

washing, defrosting and defogging regulations is possible using worldwide best practices. AAMA has informed the agency that a European organization is preparing a proposal for a Global Technical Regulation on the subject for consideration by the UN/ECE Working Party 29. The agency participates in Working Party 29 and will support a Global Technical Regulation that incorporates best practices to resolve the issue of minimum cleared areas.

**Authority:** 49 U.S.C. 30103, 30162; delegation of authority at 49 CFR 1.50 and 501.8.

Issued on: April 14, 1999.

**Stephen R. Kratzke.**

*Acting, Associate Administrator for Safety Performance Standards.*

[FR Doc. 99-9705 Filed 4-16-99; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AF35

#### Endangered and Threatened Wildlife and Plants; Extension of Comment Period and Announcement of Public Hearings on Proposal To List the Mountain Plover as a Threatened Species

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

**ACTION:** Proposed rule; public hearings and extension of comment period.

**SUMMARY:** On February 16, 1999, the Fish and Wildlife Service proposed listing the mountain plover as a threatened species, without critical habitat, under authority of the Endangered Species Act (64 FR 7587). The Fish and Wildlife Service (Service) gives notice that five public hearings will be held on the proposal, and that the comment period will be extended 60 days. During the breeding season, the mountain plover is widely distributed in shortgrass prairie, shrub steppe, and cultivated landscapes from Montana south to Texas. Most breeding birds occur in Colorado, Montana, and Wyoming; fewer breeding birds occur in Arizona, Kansas, New Mexico, Oklahoma, Texas, and Utah. Wintering plovers are most numerous in California; some winter in Arizona, Texas, and Mexico.

**DATES:** The comment period on the proposal is extended to June 21, 1999. The public hearings will be held at the following cities, dates, and times.

Malta, Montana: Tuesday, May 25, 1999; 4:00 p.m.–8:00 p.m.

Billings, Montana: Wednesday, May 26, 1999; 2:00 p.m.–4:00 p.m. and 6:00 p.m.–8:00 p.m.

Casper, Wyoming: Wednesday, June 2, 1999; 2:00 p.m.–4:00 p.m. and 6:00 p.m.–8:00 p.m.

Greeley, Colorado: Tuesday, May 25, 1999; 6:00 p.m.–9:00 p.m.

Lamar, Colorado: Wednesday, May 26, 1999; 6:00 p.m.–9:00 p.m.

**ADDRESSES:** The following lists the locations of the meetings cited above:

Malta, Montana: Malta High School, #1 High School Lane.

Billings, Montana: MSU-Billings, 1500 N. 30th Street, Ballroom.

Casper, Wyoming: Holiday Inn, I-25 and Center Street.

Greeley, Colorado: Weld County Centennial Center, 915 10th Street.

Lamar, Colorado: Lamar Community College, 2401 South Main Street, Bowman 138 Lecture Hall.

Written comments and materials should be sent to the Assistant Field Supervisor, U.S. Fish and Wildlife Service, 764 Horizon Drive, South Annex A, Grand Junction, Colorado 81506-3946. We will make comments and materials we receive available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:**

Robert Leachman at the above address, telephone 970-243-2778; facsimile 970-245-6933.

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 4(b)(5)(E) of the Endangered Species Act requires that public hearings regarding proposals for listing be held promptly when requested by the public within 45 days of the proposal's publication in the **Federal Register**. Public hearing requests were received during the allotted time period from Ken Blunt, Phillips County Prairie Ecosystem Action Council (Montana); Francis V. Jacobs, Board of County Commissioners, Phillips County, Montana; John Sidle, USDA Forest Service, Nebraska; and Park County Wyoming County Commissioners. While we received no formal requests for hearings in Colorado, we have had numerous discussions with interested parties in Colorado who have asked that meetings occur. Therefore we have scheduled the five hearings listed above in Montana, Wyoming, and Colorado.

Anyone expecting to make an oral presentation at these hearings is encouraged to provide a written copy of their statement to the hearing officer

prior to the start of the hearing. In the event there is a large attendance, the time allotted for oral statements may have to be limited. Oral and written statements receive equal consideration. There are no limits to the length of written comments presented at these hearings or mailed to us.

**Author:** The primary author of this notice is Robert Leachman (see **ADDRESSES** section).

**Authority:** The authority for this action is the Endangered Species Act (16 U.S.C. 1531-1544).

Dated: April 13, 1999.

**Ralph O. Morgenwech,**

*Regional Director.*

[FR Doc. 99-9664 Filed 4-16-99; 8:45 am]

BILLING CODE 4310-55-M

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants: 90-Day Finding for a Petition to List the *Ambrosia pumila* (San Diego Ambrosia) as Endangered

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

**ACTION:** Notice of 90-day petition finding and initiation of status review.

**SUMMARY:** We have made a 90-day finding on a petition to list the *Ambrosia pumila* (San Diego ambrosia) pursuant to the Endangered Species Act of 1973, as amended (Act). We find that the petition presents substantial scientific or commercial information indicating that listing *Ambrosia pumila* as endangered may be warranted. We are initiating a status review to determine if listing is warranted.

**DATES:** The finding announced in this document was made on April 13, 1999. To be considered in the 12-month finding, comments and information must be submitted to us by May 19, 1999.

**ADDRESSES:** Submit data, information, comments, or questions concerning the petition and this 90-day finding to the Field Supervisor, U.S. Fish and Wildlife Service, Carlsbad Fish and Wildlife Office, 2730 Loker Avenue West, Carlsbad, California 92008. You may inspect the petition, 90-day finding, supporting data, comments and related documents, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Douglas Krofta, biologist, U.S. Fish and

Wildlife Service at the above address or telephone 760-431-9440.

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. To the maximum extent practicable, we are to make this finding within 90 days of receipt of the petition, and we are to publish the finding promptly in the **Federal Register**. If the finding is that substantial information was presented, we must promptly commence a review of the status of the species.

We have made a 90-day finding on a petition to list *Ambrosia pumila* (San Diego ambrosia). Mr. David Hogan, of the Southwest Center for Biological Diversity, and Ms. Cindy Burrascano, of the San Diego Chapter of the California Native Plant Society, submitted the petition, dated November 12, 1996, which we received on January 9, 1997. The petition requested the listing of *A. pumila* as endangered pursuant to section 4 of the Act. Additionally, the petitioners appealed for the emergency listing of *A. pumila* pursuant to section 4(b)(7) of the Act, and further requested the designation of critical habitat for this plant taxon. The letter clearly identified itself as a petition and contained the names, signatures, and addresses of the petitioners. Accompanying the petition was supporting information relating to taxonomy, ecology, threats, and distribution of *A. pumila*. On November 21, 1997, we received a 60-day notice of intent to sue from the petitioners over the failure to issue the administrative 90-day finding for *A. pumila*. The petitioners filed a lawsuit in the United States District Court on October 1, 1998, citing that we had failed to produce the administrative 90-day and 12-month findings for *A. pumila*.

We have reviewed the petition, supporting documentation, and other information available in our files to determine if substantial information is available to indicate that the requested action may be warranted. On the basis of the best scientific and commercial information available, we find that the petitioned action may be warranted for *Ambrosia pumila* because of the magnitude of ongoing and threatened impacts to existing populations. We will commence a status review in accordance with the final listing priority

guidance for fiscal years 1998 and 1999 (63 FR 25502) published on May 8, 1998.

At the time the petition was received on January 9, 1997, we were operating under our final listing priority guidance for fiscal year 1997, which was published December 5, 1996 (61 FR 64475) in the **Federal Register**. The guidance clarified the order in which we would continue to process the backlog of rulemakings following two related events—(1) the lifting, on April 26, 1996, of the moratorium on final listings imposed on April 10, 1995 (Pub. L. 104-6); and (2) the restoration of significant funding for listing through passage of the omnibus budget reconciliation law on April 26, 1996, following severe funding constraints imposed by a number of continuing resolutions between November 1995 and April 1996. Based on biological considerations, the guidance established a “multi-tiered approach that assigned relative priorities, on a descending basis, to actions to be carried out under section 4 of the Act” (61 FR 64479). The guidance called for giving highest priority (Tier 1) to handling emergency situations, second highest priority (Tier 2) to resolving the listing status of the outstanding proposed listings, third priority (Tier 3) to resolving the conservation status of candidate species and processing administrative findings on petitions, and lowest priority (Tier 4) to preparation of proposed or final critical habitat designations, and processing delistings and reclassifications from endangered to threatened status.

On January 23, 1997, we notified the petitioners that based on the listing priority guidance for fiscal year 1997, we would conduct a preliminary review of the petition to determine whether *Ambrosia pumila* faced a significant risk to its well-being under the emergency listing provisions of section 4(b)(7) of the Act (61 FR 64479). We indicated that if such an emergency existed and the species fell within Tier 1, we would immediately process an emergency listing and proposed rule; if an emergency did not exist, the petitioned action would fall within Tier 3 of the guidance. On July 15, 1997, we made a determination that an emergency did not exist (i.e., the immediacy of threats to *A. pumila* were not so great to a significant proportion of the population that the routine listing process was insufficient to prevent large losses that might result in extinction). Therefore, the processing of the petition fell under Tier 3. Our Carlsbad Office (which was assigned the responsibility for processing the petition) continued to

direct personnel and budget toward accomplishment of ongoing Tier 2 and Tier 3 activities for species judged to be in greater need of the Act's protection than *A. pumila*. As these higher priority activities were accomplished, and personnel and funds became available, we proceeded with a 90-day finding on the petition for *A. pumila*.

On May 8, 1998, final listing priority guidance for fiscal years 1998 and 1999 (63 FR 25502) was published. This new guidance changed the four tier priority system to a three tier system. The three tier system described our first priority (Tier 1) as completion of emergency listings for species facing the greatest risk to their well-being. Our second priority (Tier 2) was processing final decisions on pending proposed listings; processing new proposals to add species to the lists; processing 90-day and 12-month administrative findings on petitions to add species to the lists and petitions to delist or reclassify species; and delisting or downlisting actions on species that have achieved or are moving towards recovery. Our third priority (Tier 3) described in the guidance was processing petitions for critical habitat designations and preparing proposed and final critical habitat designations. Under this current guidance, the processing of this petition fell under Tier 2.

*Ambrosia pumila* is a clonal perennial herb restricted to upper terraces of rivers and drainages, but has been identified growing in open, flat grasslands; dry lake beds; open patches in coastal sage scrub habitat; and disturbed sites such as fuel breaks and roadway rights-of-way. Populations of San Diego ambrosia occur on federal, state, and private lands located in southwestern Riverside and San Diego counties, California, and Baja California, Mexico. The range of *A. pumila* is known from an estimated 53 documented historical and current populations from Riverside and San Diego counties, California, and central Baja California, Mexico from Colonet south to Lake Chapala. The distribution of *A. pumila* is centralized in San Diego County, where approximately 48 distinct populations have been reported. Recently, two populations of *A. pumila* were discovered in southwestern Riverside County. Although limited information is available concerning current populations of *A. pumila* in Baja California, three disjunct populations are presumed extant.

**San Diego County**

Of the 48 reported populations of *Ambrosia pumila* in San Diego County, 23 have been extirpated, and an

additional 11 populations were misidentified and are actually a similar species *A. confertiflora*. This leaves 14 populations extant in San Diego County. Two populations consist of plants that were transplanted from sites where the taxon was extirpated due to roadway construction or development. Although these populations are extant, their long-term viability is in question due to unsuccessful attempts at transplanting the taxon in the past. Eleven of the remaining 12 populations have been recently field verified and are known to be extant. Insufficient information exists to make a determination on the status and viability of the twelfth population due to the inadequacy of data on the original collection and difficulty in site access. The long-term viability of at least 5 of the remaining 11 populations is in question due to population size, fragmentation, past and potential impacts, extent of suitable habitat in the immediate area, current land use practices and land-ownership. These apparently nonviable populations range in extent from a single plant growing up through a crack in a sidewalk in National City to a population consisting of several hundred or more stems at Gillespie Field. The six remaining populations in San Diego County are considered to have a greater degree of long-term persistence or viability primarily due to larger population sizes and current land use practices or ownership. These six populations include one population in Mission Trails Regional Park, two populations on the San Diego National Wildlife Refuge, one population on a dirt road off of Del Dios Highway, one population within a San Diego Gas and Electric (SDGE) gas line easement along State Route (SR) 76, and one population within a SDGE electrical transmission line easement adjacent to Jamul Drive.

The Mission Trails population is considered to be the largest and most viable population of *Ambrosia pumila* in the United States. It is located in Mission Trails Regional Park and on adjacent private property. Although road construction and adjacent urban development have historically fragmented the population, the core population consists of several thousand stems and several small colonies scattered throughout the general area. The petitioners asserted that the persistence of this core population is apparently essential to the survival of this taxon in the United States (Hogan and Burrascano 1996). A minimum 90 percent of the core population in Mission Trails Regional Park is protected under the provisions of the

Multiple Species Conservation Plan (MSCP) for southwestern San Diego County. Other populations within MSCP boundaries, such as the Del Dios Highway population, will receive protection under specific sub-area/sub-regional plans addressing conservation measures on an individual project/population basis. The two populations located within the San Diego National Wildlife Refuge are conserved and managed as part of the National Wildlife Refuge System, and are not likely to be threatened. The two San Diego populations found within SDGE easements have the potential for long-term persistence but are currently outside the San Diego County MSCP boundaries. These two populations are protected by a habitat conservation plan with SDGE. Under this plan, the species is covered by special mitigation measures that involve avoidance of impacts as a first priority, and mitigation of impacts as a second priority.

#### Riverside County

The two populations of *Ambrosia pumila* recently recorded in southwestern Riverside County are in the vicinity of Skunk Hollow and Lake Elsinore. The Skunk Hollow population consists of approximately 500 stems and is located on private lands within a wetland mitigation bank. The Lake Elsinore population has an estimated 250–500 stems and is also located on private lands. The long-term persistence or viability of the Lake Elsinore population is in question due to current development threats.

#### Mexico

The current documented range of *Ambrosia pumila* in Baja California, Mexico extends from Colón south to Lake Chapala. Three disjunct populations are recorded. Although additional sites may occur in Baja, the taxon is not considered to be widespread due to the lack of appropriate habitat and impacts resulting from agriculture and urban development, especially in coastal areas. Recent field reconnaissance (Hogan and Burrascano 1996) of two of the three documented sites has confirmed that the recorded populations are extant, but estimates on population size and long-term viability are inconsistent. All three of the known and presumed extant Baja California populations are threatened by agricultural practices and urban development. Further evaluation of these populations is necessary to determine their status and the immediacy of threats.

#### Summary

All populations of *Ambrosia pumila* appear vulnerable to random, environmental or demographic events. Fire, natural or human-induced, could destroy one or more populations. Competition from other plant taxa is also a serious threat. While *Ambrosia pumila* is considered tenacious in appropriate habitat, it is thought to be a weak competitor with invasive herbaceous and non-native grass species.

Of the 16 populations of *Ambrosia pumila* presumed extant in the United States, only six populations in San Diego County and one population in Riverside County are considered secure and protected. These seven populations are expected to persist, provided that adequate protection and management measures are established, implemented, and maintained. The permanent protection and management of *A. pumila* populations under multiple species conservation plans will contribute to long-term habitat viability for *A. pumila*.

We have reviewed the petition, as well as other available information in our files. On the basis of the best scientific and commercial information available, we find that there is sufficient information to indicate that the petitioned action, listing *Ambrosia pumila* as endangered, may be warranted. The petitioners also requested that critical habitat be designated for this species. Designation of critical habitat is not petitionable under the Act. However, if we determine in the 12-month finding that the petitioned action is warranted, we will address the designation of critical habitat in the subsequent proposed rule.

#### Additional Information Solicited

When we make a finding that substantial information exists to indicate that listing a species may be warranted, we are also required to promptly commence a review of the status of the species. To ensure that the status review is complete and based on the best available scientific and commercial data, we are soliciting information concerning the following:

- (1) information on historic and current distribution;
- (2) habitat conditions;
- (3) basic biology of the species;
- (4) ongoing efforts to protect the species and its habitat; and
- (5) threats to the species and its habitat.

#### References Cited

You may request a complete list of all references cited in this document from

the Carlsbad Fish and Wildlife Office (see ADDRESSES section).

Author: The primary author of this document is Douglas Krofta, biologist, Carlsbad Fish and Wildlife Office, U.S. Fish and Wildlife Service (see ADDRESSES section).

#### Authority

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

Dated: April 13, 1999.

**Jamie Rappaport Clark,**

*Director, Fish and Wildlife Service.*

[FR Doc. 99-9783 Filed 4-15-99; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 600 and 648

[I.D. 040999B]

#### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Applications for Experimental Fishing Permits

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

**ACTION:** Notification of experimental fishery proposal; request for comments.

**SUMMARY:** NMFS announces that the Regional Administrator, Northeast Region, NMFS, is considering approval of an experimental fishing proposal that would permit vessels to conduct operations otherwise restricted by regulations governing the Fisheries of the Northeastern United States, 50 CFR part 648. The experimental fishery would involve fishing for, retention, and landing of Atlantic sea scallops with modified dredge gear in the Georges Bank and Nantucket Lightship Closed Areas. Regulations implementing the Magnuson-Stevens Fishery Conservation and Management Act provisions require publication of this notification to provide interested parties the opportunity to comment on the proposed experimental fishery.

**DATES:** Comments on this document must be received by May 4, 1999.

**ADDRESSES:** Comments should be sent to Jon Rittgers, Acting Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark on the outside of the envelope: "Comments on Proposed Scallop Experimental Fishery."

**FOR FURTHER INFORMATION CONTACT:** David Gouveia, Fishery Management Specialist, 978-281-9280.

**SUPPLEMENTARY INFORMATION:** The NMFS Northeast Fisheries Science Center (NEFSC) submitted an application on April 12, 1999, to map the distribution and estimate the abundance of Atlantic sea scallops, and to determine the rate and distribution of finfish and invertebrate bycatches to sea scallop dredges in portions of the Georges Bank and Nantucket Lightship Closed Areas. The proposed experimental fishery would also provide information on the potential habitat effects of the use of scallop fishing gear in these areas and test new gear designs to reduce finfish bycatch rates.

The NEFSC would conduct experimental fishing activities with three commercial vessels federally permitted with a limited access Atlantic sea scallop permit. Vessels interested in participating in this experiment would be chosen by a lottery system administered by the NMFS Northeast Regional Office. Exempted fishing permits would be issued to the participating vessels to exempt them from closed areas and gear restrictions contained in the regulations implementing the Northeast Multispecies and Atlantic Sea Scallop Fishery Management Plans.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: April 13, 1999.

**Gary C. Matlock,**

*Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 99-9726 Filed 4-16-99; 8:45 am]

BILLING CODE 3510-22-F

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 990226056-9056-01; I.D. 122498C]

RIN 0638-AL31

#### Northeast Multispecies Fishery; Amendment 9 to the Northeast Multispecies Fishery Management Plan; Supplement to the Proposed Rule

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

**ACTION:** Supplement to the proposed rule.

**SUMMARY:** NMFS issues this supplement to the proposed rule for Amendment 9 to the Fishery Management Plan for the Northeast Multispecies Fishery. The supplement is intended to provide information inadvertently omitted from the summary of the initial regulatory flexibility analysis (IRFA) prepared for Amendment 9 published with the proposed rule. Specifically, this supplement summarizes information about alternatives that the New England Fishery Management Council (Council) considered, but rejected, for the Amendment.

**DATES:** Public comments will be accepted from April 14, 1999 through May 3, 1999.

**ADDRESSES:** Comments should be sent to Jon C. Rittgers, Acting Regional Administrator, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on the initial regulatory flexibility analysis of Amendment 9."

**FOR FURTHER INFORMATION CONTACT:** Susan A. Murphy, Fishery Policy Analyst, 978-281-9252.

**SUPPLEMENTARY INFORMATION:** Analytical documents in Amendment 9 pertaining to requirements of the Regulatory Flexibility Act include "Volume I," October 9, 1998; "Supplement," November 14, 1998; and "Supplement," January 27, 1999. This supplement to the proposed rule for Amendment 9 republishes, for the convenience of the public, the portion of the classification section of that proposed rule (64 FR 13952; March 23, 1999) that addressed the Regulatory Flexibility Act and adds information inadvertently omitted from that classification section relevant to alternatives considered, but rejected, by the Council for Amendment 9.

#### Classification

NMFS prepared an IRFA for this proposed rule, pursuant to 5 U.S.C. 603, without regard to whether the proposal would have a significant impact on a substantial number of small entities. Measures analyzed in the IRFA include the brush-sweep trawl gear prohibition, the one-fish halibut possession limit, and the winter flounder fish size increase. The following is a brief discussion of the measures analyzed in the IRFA.

Amendment 9 proposes the prohibition of brush-sweep trawl gear on vessels fishing for multispecies. The cost of the brush-sweep trawl gear is estimated to be between \$8,000 and \$15,000, depending on the individual vessel. Excessive wear and tear on the gear requires that the gear be replaced