

reduce motor vehicle thefts. Therefore, NHTSA believes that the steering lock has value as a theft deterrent and preventative measure.

The miscellaneous requests in the petitioner's second and third petitions are denied. Because there is no significant safety problem, NHTSA denies the petitioner's request that NHTSA initiate rulemaking to require manufacturers to affix warning stickers near the ignition switches of new vehicles and send warning stickers to owners of used vehicles. No education is needed because the data indicate that nearly all Americans are aware of the consequences of removing the key from the vehicle ignition while the vehicle is moving. The agency does not see any reason that Standard No. 114 would be considered unconstitutional. There is no judicially-recognized constitutional right of choice on whether to lock the steering. As to requiring all Americans to lock their vehicles, that action is clearly beyond NHTSA's statutory authority.

In addition to examining the merits, the agency takes into account other factors when deciding whether to grant or deny a petition, such as the relationship of the request to agency priorities and the allocation of resources. Even in the absence of such additional considerations, the agency would deny the petitions from ASF. However, the agency notes that it has experienced personnel reductions and is facing more budgetary and personnel reductions in the future. Therefore, NHTSA must conserve its rulemaking resources for accomplishing its mission and established priorities, as outlined in its Strategic Execution Plan. Petitions for rulemaking, such as this one, that do not align with these priorities face a significant challenge in having agency resources allotted to them. In NHTSA's judgement, a rulemaking pursuant to this petition would consume significant agency resources that could be better spent on other actions.

In accordance with 49 CFR part 552, this completes the agency's review of the petition. The agency has concluded both that there is no reasonable possibility that the actions requested by the petitioner would be taken at the conclusion of a rulemaking proceeding and that the problem alleged by ASF does not warrant the expenditure of agency resources to conduct a rulemaking proceeding. Accordingly, it denies ASF's petitions.

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

Issued on: November 18, 1996.
Ricardo Martinez,
Administrator.
[FR Doc. 96-30056 Filed 11-25-96; 8:45 am]
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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Initiation of 12-month Status Review for Petition to List the Santa Ana Sucker as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of status review.

SUMMARY: On July 9, 1996, the U.S. Fish and Wildlife Service (Service) announced its 90-day finding on a petition to list three fish as endangered, pursuant to the Endangered Species Act of 1973, as amended. The Service found the petition did not present substantial scientific or commercial information indicating the petitioned action may be warranted for two of the three fish, but the Service determined that substantial information exists to support a decision that listing may be warranted for the Santa Ana sucker. Though the Service was compelled by the United States District Court for the Northern District of California to issue the 90-day finding, the Service indicated that a status review of the Santa Ana sucker would be commenced in accordance with the final listing priority guidance (61 FR 36021). Because the processing of petitions is a tier 3 listing action according to the existing listing priority guidance (61 FR 24722) and proposed extended guidance (61 FR 48962), the status review and 12-month finding typically should be delayed until other higher priority or tier 2 actions (i.e., final rules) are completed. However, the district court ordered the Service on October 10, 1996, to complete its review of the petition by March 28, 1997. With the commencement of the status review, the Service is taking the first step to comply with the court order.

DATES: Any comments and materials received by December 26, 1996 will be considered in the 12-month finding.

ADDRESSES: Data, information, comments, or questions concerning the status review should be submitted to the Field Supervisor, Carlsbad Field Office, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. The petition, 90-day finding, and

supporting data are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Paul J. Barrett, at the address listed above (telephone 619/431-9440, facsimile 619/431-9618).

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 that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the Federal Register. If the Service determines that substantial scientific or commercial information indicating that the petitioned action may be warranted exists, the Service will commence a review of the status of the species. However, because of a shortfall in funds needed to eliminate the existing backlog of proposed listings and other listing actions required by the Act in FY 1997, the Service proposed to extend the existing listing priority guidance on September 17, 1996 (61 FR 48962). According to the existing guidance and proposed guidance, the processing of petitions (tier 3 listing action), including the initiation of status reviews, would be delayed until other higher priority (tier 2 actions or final rules) are completed.

On September 6, 1994, the Service received a petition dated September 2, 1994, to list the Santa Ana speckled dace (*Rhinichthys osculus* ssp.), Santa Ana sucker (*Catostomus santaanae*), and the Shay Creek threespine stickleback (*Gasterosteus aculeatus* ssp.) as endangered species. The petition was submitted by the Sierra Club Legal Defense Fund, Inc., on behalf of seven groups. The seven groups are the California-Nevada Chapter of the American Fisheries Society, The Nature School, The California Sportfishing Protection Alliance, Friends of the River, Izaak Walton League of America, California Trout, and Trout Unlimited. The Service found the petition did not present substantial scientific or commercial information indicating the petitioned action may be warranted for two of the speckled dace and threespine stickleback, but the Service determined that substantial information exists to support a decision that listing may be

warranted for the Santa Ana sucker. Though the Service was compelled by the United States District Court for the Northern District of California to issue the 90-day finding, the Service indicated that a status review of the Santa Ana sucker would be commenced in accordance with the final listing priority guidance (61 FR 24722). Because the processing of petitions is a tier 3 listing action according to the recently extended guidance (61 FR 48962), the status review and 12-month finding typically should be delayed until other higher priority or tier 2 actions (i.e., final rules) are completed. However, the district court ordered the Service on October 10, 1996, to complete its review of the petition by March 28, 1997. As a result, the Service is initiating a status review of the Santa Ana sucker as the first step to comply with the court order.

The Santa Ana sucker (*Catostomus santaanae*) is a member of the sucker family (Catostomidae). The Santa Ana sucker was originally described as *Pantosteus santa-anae* by Snyder (1908, as in Moyle 1976). The genus *Pantosteus* was reduced to a subgenus of *Catostomus* and the hyphen omitted from the specific name in a subsequent revision of the nomenclature (Smith 1966). The American Fisheries Society recognizes the Santa Ana sucker as a full species, *C. santaanae* (Robins et al. 1991).

The historical range of the Santa Ana sucker includes the Los Angeles, San Gabriel, and Santa Ana River drainage systems located in southern California (Smith 1966). An introduced population also occurs in the Santa Clara River drainage system in southern California (Moyle 1976). Moyle and Yoshiyama (1992) stated that only the San Gabriel River population can be considered relatively viable and self-sustaining within the native range.

Although the Santa Ana sucker was described as common in the 1970s (Moyle 1976), the species has experienced dramatic declines throughout most of its range (Moyle and Yoshiyama 1992). Santa Ana suckers have adaptations such as short generation time, high fecundity, and a relatively prolonged spawning period that presumably allows them to rapidly repopulate streams after severe flooding events (Greenfield et al. 1970). Nevertheless, they are intolerant of polluted or highly modified streams (Moyle and Yoshiyama 1992). Urbanization, water diversions, dams, pollution, heavy recreational use, gold mining wastes, gravel extraction, and introduced competitors and or predators may have contributed in the decline of

the species (Moyle and Yoshiyama 1992, Swift et al. 1993).

Swift (in Moyle and Yoshiyama 1992) summarized the status and threats facing each of the populations in their native range.

- Los Angeles River (Big Tujunga Creek below Big Tujunga Dam)—Fluctuations in water quality pose problems for all fishes in this reach. The Santa Ana sucker is rare and may already be lost here.

- San Gabriel River (contiguous West, North, and East forks about 40 km below Cogswell Dam)—The West Fork is threatened by accidental high flows from Cogswell Reservoir that have devastated this reach in the past. The Cattle Canyon tributary of the East Fork is impacted by increased gold mining (suction dredging) and the population has been much reduced or may be absent in Cattle Canyon.

- Santa Ana River—Several hundred fish were observed below Prado Dam in 1986 and 1987, although sampling above the dam in 1987 yielded only five Santa Ana suckers. Water quality is threatened by many and various local inputs, such as runoffs from light industry and surrounding farmed lands (T. Haglund, in Sierra Club Legal Defense Fund 1994).

Subsequent to the receipt of the petition, a general fish survey of the Santa Ana River below Prado Dam yielded only 5 suckers from a total of approximately 150 fishes captured (Mike Guisti, California Game and Fish Department, pers. comm.). A survey of the East Fork of the San Gabriel River above the confluence with Cattle Canyon found the sucker to be relatively common, 198 of 553 fish captured (R. Ally, California Department of Fish and Game, pers. comm.). The present status of the Santa Ana sucker in the Los Angeles River is unknown.

Written comments and materials submitted to the Service office in the ADDRESSES section and received by December 26, 1996 will be considered in the 12-month finding.

Reference Cited

- Greenfield, D. W., S. T. Ross, and G. D. Deckert. 1970. Some aspects of the life history of the Santa Ana sucker, *Catostomus (Pantosteus) santaanae* (Snyder). California Fish and Game 56:166–179.
- Moyle, P. B. 1976. Inland Fishes of California. University of California Press, 405 pp.
- Moyle, P. B. and R. M. Yoshiyama. 1992. Fishes, aquatic diversity management areas, and endangered species: Plan to protect California's native aquatic biota. The California Policy Seminar, University of California.

Robins, C. R., R. M. Baily, C. E. Bond, J. R. Brooker, E. A. Lachner, R. N. Lea, and W. B. Scott. 1991. Common and scientific names of fishes of the United States and Canada. American Fisheries Society Special Publication 20. Bethesda, Maryland.

Sierra Club Legal Defense Fund. 1994. Petition to designate the Santa Ana sucker, Santa Ana speckled dace, and Shay Creek threespine stickleback as endangered species pursuant to the Endangered Species Act of 1973, as amended.

Smith, G. R. 1966. Distribution and evolution of the North American *Pantosteus*, genus *Catostomus*. Miscellaneous Publication Museum Zoology, University of Michigan, No. 129:1–132.

Swift, C. C., T. R. Haglund, M. Ruiz, and R. N. Fisher. 1993. The status and distribution of the freshwater fishes of southern California. Bulletin of the Southern California Academy of Sciences, 92:1–67.

Authority

The authority for this action is the Endangered Species Act, as amended (16 U.S.C. 1531–1544).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Dated: November 19, 1996.

Thomas Dwyer,

Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.

[FR Doc. 96–30123 Filed 11–25–96; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 961114317–6317–01; I.D. 102596B]

RIN 0648–XX70

Atlantic Surf Clam and Ocean Quahog Fisheries

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

ACTION: Proposed 1997 fishing quotas for surf clams and ocean quahogs; request for comments.

SUMMARY: NMFS issues proposed quotas for the Atlantic surf clam and ocean quahog fisheries for 1997. These quotas were selected from a range defined as optimum yield (OY) for each fishery. The intent of this action is to establish