

the proposed rule, pending further study of how best to implement this policy without creating an undue administrative burden for both the contractor and the Government.

**FOR FURTHER INFORMATION CONTACT:** The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501-4755, for information pertaining to status or publication schedules. For clarification of content, contact Ms. Linda Nelson at (202) 501-1900. Please cite FAR case 97-010, withdrawal.

#### List of Subjects in 48 CFR Part 31

Government procurement.

Dated: August 7, 1998.

**Edward C. Loeb,**

*Director, Federal Acquisition Policy Division.*

[FR Doc. 98-21631 Filed 8-11-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 49 CFR Parts 375 and 377

[Docket No. FHWA-97-2979]

RIN 2125-AE30

#### Transportation of Household Goods; Consumer Protection Regulations

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Extension and reopening of comment period.

**SUMMARY:** The FHWA is extending and reopening this rulemaking's comment period for an additional 60 day period of time. This is in response to one petition received by the FHWA requesting an extension of the comment period closing date. The petitioner based her request upon her belief that the FHWA provided too brief an opportunity to enable individual consumers, as opposed to industry lobbyists, to become aware of the rulemaking, to digest the NPRM's contents and to respond to the opportunity with comments. This NPRM is required, in part, by the Paperwork Reduction Act of 1995, because most of the information collection burdens formerly imposed by the Interstate Commerce Commission have never received Office of Management and Budget (OMB) approval.

**DATES:** Comments to the NPRM should be received no later than October 13, 1998. The FHWA will consider late comments to the extent practicable.

**ADDRESSES:** Signed, written comments should refer to the docket number

appearing at the top of this document and must be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Vining, Chief, Licensing and Insurance Division (HIA-30), Office of Motor Carrier Information Analysis, (202) 358-7055, Mr. Michael Falk, Motor Carrier Law Division, Office of the Chief Counsel (HCC-20), (202) 366-1384, or Mr. David Miller, Office of Motor Carrier Research and Standards (HCS-10), (202) 366-1790, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

Internet users may access all comments received by the U.S. DOT Dockets, Room PL-401, by using the universal resource locator (URL): <http://dms.dot.gov>. It is available 24 hours each day, 365 days each year. Please follow the instructions on-line for more information and help.

You may download an electronic copy of this document using a personal computer, modem, and suitable communications software from the Federal Register Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the Federal Register's home page at URL: <http://www.nara.gov/fedreg> and at the Government Printing Office's databases at URL: [http://www.access.gpo.gov/su\\_docs](http://www.access.gpo.gov/su_docs).

##### Background

On May 15, 1998, (63 FR 27126), the FHWA published an NPRM requesting comments to a proposed rule. The proposed rule would regulate motor carriers transporting household goods by requiring these motor carriers to provide certain services to protect consumers.

Many customers of household goods carriers, particularly those customers who move at their own expense and are infrequent users of transportation services, are unsophisticated and less able to protect themselves than commercial shippers. In order to ensure these consumers are protected, the Interstate Commerce Commission (ICC) had prescribed regulations governing

the transportation of household goods. These regulations were codified at 49 CFR part 1056.

Following the termination of the ICC, the responsibility for the household goods regulations was delegated to the Secretary of Transportation pursuant to the ICCTA, Pub. L. 104-88, 109 Stat. 803, effective January 1, 1996. The Surface Transportation Board (STB) and the FHWA transferred these regulations from 49 CFR chapter X, Part 1056 to 49 CFR chapter III, Part 375 on October 21, 1996. See 61 FR 54706. On December 27, 1996 (61 FR 68162), the Secretary of Transportation delegated to the Federal Highway Administrator the responsibilities to carry out certain functions and exercise the authority vested in the Secretary under the ICCTA, including 49 U.S.C. 14104, Household goods carrier operations.

Enactment of the ICCTA requires deletion from the regulations of all references to the former ICC and repealed sections of the Interstate Commerce Act, revision of the regulations to codify the transfer to the FHWA of oversight responsibilities for the household goods moving industry, and other editorial corrections.

The FHWA also must seek and obtain OMB approval for the information the FHWA proposes motor carriers and individual shippers must collect, disseminate, and disclose in 49 CFR part 375. "Controlling Paperwork Burdens on the Public." 5 CFR part 1320, implements the Paperwork Reduction Act of 1995 (Pub. L. 104-13 (May 22, 1995)). Part 1320 requires the FHWA to obtain OMB approval before the FHWA requires the public to collect, disseminate, and disclose the information proposed in 49 CFR part 375. The NPRM's 60-day comment period is serving as the 60-day period required under 5 CFR 1320.8(d), 1320.11, and 1320.12.

On July 3, 1998, the FHWA received a petition from Barbara R. Kueppers, Esquire, to extend the comment period for an additional 60-day period. She stated the original 60-day period allotted too brief an opportunity "to enable individual consumers, as opposed to industry lobbyists, to be aware of the rulemaking, to digest the contents of the proposed rules and to respond with meaningful comments."

For the reason in the above paragraph, the FHWA finds good cause to extend this NPRM comment period closing date until October 13, 1998, to provide individual consumers and others additional time to digest the NPRM's contents and to respond with salient comments.

**List of Subjects in 49 CFR Part 375**

Advertising, Arbitration, Consumer protection, Freight, Highways and roads, Insurance, Motor carriers, Moving of household goods, Reporting and recordkeeping requirements.

**List of Subjects in 49 CFR Part 377**

Credit, Freight forwarders, Highways and roads, Motor carriers.

**Authority:** 23 U.S.C. 315 and 49 CFR 1.48.

Issued on: August 5, 1998.

**Kenneth R. Wykle,**

*Federal Highway Administrator.*

[FR Doc. 98-21610 Filed 8-11-98; 8:45 am]

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**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 17**

RIN 1018-AD09

**Endangered and Threatened Wildlife and Plants; Withdrawal of Proposed Rule to List the Black Legless Lizard as Endangered**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) withdraws the proposed rule, published in the **Federal Register** on August 2, 1995 (60 FR 39326), to list the black legless lizard (*Anniella pulchra nigra*) as an endangered species under the Endangered Species Act of 1973, as amended (Act). The black legless lizard is now known to occur in a much wider variety of habitat than previously thought, and the threats to its survival have decreased since the proposed rule was published. The Installation-Wide Multispecies Habitat Management Plan (HMP) for Former Fort Ord, now provides preservation and habitat management on 546 hectares (ha) (1,366 acres (ac)) of coastal and interior dune sheets occupied by the black legless lizard. Elsewhere, a large proportion of the remaining habitat of the black legless lizard is already protected from urbanization and commercial development on public lands, and widespread losses of habitat are unlikely to continue in the foreseeable future. Recent and ongoing restoration efforts on dunes colonized by alien vegetation are likely to benefit the black legless lizard. Furthermore, extensive new invasion of existing black legless lizard habitat by alien plants is unlikely to occur. Based on this information the

Service concludes that listing of the black legless lizard is not warranted.

**ADDRESSES:** The complete file for this action is available for inspection, by appointment, during normal business hours at the Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura California 93003.

**FOR FURTHER INFORMATION CONTACT:** Mr. Carl T. Benz, Assistant Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, at the above address (805/644-1766).

**SUPPLEMENTARY INFORMATION:****Background**

On August 2, 1995, the Service published a proposal to list five plant species and the black legless lizard from Monterey County, California as endangered or threatened in the **Federal Register** (60 FR 39326). The subject of this withdrawal, the black legless lizard, was originally described by Fischer in 1885 as *Anniella nigra* (in Hunt 1983). The description of *A. nigra* as distinct from *A. pulchra*, which had been previously described by Gray in 1852 and Richardson in 1854 (in Hunt 1983), was based on unique scalation, body proportions, and coloration observed in a single specimen. Since the original description, the taxonomic status of the black legless lizard has been open to interpretation (Hunt 1983 and references therein; Murphy and Smith 1985, 1991; Jennings and Hayes 1994). However, since at least the 1940s, most authors have concluded that the black legless lizard is a subspecies of *A. pulchra*. As currently recognized, the California legless lizard, *A. pulchra*, consists of two subspecies; a wide-ranging form, *A. p. pulchra*, the silvery legless lizard, and a more narrowly ranging form, *A. p. nigra*, the black legless lizard.

The black legless lizard has been collected primarily from coastal dunes of the Monterey Peninsula and Monterey Bay between the Salinas and Carmel rivers (Miller 1943, Bury 1985). However, *Anniella* with dark backs and other morphological traits resembling the black legless lizard have been collected north of the Salinas River as far as the San Francisco Bay area and south of the Carmel River in the Morro Bay and Pismo Beach areas, and on the Santa Maria dune sheet at the Guadalupe (San Luis Obispo County) and Mussel Rock (Santa Barbara County) dunes. The relationship of these lizards to *A. p. nigra* remains unresolved (Miller 1943, Bezy *et al.* 1977, Hunt 1983, Bury 1985, Jennings and Hayes 1994). Miller (1943) and Bury

(1985) believed unambiguous black legless lizard populations to be restricted to the coastal area between the Salinas and Carmel rivers. Stebbins (1985) considered the distribution of this taxon to be the Monterey Peninsula, Monterey Bay, and Morro Bay. Hunt (1983) showed an even more extensive distribution. All of these authors agree that coastal specimens of *Anniella* from between the Salinas and Carmel rivers are black legless lizards. As a result, the August 2, 1995, proposal of *A. p. nigra* as endangered was applied only to the range of this taxon as described by Miller (1943) and Bury (1985).

Based on electrophoretic analyses of *Anniella* from a small number of localities in California and Baja California, Mexico, Bezy *et al.* (1977) concluded that the genetic distance between *Anniella p. nigra* and *A. p. pulchra* was consistent with subspecific classification. Rainey (1984) conducted biochemical analyses of *Anniella* from several coastal central California localities with the goal of resolving the distinctness of the black legless lizard. The results suggested genetic differences between dark forms of *A. p. pulchra* from Morro Bay and *A. p. nigra* from the Monterey Peninsula. The results of more fine-scaled sampling in the vicinity of Monterey Bay revealed differences in allele frequencies even among adjacent sites, suggesting genetic subdivisions even within a limited area, but too few samples were analyzed to draw any reliable conclusions.

The black legless lizard is a burrowing, limbless lizard about the diameter of a pencil and reaches a maximum length of about 23 centimeters (cm) (9 inches (in)). It has a black or dark brown back (hatchlings are light colored) and a yellow underside (Fisher 1934, Miller 1943, Hunt 1983, Stebbins 1985). The black legless lizard is distinguished from the silvery legless lizard by dark back coloration, fewer back scales count, and a relatively short tail (Miller 1943, Hunt 1983, Bury and Corn 1984).

Although the historical distribution of the black legless lizard is somewhat uncertain, museum specimens collected since the late 1800s suggest a distribution restricted to coastal and interior dunes and other areas of sandy soils in the vicinity of Monterey Bay and the Monterey Peninsula. Over the last 20 years, biological surveys and anecdotal accounts of naturalists and area residents confirm that the black legless lizard is still extant within this range; however, much of the coastal sandy plains and dunes that were habitat for this lizard, particularly on