employees the length of time away from duty anticipated, and identification of documents to be used in each deposition or other testimony, where appropriate.

(d) The Appropriate Authority will notify the current or former employee, the appropriate supervisor, and such other persons as circumstances may warrant, whether disclosure or production is authorized, and of any conditions or limitations to disclosure or production.

(e) Factors to be considered by the Appropriate Authority in responding to demands:

(1) Whether disclosure or production is appropriate under rules or procedure governing the proceeding out of which the demand arose;

(2) The relevance of the testimony or documents to the proceedings;

(3) The impact of the relevant substantive law concerning applicable privileges recognized by statute, common law, judicial interpretation or similar authority;

(4) The information provided by the issuer of the demand in response to requests by the Appropriate Authority pursuant to paragraphs (b) and (c) of this section;

(5) The steps taken by the issuer of the demand to minimize the burden of disclosure or production on GSA, including but not limited to willingness to accept authenticated copies of material in lieu of personal appearance by GSA employees;

(6) The impact on pending or potential litigation involving GSA or the United States as a party;

(7) In consultation with the head of the GSA organizational component affected, the burden on GSA which disclosure or production would entail; and

(8) Any additional factors unique to a particular demand or proceeding.

(f) The Appropriate Authority shall not approve a disclosure or production which would:

(1) Violate a statute or a specific regulation;

(2) Reveal classified information, unless appropriately declassified by the originating agency;

(3) Reveal a confidential source or informant, unless the investigative agency and the source or informant consent;

(4) Reveal records or information compiled for law enforcement purposes which would interfere with enforcement proceedings or disclose investigative techniques and procedures the effectiveness of which would be impaired;

(5) Reveal trade secrets or commercial or financial information which is privileged or confidential without prior consultation with the person from whom it was obtained; or

(6) Be contrary to a recognized privilege.

(g) The Appropriate Authority's determination, including any reasons for denial or limitations on disclosure or production, shall be made as expeditiously as possible and shall be communicated in writing to the issuer of the demand and appropriate current or former GSA employee(s). In proceedings in which GSA, its current or former employees, or the United States are represented by DOJ, the determination shall be coordinated with DOJ which may respond to the issuer of the subpoenas or demand in lieu of the Appropriate Authority.

§ 105–60.606 Procedure where response to demand is required prior to receiving instructions.

(a) If a response to a demand is required before the Appropriate Authority's decision is issued, a GSA attorney designated by the Appropriate Authority for the purpose shall appear with the employee or former employee upon whom the demand has been made, and shall furnish the judicial or other authority with a copy of the instructions contained in this subpart. The attorney shall inform the court or other authority that the demand has been or is being referred for the prompt consideration by the Appropriate Authority. The attorney shall respectfully request the judicial or administrative authority to stay the demand pending receipt of the requested instructions.

(b) The designated GSA attorney shall coordinate GSA's response with DOJ's Civil Division or the relevant Office of the United States Attorney and may request that a DOJ or Assistant United States Attorney appear with the employee in addition to or in lieu of a designated GSA attorney.

(c) If an immediate demand for production or disclosure is made in circumstances which preclude the appearance of a GSA or DOJ attorney on the behalf of the employee or the former employee, the employee or former employee shall respectfully make a request to the demanding authority for sufficient time to obtain advice of counsel.

§ 105–60.607 Procedure in the event of an adverse ruling.

If the court or other authority declines to stay the effect of the demand in response to a request made in accordance with § 105–60.606 pending receipt of instructions, or if the court or other authority rules that the demand must be compiled with irrespective of instructions by the Appropriate Authority not to produce the material or disclose the information sought, the employee or former employee upon whom the demand has been made shall respectfully decline to comply, citing these instructions and the decision of the United States Supreme Court in United States ex rel. *Touhy* v. *Ragen*, 340 U.S. 462 (1951).

§ 105–60.608 Fees, expenses, and costs.

(a) In consultation with the Appropriate Authority, a current employee who appears as a witness pursuant to a demand shall ensure that he or she receives all fees and expenses, including travel expenses, to which witnesses are entitled pursuant to rules applicable to the judicial or administrative proceedings out of which the demand arose.

(b) Witness fees and reimbursement for expenses received by a GSA employee shall be disposed of in accordance with rules applicable to Federal employees in effect at the time.

(c) Reimbursement to the GSA for costs associated with producing material pursuant to a demand shall be determined in accordance with rules applicable to the proceedings out of which the demand arose.

Dated: June 9, 1998.

Joseph R. Rodriquez,

Acting Associate Administrator for Management and Workplace Programs.

[FR Doc. 98–15948 Filed 6–16–98; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AE85

Endangered and Threatened Wildlife and Plants; Notice of Reopening of Public Comment Period on the Proposed Rule to List the Cowhead Lake Tui Chub as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Fish and Wildlife Service (Service), pursuant to the Endangered Species Act of 1973, as amended (Act), provides notice of the reopening of the comment period for the proposed endangered status for the Cowhead Lake tui chub (*Gila bicolor vaccaceps*). The comment period has been reopened to acquire additional information on the

biology, distribution, and status of the Cowhead Lake tui chub in northeastern California.

DATES: Comments from all interested parties must be received by August 3, 1998. All comments received by the closing date will be considered in the final decision on this proposal.

ADDRESSES: Written comments, materials and data, and available reports and articles concerning this proposal should be sent directly to the Field Supervisor, Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service, 3310 El Camino Avenue, Suite 130, Sacramento, California 95821. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ann Chrisney, at the address listed above (telephone 916/979–2725, facsimile 916/979–2723).

SUPPLEMENTARY INFORMATION:

Background

The Cowhead Lake tui chub is a fish that is found only in Cowhead Slough and connected ditches within the bed of Cowhead Lake in extreme northeastern Modoc County, California. Prior to being drained for agricultural purposes, Cowhead Lake is thought to have contained the majority of the Cowhead Lake tui chub population. The entire population appears to occur in a very confined area of 5.4 kilometers (3.4 miles) of Cowhead Slough and connected drainage within the bed of Cowhead Lake. There are no additional populations. Protection of the habitat within this limited range is required to conserve the Cowhead Lake tui chub. This subspecies is threatened throughout its range by a variety of impacts, including loss of habitat from agricultural activities, the risk of disease and contamination, loss of genetic variability and by naturally occurring random events.

On March 30, 1998, the Service published in the **Federal Register** a rule proposing endangered status for the Cowhead Lake tui chub (63 FR 15152). The original comment period closed May 29, 1998.

There have been requests from five parties, including private organizations and private citizens, to reopen the comment period for this listing proposal. The Service is seeking additional information concerning:

(1) The size, number, or distribution of populations of this subspecies; and

(2) Other biological, commercial, or other relevant data on any threat (or lack thereof) to this subspecies.

Written comments may be submitted until August 3, 1998 to the Service office in the **ADDRESSES** section.

Author

The primary author of this notice is Ann Chrisney (see **ADDRESSES** section).

Authority

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

Dated: June 9, 1998.

Don Weathers,

Acting Regional Director, Region 1.

[FR Doc. 98–15929 Filed 6–16–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 227

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Finding for a Petition To List the Spruce Creek Snail of Florida as Threatened and Designate Critical Habitat

AGENCY: Fish and Wildlife Service, Interior; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of 90-day petition finding.

SUMMARY: The Fish and Wildlife Service and National Marine Fisheries Service (Services) announce a 90-day finding on a petition to list the Spruce Creek snail (*Melongena sprucecreekensis*) under the Endangered Species Act, as amended. The Services find the petition did not present substantial scientific or commercial information indicating that listing this species may be warranted.

DATES: The finding announced in this document was made on May 11, 1998, and concurred with by NFMS on May 28, 1998.

ADDRESSES: Questions, comments, data, or information concerning this petition should be submitted to the Field Supervisor, U.S. Fish and Wildlife Service, 6620 Southpoint Drive South, Suite 310, Jacksonville, Florida 32216; Regional Administrator, National Marine Fisheries Service, 9721 Executive Center Drive, St. Petersburg, Florida 33702–2432, or Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East West Highway, Silver Spring, Maryland 20910. The petition finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above addresses.

FOR FURTHER INFORMATION CONTACT: Dr. Michael M. Bentzien, Assistant Field Supervisor, Jacksonville, Florida; telephone 904/232–2580, ext. 106; facsimile 904/232–2404 or Colleen Coogan, Fishery Biologist, St. Petersburg, Florida, telephone 813/570–5312; facsimile 813/570–5517 (see **ADDRESSES** section).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires the Services to 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. This finding is to be based on all information available to the Services at the time the finding is made. To the maximum extent practicable, this finding shall be made within 90 days following receipt of the petition, and promptly published in the **Federal Register**. If the finding is that substantial information was presented, the Services are also required to promptly commence a review of the status of the species involved, if one has not already been initiated under the Service's internal candidate assessment process.

On December 12, 1994, the Fish and Wildlife Service received a petition dated December 5, 1994, from R. P. Haviland, corresponding secretary of the Environmental Council of Volusia and Flagler counties, Florida. The petition requested the Service to list the Spruce Creek snail, *Melongena sprucecreekensis*, as a threatened species and designate its critical habitat. The petition stated that this recently described snail is restricted to Spruce Creek and associated waters in Volusia County, Florida, and is threatened by ongoing and potential development and natural factors.

The Fish and Wildlife Service received a previous petition in 1985 to list the species, then known as the Spruce Creek Kings Crown snail, as endangered. The Service found that petitioned action was not warranted due to the species' uncertain taxonomic