will be based on consideration of the following criteria:

(1) The importance and number of restrictions or requirements violated;

(2) The seriousness of the violation;

(3) The extent to which the violation is part of a pattern; and

(4) Whether the violation was intentional.

(c) Financial assistance provided to a recipient may also be suspended by the Corporation pursuant to a recommendation by the Office of Inspector General when the recipient has failed to have an acceptable audit in accordance with the guidance promulgated by the Corporation's Office of Inspector General.

§ 1623.4 Suspension procedures.

(a) When the Corporation has made a proposed determination, based on the grounds set out in § 1623.3, that financial assistance to a recipient should be suspended, the Corporation shall serve a written proposed determination on the recipient. The proposed determination shall:

(1) State the grounds and effective date for the proposed suspension;

(2) Identify, with reasonable specificity, any facts or documents relied upon as justification for the suspension;

(3) Specify what, if any, corrective action the recipient can take to avoid or end the suspension;

(4) Advise the recipient that it may request, within 5 days of receipt of the proposed determination, an informal meeting with the Corporation at which it may attempt to show that the proposed suspension should not be imposed; and

(5) Advise the recipient that, within 10 days of its receipt of the proposed determination and without regard to whether it requests an informal meeting, it may submit written materials in opposition to the proposed suspension.

(b) If the recipient requests an informal meeting with the Corporation, the Corporation shall designate the time and place for the meeting. The meeting shall occur within 5 days after the recipient's request is received.

(c) The Corporation shall consider any written materials submitted by the recipient in opposition to the proposed suspension and any oral presentation or written materials submitted by the recipient at an informal meeting. If, after considering such materials, the Corporation determines that the recipient has failed to show that the suspension should not become effective, the Corporation may issue a written final determination to suspend financial assistance to the recipient in whole or in part and under such terms and conditions the Corporation deems appropriate and necessary.

(d) The final determination shall be promptly transmitted to the recipient in a manner that verifies receipt of the determination by the recipient, and the suspension shall become effective when the final determination is received by the recipient or on such later date as is specified therein.

(e) The Corporation may at any time rescind or modify the terms of the final determination to suspend and, on written notice to the recipient, may reinstate the suspension without further proceedings under this part. Except as provided in paragraph (f) of this section, the total time of a suspension shall not exceed 30 days, unless the Corporation and the recipient agree to a continuation of the suspension for up to a total of 60 days without further proceedings under this part.

(f) When the suspension is based on the grounds in § 1623.3(c), a recipient's funds may be suspended until an acceptable audit is completed.

§ 1623.5 Time extensions and waiver.

(a) Except for the time limits in § 1623.4(e), any period of time provided in this part may be extended by the Corporation for good cause. Requests for extensions of time shall be considered in light of the overall objective that the procedures prescribed by this part ordinarily shall be concluded within 30 days of the service of the proposed determination.

(b) Any other provision of this part may be waived or modified by agreement of the recipient and the Corporation for good cause.

§ 1623.6 Interim funding.

(a) Pending the completion of suspension proceedings under this part, the Corporation shall provide the recipient with the level of financial assistance provided for under its current grant or contract with the Corporation.

(b) Failure by the Corporation to meet a time requirement of this part shall not preclude the Corporation from suspending a recipient's grant or contract with the Corporation.

Dated: May 29, 1998.

Victor M. Fortuno,

General Counsel.

[FR Doc. 98–14773 Filed 6–3–98; 8:45 am]

BILLING CODE 7050–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–98–3881; Notice 01]

RIN 2127–AH21

Federal Motor Vehicle Safety Standards; Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Request for comments.

SUMMARY: NHTSA is considering whether to issue a proposal to amend the Federal motor vehicle safety standard on transmission shift lever sequence to add requirements for vehicles without conventional mechanical transmission shift levers. This is in response to a petition received from BMW of North America, Inc. (BMW). BMW has been exploring the possibility of producing vehicles with electronically-controlled transmissions that do not use the conventional mechanical lever that, when engaged, places the transmission in the desired gear. Rather than conventional shift levers, these systems would employ shift mechanisms such as a rotary switch, keypad, touch screen, joystick, voice activation, or some other method. Some of these designs, however, do not comply with requirements in Standard No. 102.

DATES: Comments must be received on or before September 2, 1998.

ADDRESSES: Comments must refer to the docket and notice numbers cited at the beginning of this notice and be submitted to: Docket Management, Room PL–401, 400 Seventh Street SW., Washington, DC 20590. It is requested, but not required, that two copies of the comments be provided. The Docket Section is open on weekdays from 10:00 a.m. to 5 p.m.

FOR FURTHER INFORMATION CONTACT: For non-legal issues: Mr. Chris Flanigan, Office of Safety Performance Standards, NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Mr. Flanigan's telephone number is (202) 366–4918 and his facsimile number is (202) 366–4329.

For legal issues: Ms. Dorothy Nakama, Rulemaking Division, Office of Chief Counsel, NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Ms. Nakama's telephone number is (202)

366–2992 and her facsimile number is (202) 366–3820.

SUPPLEMENTARY INFORMATION:

Background of Standard No. 102

Standard No. 102's purpose is to reduce deaths and injuries resulting from misshifting. Since 1968, the standard has ensured against misshifting by specifying the sequence in which gears for automatic transmissions must be selected. Paragraph S3.1.1 of the standard, ''Location of transmission shift lever positions on passenger cars,'' requires that ''[a] neutral position shall be located between forward drive and reverse drive positions. If a steering-column-mounted transmission shift lever is used, movement from neutral position to forward drive position shall be clockwise. If the transmission shift lever sequence includes a park position, it shall be located at the end, adjacent to the reverse drive position.'' That is, the gear selection is required to be in the park, reverse, neutral, drive, and low (PRNDL) sequence.

Under these requirements, the driver must shift serially to get from one position to another. For instance, if a vehicle is in park, to get to drive, the driver must move the shift lever serially through two positions: reverse, neutral, and then to drive. Moreover, with the neutral position required to be between reverse and drive, this further ensures that no mistakes in selection will be made. The neutral position provides a buffer zone between forward and reverse. Therefore, if there was a mistake in shifting, it is more than likely that the vehicle would end up in neutral instead of drive or reverse.

The main type of misshifting the standard seeks to prevent is when a driver initiates forward or rearward motion from a standstill. For example, if a driver intends to leave a parking space by placing a vehicle in reverse and accidentally places the vehicle in drive, there is a potential for pedestrians or other vehicles to be struck. Because of the required shift lever sequence, it becomes less likely due to the standardized sequence of gear positions a driver must always follow to get to the desired gear. Further, the vast majority of gear changes are performed while the vehicle is not in motion.

BMW's Petition

BMW petitioned the agency to amend Standard No. 102 on November 19, 1997. As stated above, it is considering manufacturing electronically-controlled transmissions that would not use the conventional mechanical shift lever as current vehicles with both electronically-controlled and mechanically-controlled transmissions do. The systems could use unconventional methods of initiating shift changes (rotary switches, keypads, touch screens, joysticks, voice activation, or other methods). For a mechanically-controlled transmission, a shift lever is moved, which activates a linkage or cable that positions the transmission's linkage in the desired gear. When the shift mechanism on an electronically controlled system is moved, it sends an electric signal to a control on the transmission to place the transmission in the desired gear.

Standard No. 102 establishes four primary requirements for vehicles with automatic transmissions. First, it specifies a shift lever sequence for automatic transmissions and requires a neutral position to be located between forward drive and reverse drive positions. Second, it requires a transmission braking effect for vehicles having more than one forward transmission gear ratio. Third, it requires that the engine starter be inoperative when the transmission is in a forward or reverse drive position. Fourth, it requires that, for shift lever sequences with a park position, identification of shift lever positions shall be displayed in view of the driver.

BMW stated in its petition that the requirements to provide a transmission braking effect and a starter interlock when the transmission is in a forward or reverse drive position do not pose any problems for their newer design. Thus, the focus of BMW's petition and this request for comments is on the first and fourth requirements identified above—the shift lever sequence for automatic transmissions and the requirement that the shift lever sequence be displayed in view of the driver.

With respect to the shift lever sequence, BMW indicated that future shifting designs, especially joysticks, could move along two axes, instead of the single axis associated with conventional shift levers. That is, instead of moving around the steering column or forward and backward like conventional shift levers, joysticks and keypads shift by moving forward and backward and left and right. Adding this second axis of movement would make compliance with the shift lever sequence requirement and the requirement to display the shift lever sequence, in the words of BMW's petition, ''inappropriate, impracticable, and sometimes impossible.''

BMW also believes that because the shift lever sequence requirements refer to shift ''levers,'' Standard No. 102 would not apply to shifting mechanisms that do not employ a mechanical lever. It asserts that the standard was based on mechanical shift levers and its requirements were written to endorse the then-current industry practice of using a shift lever even though other means of gear selection (e.g., push buttons) had existed in the past and could likely be reintroduced in the future. It states that, ''to avoid 'out-lawing' such other designs, the wording in these requirements was intentionally chosen to clearly apply only to transmissions with *mechanical shift levers.*''

BMW asked that three requirements be added to Standard No. 102 that relate to systems without mechanical transmission levers. Its suggested regulatory text is as follows:

S3.1.5 *Systems without mechanical transmission levers.*

S3.1.5.1 The engine starter shall be inoperative whenever a forward or reverse drive gear is engaged.

S3.1.5.2 Each transmission gear available for selection, how each available transmission gear can be selected, and which gear has been selected shall be displayed in view of the driver whenever any of the following conditions exist:

(a) The ignition is in a position where the transmission can be shifted.

(b) The transmission is not in park.

S3.1.5.3 Each system shall prohibit the following:

(a) shifting from drive to reverse and from reverse to drive at any speed above five kilometers per hour (km/h) (3.1 miles per hour (mph)).

(b) shifting into park from any gear at any speed above three km/h (1.9 mph).

NHTSA welcomes this petition to reexamine whether there is a continuing need for the shift lever sequence in Standard No. 102. This was one of the original safety standards which took effect on January 1, 1968. The agency believes it is useful to consider carefully in 1998 whether the changes over the past 30 years have eliminated the need for the shift lever sequence requirement, or whether that requirement is now imposing a needless burden on new technologies. To facilitate this review, NHTSA has carefully looked at the purpose of the shift lever sequence. The agency would now like to have a public dialogue to gather additional information and opinions about whether the shift lever sequence requirements in Standard No. 102 impose unforeseen design burdens on manufacturers' efforts to use new technologies and whether there is a continuing safety benefit for the public from the shift lever sequence requirements.

Standard No. 102's Applicability

Although the standard mentions only shift ''levers,'' the agency's intention was not to have the standard apply only to systems with mechanical levers such as BMW asserts. The standard specifies shift levers because they were the conventional type of shift mechanism at the time the standard was established in the late 1960's. The agency's intent was to reduce the likelihood of shifting errors by standardizing the shift lever sequence. As with other standards, the agency's goal is not to limit innovations in vehicular systems by establishing requirements or to establish design restrictive requirements unless that is necessary for establishing the required safety goal.

For example, Standard No. 124, *Accelerator control systems*, was written with respect to mechanical accelerator control systems. This is because at the time Standard No. 124 was established, the only type of accelerator controls that existed were of a mechanical type. When promulgated, the definitions and requirements were easy to understand and apply because their language was strongly influenced by the design of mechanical systems. However, with the advent of electronic accelerator control systems, it did not mean that the standard did not apply to them. In the case of Standard No. 124, the purpose was to provide a means for reducing deaths and injuries resulting from a loss of control of a moving vehicle's engine, due to malfunctions in the accelerator control system. That is, the system should return a vehicle's throttle to the idle position if the driver removes the actuating force (removes foot from accelerator pedal or disengages cruise control) and when there is a severance or disconnection in the system. This can be accomplished whether the system is electronic or mechanical.

The same is true for Standard No. 102. The standard does not differentiate between whether a transmission is mechanically- or electronically-controlled. There are a number of vehicles on the market today that have electronically-controlled transmissions that employ conventional mechanical shift levers to which the standard applies. The sequence and mechanism of gear selection is the issue at hand and whether this means should remain standardized as is, or whether other aspects need to be standardized. Further, if the agency determines that the existing standardization is no longer appropriate and amends the standard to accommodate other types of shift mechanisms, a decision needs to be made as to what other requirements, if any, need to be established to maintain the level of safety that has existed with the current requirements for the last thirty years.

Discussion of Issues

Shift Lever Sequence

Having these requirements in place for over thirty years has ingrained them in the minds of the vast majority of drivers. Because of the familiarity with the required gear positions, it is not uncommon for a driver of a vehicle with an automatic transmission to shift into a desired gear without looking at the shift lever or display. The universality of these controls allows this behavior without necessarily degrading motor vehicle safety. Drivers know where certain gear positions are in relation to the others. As stated above, to get from the park position to the drive position, a driver would move the control in a clockwise or rearward, serial sequence to go through the reverse and neutral positions. However, if shift levers were allowed to be significantly different as in some of the designs BMW has outlined, it is possible that a significant amount of misshifting would occur.

Other than the rotary switch, the shift mechanisms that BMW has outlined would allow non-serial selection of gears. Shift mechanisms such as joysticks, push buttons, keypads, and touch screens would allow the driver to shift from gear to gear in any sequence. For example, if a vehicle is equipped with push buttons, a keypad, or a touch screen for gear selection, the driver would simply depress a button or touch a screen at the position for the desired gear, regardless of the currently selected gear position. Therefore, one could change gears in any sequence. Regarding the joystick design, the driver must move a *mechanical lever* from its center position either up for drive, down for reverse, left for park, or right for neutral. After the lever is moved toward the desired gear selection, it returns back to its center position.

Some of the systems BMW mentioned could theoretically be changed so that they comply with the standard. For systems employing push button, keypad, or touch screen shift mechanisms, it is possible to envision a series of interlocking buttons or touch screen positions which would operate only in a specific serial sequence. That is, to place the vehicle in drive from park, first one would have to push the reverse button, neutral button, and the drive button in sequence. While we believe this would meet the standard, we understand it is unlikely a manufacturer would opt for such a cumbersome shift mechanism.

These non-serial methods of shifting could increase the likelihood of misshifting. In situations where the vehicle is being operated at night or if the driver's attention is focused on a more critical area, the driver may change gears without looking at the shift lever or display. Some drivers may shift gears without looking for no other reason than their familiarity with the system. Because the gear positions could be selected randomly in most of the systems BMW has outlined, not looking at the shift mechanism or display when shifting would allow less room for error than with conventional systems.

Another scenario which could increase the likelihood of misshifting is when a driver is operating a rental car. In this situation, the driver may not be familiar with the vehicle's controls and displays. If the driver was not accustomed to an unconventional shift mechanism, misshifting could occur. Also, the agency has received numerous letters regarding confusion with the placement of controls and displays on rental cars. These letters express some of the public's frustration with the lack in standardization of placement of controls and displays. Allowing unconventional shift mechanisms could add to already existing confusion among some drivers.

One possible method to lessen the likelihood of misshifting is to require that the brake pedal be depressed to initiate a change in gears. In this case, the only gear changes that could be made without depressing the brake would be when switching between drive and the lower forward gears. This may eliminate many potential problems with drivers not looking at the shift mechanisms while changing gears. Even if a driver did not look at the shift mechanism or display while changing gears, after completing this action while the brake pedal is depressed, the driver would feel a vehicle ''tug'' towards the selected gear's direction. Therefore, if a driver intended to place the transmission in the drive position and the vehicle tugged in the reverse direction, the driver probably would immediately know a mistake had been made. Further, it could eliminate potential problems with voice activated systems. Saying key words such as ''drive'' or ''reverse'' would not change the gear without the driver depressing the brake and thus being in control of the vehicle. Brake pedal application while shifting might, however, be problematic under certain driving

conditions such as rocking a vehicle stuck in snow.

BMW briefly mentions voice activated gear selection in its petition. There would be a multitude of safety issues if these systems were used. For example, if some of the activating words were used in conversation while driving, an undesired shift could take place. Also, if someone were to shout out a command outside of a parked, idling vehicle, the transmission could be shifted into a forward or reverse gear which would cause the vehicle to move. BMW did not suggest any requirements to forestall such an event.

BMW did describe a non-lever shift mechanism that would meet the current requirements of the standard. The rotary switch would be acceptable because the driver would have to turn a dial-like mechanism through the PRNDL sequence to get to the desired gear. To get the transmission into the drive position, one would have to turn the rotary switch through the reverse and neutral positions. This serial selection of gears would allow the driver to shift through the standardized gear sequence.

As stated above, the type of misshifting that the standard seeks to prevent is when a vehicle is at a standstill. BMW suggests requirements to deter shifting while the vehicle is in motion. The requirements that BMW suggests appear to center mainly on the protection of the transmission. However, BMW's suggested requirements do not appear to address how misshifting could be prevented if the vehicle is not in motion, the main purpose of the standard.

Display of Shift Lever Sequence

Standard No. 102 also specifies requirements for the display of the shift lever sequence. It requires that identification of the shift lever positions including the positions in relation to each other and the position selected be displayed in view of the driver when either the ignition is in a position where the transmission can be shifted or when the transmission is not in the park position. If the vehicle does not have a park position, identification of the shift lever positions, including the positions in relation to each other and the position selected, shall be displayed in view of the driver whenever the ignition is in a position in which the engine is capable of operation. The purpose of these requirements is to ensure that the vehicle operator is aware of which gear has been selected as well as its relation to the other shift positions. This reduces the likelihood of misshifting.

BMW stated in its petition that, because of the physical nature of future transmissions, meeting the aforementioned display requirements could be ''inappropriate, impracticable, and sometimes impossible.'' BMW does not elaborate further on why the display requirements would be difficult to comply with. However, BMW believes the future transmission designs can satisfy the standard's intended purpose: to reduce the likelihood of shifting errors.

As stated previously, the shift lever requirements in the standard have been around for 30 years. Drivers are accustomed to the requirements for the display of the shift lever sequence. The agency believes that, if the currently-required display was changed, drivers could become confused. This could lead to them making a mistake in selecting the desired gear. Further, this problem could be exacerbated in rental cars where the driver is not familiar with the controls and displays.

Starter Interlock

Paragraph S3.1.3 of the standard states that ''[t]he engine starter shall be inoperative when the transmission *shift lever* is in a forward or reverse drive position'' (emphasis added). Because the purpose of this notice is to seek comments on permitting other types of shift mechanisms, some of which are not considered shift ''levers,'' the agency would like to clarify that our intention is not to remove the requirement for a starter interlock on vehicles which do not have shift lever. If some type of shift mechanism other than a shift lever, such as a rotary switch, is permitted, the starter interlock requirements would have to be amended to incorporate this change.

Questions for Comment

In determining the merits of BMW's petition and discussion of the issues, the comments should not focus on the type of transmission that is involved, i.e., whether it is electronically- or mechanically-controlled. This is irrelevant because it does not affect the ability to comply with the standard. There are compliant vehicles on the road today which have both types of transmissions. The issue we are interested in receiving comments on is the effect on motor vehicle safety of a change in standardization of the shift lever sequence (PRNDL) to a non-serial type of gear selection.

1. Should Standard No. 102 be amended to permit transmission shift mechanisms which allow changing gears in a non-serial manner, e.g., keypads, touch screens, push buttons, voice activation, etc.? If these non-serial shift mechanisms were allowed, what types of restrictions, if any, should be placed on them to reduce the likelihood of misshifting? Please be specific.

2. Should the standard specify maximum speeds at which the transmission can be shifted, (except when switching between drive and lower forward gears) presuming that additional safety concerns exist that could be resolved by preventing shifting while a vehicle is in motion? If so, are the maximum speeds and the vehicle conditions that BMW has suggested in its petition appropriate? If not, what speeds and conditions would be appropriate?

3. Should there be a requirement that the brake pedal be depressed, or any other action, to achieve a failsafe condition to occur in order to initiate a change in gears (except when switching between drive and lower forward gears)?

4. If non-serial shift mechanisms were allowed, how should the display requirements be altered to accommodate them?

5. Although BMW did not raise any issues regarding transmission braking effect, the agency would like to get comments on this requirement. The standard states that ''[i]n vehicles having more than one forward transmission gear ratio, one forward drive position shall provide a greater degree of engine braking than the highest speed transmission ratio at vehicle speeds below 40 kilometers per hour.'' The only way the standard permits this requirement to be met is through the transmission braking effect. Should the requirement be less specific by allowing other means of slowing down the vehicle when the transmission is shifted into a lower forward gear? This could be accomplished when downshifting the transmission by controlling the vehicle's brake system via a traction control system, using a drive line retarder, using regenerative braking, or some other method.

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This request for comment was not reviewed under Executive Order 12866 (Regulatory Planning and Review). NHTSA has analyzed the impact of this request for comment and determined that it is not ''significant'' within the meaning of the Department of Transportation's regulatory policies and procedures. The agency anticipates if a proposal and ultimately a final rule should result from this request for comment, new requirements would not be imposed on manufacturers with respect to currently regulated systems.

The request for comment seeks to determine whether shift mechanisms that employ a non-serial method of gear selection would degrade safety, and if so, could the standard be amended so as to allow for their safe inclusion in motor vehicles. If NHTSA decides to initiate rulemaking, it is NHTSA's intent that the rulemaking not impose any additional costs.

Procedures for Filing Comments

Interested persons are invited to submit comments on this request for comment. It is requested but not required that two 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 purportedly confidential business information, 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 information regulation. 49 CFR part 512.

All comments received 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 after the comment due date will be considered as suggestions for any future rulemaking action. Comments on the request for comment will be available for inspection in the docket. 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 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.

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

Issued on: May 29, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98–14832 Filed 6–3–98; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants: Finding on Petitions To Change the Status of Grizzly Bear Populations in the North Cascades Area of Washington and the Cabinet-Yaak Area of Montana and Idaho From Threatened to Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 12-month petition finding.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a recycled 12-month petition finding for two petitions to amend the List of Threatened and Endangered Wildlife. The Service finds that reclassification of grizzly bears (*Ursus arctos horribilis*) in the North Cascades Recovery Zone of Washington and Cabinet-Yaak Recovery Zone of Montana and Idaho from threatened to endangered status remains warranted but precluded.

DATES: The finding announced in this document was approved on June 1, 1998.

ADDRESSES: Questions or comments concerning this finding should be sent to U.S. Fish and Wildlife Service, Grizzly Bear Recovery Coordinator, University Hall 309, University of Montana, Missoula, Montana 59812. The petition, finding, and supporting data are available for public inspection by appointment during normal business hours at the above office.

FOR FURTHER INFORMATION CONTACT: Dr. Christopher Servheen, Grizzly Bear Recovery Coordinator (see **ADDRESSES** above) at telephone (406) 243–4903.

SUPPLEMENTARY INFORMATION: Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that for any petition to revise the Lists of Endangered and Threatened Wildlife and Plants that contains substantial scientific and commercial information, the Service make a finding within 12 months of the date of the receipt of the petition on whether the petitioned action is (a) not warranted, (b) warranted, or '' warranted, but precluded. Section 4(b)(3)(C) requires that petitions for which the requested action 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. The Service announces a new 12-month finding on two petitions requesting the reclassification of grizzly bears from threatened to endangered status.

The Service received a petition dated March 13, 1990, from the Humane Society of the United States, Greater Ecosystem Alliance, North Cascades Audubon Society, Kittitas Audubon Society, Pilchuck Audubon Society, Skagit Alpine Club, North Cascades Conservation Council, and Carol Rae Smith. The petition requested the Service to reclassify the grizzly bear in the North Cascades area of Washington State from threatened to endangered. The Service made a 90-day finding that the petition presented substantial information indicating that the requested action may be warranted. The Service announced the 90-day finding in the **Federal Register** on August 7, 1990, (55 FR 32103) and initiated a status review. The Service issued a 12-month finding that the petitioned action was warranted but precluded on July 24, 1991 (56 FR 33892).

A petition dated January 16, 1991, was received from Mr. D.C. Carlton on January 28, 1991. The petition requested the Service to reclassify the grizzly bear in the Selkirk ecosystem of Idaho and Washington; the Cabinet-Yaak ecosystem of Montana and Idaho; and the North Cascades ecosystem of Washington from threatened to endangered. A petition dated February 4, 1991, was received from the Fund for Animals, Inc., on February 7, 1991. The petition requested the Service to reclassify the grizzly bear in the Selkirk ecosystem of Idaho and Washington; the Cabinet-Yaak ecosystem of Montana and Idaho; the Yellowstone ecosystem of Montana, Wyoming, and Idaho; and the Northern Continental Divide ecosystem of Montana from threatened to endangered. On April 20, 1992 (57 FR 14372) the Service issued a 90-day finding that there was not substantial information to warrant the reclassification of the grizzly bear in the Yellowstone and Northern Continental Divide ecosystems, but there was substantial information to indicate that reclassification in the Selkirk and Cabinet-Yaak ecosystems may be warranted. At the same time, the Service initiated a status review. On February 12, 1993 (58 FR 8250) the Service issued a 12-month finding that reclassification in the Cabinet-Yaak ecosystem was