polystyrene has ''superior cushioning qualities'' compared to a blow molded plastic, yet acknowledges that the material may fracture or crack in a crash. This potential would make it likely that a polystyrene child seat would fail the structural integrity requirement in a compliance test. NHTSA is denying the petition because the loss of structural integrity of a restraint could negatively affect the performance of the system by allowing injurious forces to be imposed on the child occupant. Further, because damage to polystyrene may not be easily detected, there is a concern that consumers could mistakenly use damaged polystyrene seats, putting the child occupant at risk. Not enough is known about these potential concerns to warrant reducing the system integrity requirement as requested.

FOR FURTHER INFORMATION CONTACT: *For nonlegal issues:* Dr. George Mouchahoir, Office of Vehicle Safety Standards (telephone 202–366–4919).

For legal issues: Deirdre Fujita, Office of the Chief Counsel (202–366–2992). Both can be reached at the National Highway Traffic Safety Administration, 400 Seventh St., S.W., Washington, D.C., 20590.

SUPPLEMENTARY INFORMATION: Section S5.1.1 of Federal Motor Vehicle Safety Standard No. 213, ''Child Restraint Systems'' (49 CFR § 571.213), sets forth requirements for child restraint system integrity. Section S5.1.1(a) states that when dynamically tested, each child restraint shall:

> Exhibit no complete separation of any load bearing structural element and no partial separation exposing either surfaces with a radius of less than 1/4 inch or surfaces with protrusions greater than 3/8 inch above the immediate adjacent surrounding contactable surface of any structural element of the system. * * *

On August 5, 1996, Mr. John Lord of The Booster Seat Company of Hamilton, New Zealand, petitioned NHTSA to amend S5.1.1(a) to permit fractures or cracks in belt-positioning booster seats that are made from polystyrene. The petitioner believes polystyrene has ''superior cushioning qualities'' compared to blow molded plastic, yet acknowledges that ''by nature of the material'' may fracture or crack in a manner prohibited by the system integrity requirement of S5.1.1(a). The petitioner did not believe the edges would harm by ''pinching, cutting or stabbing the child'' because with polystyrene, ''[b]y nature, all cracked edges are soft.'' The petitioner suggested that NHTSA should amend S5.1.1.(a) for belt-positioning seats, to allow for separation of the structural elements so long as a sharpness limit is met for the edges formed by the separation.

NHTSA is denying the petition because the structural integrity requirement addresses more than the sharpness of exposed edges formed by a separation of materials. The requirement ensures the structural soundness of a restraint in a crash. Structural soundness in a crash is important for maintaining the proper positioning of the child. A belt-positioning booster seat lifts the child so that the vehicle shoulder belt is positioned on the child's shoulder and away from the face and neck and the lap belt is across the child's hips and off of the abdomen. A loss of structural integrity of a booster seat during impact can result in the repositioning of the child in relation to the belts. If the belts were to be repositioned on the child's neck or abdomen, high forces could be imposed on those vulnerable regions, resulting in injury. Because neck and abdominal loading are not measured by the 3-year-old and 6-year-old dummies used in Standard 213's compliance tests to evaluate booster seats, a booster seat could meet the standard's performance criteria (aside from the integrity requirement) and still pose a safety risk for children.

It is also noted that revising S5.1.1(a) as the petitioner suggested may also affect the structural soundness of a restraint over the long term. A polystyrene child seat could easily be penetrated by sharp objects and cracked or fractured during use in a vehicle or during ordinary handling. Once a crack has formed in the material, it may quickly propagate due to the nature of the material, so that a child seat could be easily snapped apart along a crack line. This damage and degradation of the material could significantly reduce the performance of the restraint. Further, fractures in the polystyrene are not easily seen. The material itself appears pocketed and lined with tiny fissures, and crack lines due to material failure may not be obvious. Not enough is known at this time about these potential concerns to warrant reducing the system integrity requirements of the standard as requested.

In accordance with 49 CFR part 552, this completes the agency's review of the petition. The agency has concluded that there is no reasonable possibility that the amendment requested by the petitioner would be issued at the conclusion of the rulemaking proceeding. Accordingly, the petition is denied.

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

Issued on April 14, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98–10299 Filed 4–17–98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 222 and 227

[I.D. 052493B]

Endangered and Threatened Species; Proposed Threatened Status for Johnson's Seagrass

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

ACTION: Proposed rule; notice of reopening of comment period

SUMMARY: The National Marine Fisheries Service (NMFS), pursuant to the Endangered Species Act of 1973, as amended (Act), provides notice of reopening of the comment period on the proposed listing of Johnson's seagrass, *Halophila johnsonii* as a threatened species. The comment period has been reopened to provide opportunity for public comment since the close of the original comment period on December 14, 1993.

DATES: The public comment period, which originally closed on December 14, 1993, now closes June 4, 1998.

ADDRESSES: Comments and requests for copies of the technical workshops proceedings and references should be sent to the Chief, Endangered Species Division (F/PR3), Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT: Donna Brewer, F/PR3, NMFS, (301) 713–1401, or Colleen Coogan, Southeast Region, NMFS, (813) 570–5312.

SUPPLEMENTARY INFORMATION:

Background

On September 15, 1993, NMFS published a proposed rule to list Johnson's seagrass as a threatened species (58 FR 48326). Designation of critical habitat was subsequently proposed on August 4, 1994 (59 FR 39716). A public hearing on both the proposed listing and critical habitat

designation was held in Vero Beach, Florida on September 20, 1994. This reopening of the comment period applies only to the proposed listing of Johnson's seagrass as a threatened species. The proposed designation of critical habitat will be addressed in a separate Federal Register notice and additional comments will be solicited at that time.

Since publication of the proposed rule, additional information has been made available to NMFS that supplements available data on the status and distribution of Johnson's seagrass. This information was reviewed in a technical workshop held in St. Petersburg, Florida, in November 1996, and has been summarized in a workshop proceedings (Kenworthy, 1997) submitted to NMFS on October 15, 1997.

In addition, genetic studies confirming and supporting information presented in the proposed rule regarding the species separation of Johnson's seagrass have been published (Jewitt-Smith et al., 1997); peer review comments on the proposed rule have been received, and a report summarizing several years of surveys for Johnson's seagrass within the Indian River Lagoon has been completed (Virnstein, et al., 1997). A brief summary of the workshop proceedings follows:

The workshop convened species experts and representatives of agencies with jurisdiction over seagrasses and their habitats to review existing information on the biology and ecology of Johnson's seagrass. Workshop attendees reviewed new genetic information supporting *H. johnsonii* as a separate species from *H. decipens* (recently published by Jewitt-Smith et al, 1977). New qualitative and quantitative benthic surveys and interviews with species experts also reviewed at the workshop, confirmed the extremely limited geographic distribution of Johnson's seagrass to patchy and vertically disjunct areas between Sebastian Inlet and northern Biscayne Bay on the east coast of Florida, finding no verifiable sightings outside of the range other than those already reported. Since additional surveys have not located any male flowers, nor has seedling recruitment been confirmed, the workshop attendees attributed the distribution and abundance of Johnson's seagrass to a reliance on vegetative means of reproduction and growth. High densities of apical meristems, rapid rates of horizontal growth, and a fast leaf turnover were suggested to explain the appearance and disappearance of Johnson's seagrass observed in disturbed areas and on survey transects.

Public Comments Solicited

Due to the availability of additional information, the passage of time since the close of the previous comment period, and the desire to review the best scientific information available during the decision-making process, the comment period for the proposed listing of Johnson's seagrass as a threatened species is being reopened. NMFS is requesting comments from the public on new or additional information on the distribution and status of Johnson's seagrass. All comments received by June 4, 1998 will be considered in NMFS final decision.

References

Kenworthy, J.W. 1997. An updated biological status review and Summary of the Proceedings of a Workshop to Review the Biological Status of the Seagrass, *Halophila johnsonii* Eiseman. Final Report submitted to Office of Protected Species, NMFS, NOAA, Silver Spring, MD - October 15, 1997.

Jewitt-Smith, J., C. McMillan, W.J. Kenworthy, and K. Bird. 1997. Flowering and genetic banding patterns of *Halophila johnsonii* and conspecifics. Aquatic Botany 59: 323–331.

Virnstein, R.W., L.J. Morris, J.D. Miller, and R. Miller-Meyers. 1997. Distribution and abundance of *Halophila johnsonii* in the Indian River Lagoon. St. John's River Water Management District, Techincal Memorandum # 24.

Authority

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

Dated: April 10, 1998.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 98–10368 Filed 4–17–98; 8:45 am]

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