraph S3.1.1(e).)

The agency is interested in determining whether console assemblies should continue to be excluded from the head impact protection requirements of the standard, and even if so, whether more precise language should be proposed to clarify what constitutes a "console assembly." Console assembly designs have changed significantly since the exclusion for console assemblies was established. NHTSA has become aware that some new vehicle interior designs have a structure which would be commonly recognized as a console assembly, since the structure is a low-lying structure mounted on the vehicle floor, lying between the front seats. However, the structure can also extend upwards to virtually or actually join with the instrument panel in a one-piece, T-shape type of design. Some one-piece designs, such as the Mercedes 260 E, have a small indentation or space between the dashboard and the console assembly. Other designs, such as the Porsche 928 S4, lack an indentation. In some configurations, identifying where the instrument panel ends and the console assembly begins is extremely difficult.

This difficulty has complicated the agency's applying the existing exclusion of console assemblies to the interior designs in several models (see, for example, the agency's September 21, 1988 and October 27, 1986 letters to MMC Services, Inc.), and has resulted in NHTSA's reviewing the merits of the console assembly exclusion. As a result, NHTSA seeks comment on whether the agency should issue a proposal to clarify, narrow or eliminate the exclusion.

NHTSA's review of the exclusions of S3.1.1 has led it to consider also whether the area described in S3.1.1(e) should continue to be excluded from S3.1 of the standard, and even if generally so, whether the agency should propose to narrow the exclusion. NHTSA seeks comment on whether there would be safety benefits in ending or narrowing the exclusion, and on the difficulties manufacturers would have in designing areas presently excluded by S3.1.1(e) to meet the head impact protection requirements of S3.1.

To make these assessments, NHTSA requests information on the following questions:

10. Are manufacturers tending toward one-piece designs which incorporate the form and function of both instrument panel and console assembly?

11. Should console assemblies continue to be excluded from the requirements of S3.1?

(a) If yes, why?

(b) How can a manufacturer or NHTSA determine where the dividing line is between the console assembly and area that is not the console assembly on one-piece designs? How can Standard No. 201 clarify what is meant by "console assembly" and "instrument panel" so as to facilitate distinguishing one from the other?

(c) Even if we could identify where the instrument panel ends and the console assembly begins, should Standard No. 201 exempt all of the console from S3.1, or just a portion thereof? What would be an appropriate portion to exempt?

(d) What is the likelihood of an occupant's head hitting a portion of the console assembly in a crash?

(e) If some or all portions of a console assembly could injure an occupant, would it be difficult for those portions of console assemblies to meet S3.1 of the standard? What design changes would be necessary for compliance? At what estimated cost?

12. Should the area described in S3.1(e) continue to be excluded from the requirements of S3.1? What is the likelihood of an occupant's hitting his or her head in a crash on an area currently excluded by S3.1.1(e)?

13. What difficulties would manufacturers experience in designing areas presently excluded by S3.1.1(e) to meet the head impact protection

requirements of S3.1? What design changes would be necessary for compliance? At what estimated cost?

Comments

NHTSA solicits public comments on this notice. It is requested, but not required, that commenters provide 10 copies of written comments and two copies of films, tapes, and other materials.

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 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 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 before the close of business on the comment closing date indicated above for the notice 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 on this notice 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 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 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.

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

(15 U.S.C. 1392, 1401, 1407; delegation of authority at 49 CFR 1.50)

Issued: August 4, 1989.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 89-18703 Filed 8-9-89; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Animal Review; Corrections

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of correction.

SUMMARY: This notice corrects errors in the Service's Animal Notice of Review published January 6, 1989 (54 FR 554–579).

FOR FURTHER INFORMATION CONTACT: Endangered Species Coordinator, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 N.E. Multnomah Street, Portland, Oregon 97232 (503/231–231–6150 or FTS 429–6150), or Mr. William Knapp, Chief, Division of Endangered Species and Habitat Conservation, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/538–2161 or FTS 921–2161).

SUPPLEMENTARY INFORMATION:

The following are errors that have been identified in the U.S. Fish and Wildlife Service's Animal Notice of Review published January 6, 1989 (54 FR 554–579). The indicated correction do not reflect post-publication changes in the Service's assessments of species' status; any such changes are reserved for later republication of, or supplement to, the animal notice.

1. On page 559, entry 16, CATEGORY for Desert tortoise (Mojave Desert population)—2 should read. 1.

2. On page 560, CATEGORY for Mariana fruit dove (entry 24), Guam white-throated ground dove (entry 26), and Cardinal honey eater (entry 43), 3A should read 3C.

3. On page 560, entry 23, SCIENTIFIC NAME for Truk Micronesian pigeon—*teraoki* should read *teraokai.*

4. On page 560, entry 41, SCIENTIFIC NAME for Palau white-breasted wood-swallow—*Aretamus* should read *Artamus.*

5. On page 561, entry 40, COMMON NAME for Mariana flying fox—Agigun should read Agiguan and Siapan should read Saipan; FAMILY—Pteropidae should area Pteropodidae.

6. On page 561, entry 44, SCIENTIFIC NAME for Mexican long-tongued bat—*Choenycteris* should read *Choeronycteris;* HISTORIC RANGE—NM, Mexico should read NM, TX, Mexico.

7. On page 566, entry 40, FAMILY for Edgewood blind harvestman—should read Phalangodidae.

8. On page 572, entry 52 COMMON NAME for Mardon blue butterfly—Mardon blue should read Mardon skipper; SCIENTIFIC NAME—*Plejebus* should read *Polites;* FAMILY—Lycaenidae should read Hesperiidae.

9. On page 579, entry 6, SCIENTIFIC NAME for shiny-rayed pocketbook (mussel)—*Lampsilsis* should read *Lampsilis.*

Dated: July 25, 1989.

Susan Recce Lamson,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 89-18737 Filed 8-9-89; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Finding on Petition To List the Louisiana Black Bear

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of finding on petition.

SUMMARY: The Service announces the second 12-month finding for the petition to amend the Lists of Endangered and Threatened Wildlife and Plants by adding the Louisiana black bear. As with the first 12-month petition finding, the action requested has again been determined to be warranted but precluded by other actions to amend the lists.

DATES: The finding announced in this notice was made in April 1989. Comments and information may be submitted until further notice.

ADDRESSES: Information, comments, or questions regarding the Louisiana black bear petition may be submitted to the U.S. Fish and Wildlife Service, Jackson Mall Office Center, 300 Woodrow Wilson Avenue, Suite 316, Jackson, Mississippi 39213. The petition, finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Bowker at the above address (601/965–4900 or FTS 490–4900).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(B) of the Act, as amended, requires that, for any petition to revise the Lists of Endangered and Threatened Wildlife and Plants that contains substantial scientific or commercial information, a finding be made within 12 months of the date of receipt of the petition on whether the petitioned action is (a) not warranted, (b) warranted, or (c) warranted, but precluded from immediate proposal by other pending proposals. Section 4(b)(3)(C) requires that petitions for which the action requested 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. Such 12-month findings are to be published promptly in the Federal Register.

A petition dated March 6, 1987, from Mr. Harold Schoeffler, was received by the Service on March 23, 1987. It requested the Service to list *Ursus americanus luteolus*, the Louisiana black bear. The Service had previously initiated review of the status of the Louisiana black bear in a notice published December 30, 1982 (47 FR 58454). The petition gave a summary of evidence that this subspecies is still extant in two restricted areas in the Tensas River Basin and in the lower Atchafalaya Basin of Louisiana. This range was described as a contraction from an area once covering most of Louisiana and extending into eastern Texas and western Mississippi. A number of threats were indicated to exist, including the threat of interbreeding with black bear stocks introduced within the historic range from Minnesota between 1964 and 1967.

In July 1987, the Service determined that the action requested by this petitioner may be warranted. In 1988, a 12-month finding was made that the action requested in respect to the Louisiana black bear was warranted but precluded by work on other species having higher priority for listing. Both findings were reported in the Federal Register for August 19, 1988 (53 FR 31723). The Service wishes to develop further information about the existence and exact status of the subspecies in order to support a rule to propose it for addition to the List of Endangered and Threatened Wildlife. There is sufficient evidence to justify active continuation of surveys to answer the necessary questions about its status. The Tensas River National Wildlife Refuge is surveying in the Tensas River basin; and the Louisiana Cooperative Fish and Wildlife Research Unit at Baton Rouge is assisting the Service by surveying the remainder of the known current range in the Atchafalaya River basin.

Tissue samples from the Atchafalaya River basin and the Tensas River basin are being analyzed using electrophoresis techniques for blood proteins and mitochondrial DNA. Dr. Mike Pelton of the University of Tennessee is coordinating these analyses through the Savannah River ecology laboratory (blood proteins) and the University of North Texas (mitochondrial DNA). These analyses should be complete by June 1989, at which time the Service will undertake an assessment of these genetic data to determine if the Louisiana black bear (*U. a. luteolus*) continues to exist as a distinct subspecies.

The most recent 12-month finding again is that the petitioned action is warranted but precluded by work on other species having higher priority for listing.

Section 4(b)(3)(iii) of the Act states that petitioned actions may be found to be warranted but precluded by other listing actions when it is also found that the Service is making expeditious progress in revising the lists. Expeditious progress in listing endangered and threatened species is being made, and is reported annually in the Federal Register. The most recent progress report was published on December 29, 1988 (53 FR 52746).

Author

This notice was prepared by Wendell A. Neal, U.S. Fish and Wildlife Service, Jackson Mall Office Center, 300 Woodrow Wilson Avenue, Suite 316, Jackson, Mississippi 39213 (telephone 601/965–4900, FTS 490–4900).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411), unless otherwise noted.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Dated: July 20, 1989.

Susan Recce Lamson,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 89–18738 Filed 8–9–89; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 649

RIN 0648–AC28

American Lobster Fishery

AGENCY: National Marine Fisheries Service, (NMFS), NOAA, Commerce.

ACTION: Notice of availability of an amendment to the fishery management plan and request for comments.

SUMMARY: NOAA announces that the New England Fishery Management Council (Council) has submitted Amendment 3 to the Fishery Management Plan for American Lobster for Secretarial review and is requesting comments from the public.

DATE: Comments will be accepted on or before October 5, 1989.

ADDRESS: All comments should be sent to Richard Roe, Regional Director, National Marine Fisheries Service, One Blackburn Drive, Gloucester, Massachusetts 01930. Clearly mark the outside of the envelope "Comments on Amendment 3 to the American Lobster FMP."

Copies of Amendment 3 are available upon request from Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntang Office Park, 5 Broadway (Route 1), Saugus, Massachusetts 01906.

FOR FURTHER INFORMATION CONTACT: Patricia A. Kurkul, Resource Policy Analyst, (508) 281–9331.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (Magnuson Act), as amended, requires that a Council-prepared fishery management plan or amendment be submitted to the Secretary of Commerce (Secretary) for review and approval or disapproval. The Magnuson Act also requires that the Secretary upon receipt, immediately publish a notice that the document is available for public review and comment. The Secretary will consider any public comments received in determining the approvability of the document.