

The petitioner states that "many if not most of these deaths could be prevented by carbon monoxide detectors" installed in the vehicles. The petitioner did not offer any data to support this assertion.

Of the 353 fatalities, the largest portion, 35 percent, occurred in the winter months. In the spring and fall months, which can also be cold in some parts of the country, 52 percent of the fatalities occurred. Only 13 percent of the fatalities occurred in the summer months. Further, in information obtained from the Center for Disease Control, in the years 1979 through 1992, the fatality rate (fatalities per state population per 100,000 people) for carbon monoxide deaths in stationary vehicles is highest in the northern half of the country (with fatality rates ranging from 0.29 to 0.72 in most of these states). These rates drop (to between 0.00 and 0.16) in the southern half of the country.

We believe the majority of these fatalities occur in cold weather for two reasons. First, in cold weather, people may let their vehicles warm up in a garage or enclosed area to keep themselves warm. This could allow carbon monoxide to build up in these areas to fatal or injurious levels. Second, if the area around a vehicle has not been adequately cleared of snow, it could block the exhaust pipe. This could cause carbon monoxide to build up inside the vehicle and create a hazardous situation.

The first request Mr. Denenberg made was that the agency require carbon monoxide detectors in all vehicles. As stated above, we believe carbon monoxide poisoning to be primarily a cold weather problem. For this reason, we do not think it is justifiable to require that all vehicles be equipped with these detectors. A large portion of the vehicles sold in this country will rarely, if ever, be driven in cold weather. If one assumes that 15 million vehicles are manufactured in the country each year, the total cost to the industry to equip all vehicles with a detector would be substantially more than \$240 million. This is based on the estimate of \$16 per detector obtained by the petitioner from the Quantum Group, a manufacturer of carbon monoxide detectors. According to the petitioner, the Quantum Group currently sells this type of detector for between \$35 and \$60, but it estimated a cost of \$16 per detector based on the increase in production that would result from them being required on all vehicles. This cost *does not* include manufacturer installation and other costs such as manufacturer and dealer profits. The agency has found in the past that these

costs generally add about 50 percent onto the original equipment cost. These additional factors would raise the initial cost to the consumer considerably, and, for a problem which would mainly affect vehicles operating in cold climates, the agency cannot justify imposing this cost burden on the industry and consumers.

An additional consumer cost that must be considered is the lifetime maintenance of the detectors. With these detectors, the sensors need to be replaced approximately every six years. This replacement should be done by experienced personnel, so the detectors would most likely have to be returned to the manufacturer for such work. Not only would this increase the cost of the requirement, but it would reduce the effectiveness in averting deaths. Some vehicle owners will undoubtedly fail to maintain the detectors properly and will end up with inoperable or otherwise less-than-effective detectors. Because the recommended maintenance on these detectors should be done every six years, only the six newest model years in the national fleet would be assured of having fully effective detectors.

Another factor which leads the agency to believe that a detector requirement would not be effective is the age of the vehicles involved in carbon monoxide fatalities. Many of these fatalities were caused by degradation of the vehicle's interior and/or exhaust system which allowed exhaust gases to enter the passenger compartment. We believe it fair to assume that, of the vehicles which have developed this type of degradation, most will be more than six years old. As stated previously, only the six newest model years in the national fleet would be assured of having fully-effective detectors. Under this assumption, by the time vehicles begin to exhibit this type of degradation, the carbon monoxide detectors may be in need of scheduled maintenance.

Mr. Denenberg's second request was to require manufacturers to offer these detectors as an option on all vehicles. As previously stated, the agency believes that it would not be cost-effective to require carbon monoxide detectors in vehicles. For the same reason, we do not believe manufacturers should be required to offer them as an option. To require them to be offered as an option would also be costly to the industry, as vehicles would have to be redesigned to incorporate the detectors. Further, if vehicle owners wish to place a detector in their vehicles, they are not precluded from doing so.

Regarding Mr. Denenberg's request that information on these detectors be placed in owner's manuals, we do not

believe this will effectively reach all the affected parties. If the vehicle changes owners, it is possible that the owner's manual will not be included with the vehicle. In this case, the new owner would be oblivious to this information. To address the problem in a more universal manner and reach a larger portion of the affected parties, the agency began to issue annual consumer advisories about the hazards of carbon monoxide in the Fall of 1996.

These advisories alert drivers of all vehicles to the dangers of letting vehicles idle in enclosed spaces, the importance of maintaining the exhaust system, and that snow or other debris must be cleared from the exhaust area before starting the vehicle. Mr. Denenberg's final request was for NHTSA to include information about the availability and value of carbon monoxide detectors in these consumer advisories. Regarding this request, the agency will consider adding this information to the next consumer advisory on this subject.

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 amendments requested by the petitioner would be issued at the conclusion of a rulemaking proceeding. Accordingly, it denies Mr. Denenberg's petition.

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

Issued on: September 16, 1997.

**L. Robert Shelton,**

*Associate Administrator for Safety Performance Standards.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; Notice of Reclassification of Ten Candidate Taxa

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

**ACTION:** Notice of candidate taxa reclassification.

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**SUMMARY:** In this document, the U.S. Fish and Wildlife Service (Service) provides explanation for a change in the status of seven animal and three plant taxa that are under review for possible addition to the Lists of Endangered and Threatened Wildlife and Plants (Lists)

under the Endangered Species Act of 1973, as amended (Act). These 10 taxa are being removed from candidate status at this time.

**ADDRESSES:** Questions concerning this document should be submitted to the Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, 1849 C Street, NW., Mail Stop 452 ARLSQ, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** E. LaVerne Smith, Chief, Division of Endangered Species (see ADDRESSES section) (telephone: 703/358-2171).

#### SUPPLEMENTARY INFORMATION:

##### Background

Candidate taxa are those taxa for which the Service has on file sufficient information to support issuance of a proposed rule to list under the Act. The Service recently completed its annual review of all candidate taxa. The results of this review indicate that several taxa should be removed from candidate status. This notice provides specific explanations for the reclassification of seven animal and three plant taxa.

It is important to note that candidate assessment is an ongoing function and changes in status should be expected. Taxa that are removed from the candidate list may be restored to candidate status if additional information supporting such a change becomes available to the Service. Requests for such information were issued by the Service in the 1996 plant and animal candidate notice of review (61 FR 7596; February 28, 1996). A revised notice of review, requesting updated information on candidate taxa, is published concurrently in the **Federal Register** with this notice.

##### Findings

The Gulf Coast hog-nosed skunk (*Conepatus leuconotus texensis*) was considered to be restricted to southern Texas and northern Mexico as far west as San Luis Potosi and south to Veracruz. However, the results of a recently completed taxonomic study of the genus *Conepatus* in the United States and Mexico show no clear difference between the two previously delineated North American species in this genus, *C. leuconotus* and *C. mesoleucus*, with respect to color patterns, anatomical measurements, or mitochondrial DNA. The results indicate that most subspecies of both species, including *C. leuconotus texensis*, should be combined under *C. leuconotus leuconotus*. Evidence is lacking that hog-nosed skunks in the South Texas region are geographically disjunct from those to the north and

west. In addition, information is lacking that the taxonomic entity to which these South Texas hog-nosed skunks now belong (*C. leuconotus leuconotus*) is in danger of extinction within the foreseeable future. Based on this information, acceptance of the Gulf Coast hog-nosed skunk as a candidate taxon is not warranted.

The Ramsey Canyon leopard frog (*Rana subaquavocalis*) occurs at two sites in Ramsey and Brown canyons in the Huachuca Mountains of southeastern Arizona. The species was considered threatened by changes to its habitat and genetic problems associated with small populations. A Conservation Agreement among the landowners and State and Federal agencies is currently being implemented which provides for the conservation of the Ramsey Canyon leopard frog through captive breeding and reintroduction, acquisition of habitat, and population and habitat surveys. The Ramsey Canyon population receives additional protection due to its location within The Nature Conservancy's Ramsey Canyon Preserve. Based on this information, continuation of candidate status for this species is not warranted.

The High Rock Spring tui chub (*Gila bicolor* ssp.), a small minnow, was historically known from three formerly connected spring systems in California and Nevada. This fish was extirpated from the two sites in Nevada as a result of increased pumping of groundwater adjacent to the surface pools it inhabited. In 1982, the California Department of Fish and Game issued an aquaculture permit to the landowner of the California site to rear Mozambique tilapia (*Oreochromis mossambica*). Inadequate screening of the rearing facilities allowed tilapia to escape into the spring system. By 1989, the High Rock Spring tui chub was extirpated from the site as a result of competition from and predation by the introduced tilapia. The High Rock Spring tui chub was confirmed to be extinct in 1993. Because it is considered extinct, the High Rock Spring tui chub is being removed from the list of candidate taxa.

Three pomace flies (*Drosophila*) from Hawaii are being removed from the list of candidates because they are believed to be extinct. *Drosophila alsophila* was always a rare species, known from only two localities on Hualalai volcano on the island of Hawaii where it bred in the stems of *Urera* and *Charpentiera*. *Drosophila psilotarsalis* was also always rare, known from a single locality on the island of Hawaii where adults were found only in association with *Charpentiera*. *Drosophila toxochaeta* was a rare species, known from a single

locality in wet forest on the island of Molokai. These pomace flies were believed to be extant based on historical collection records, habitat assessments, and surveys in the 1980's by *Drosophila* researchers. However, recent careful efforts by *Drosophila* researchers at the University of Hawaii to recollect these species have failed, and they are now believed to be extinct.

The Marianas euploea butterfly (*Euploea eleutho*) was endemic to the Mariana Islands and was historically recorded from Guam, Rota, Saipan, and the northern islands of Alamagan and Anatahan. It was common on Guam in 1936, but has not been collected from Guam, Rota, or Saipan since 1946. Surveys in 1995 confirmed that it is extinct on these southern islands. In the 1970's, this butterfly was recorded on Alamagan and Anatahan. Members of a recent Japanese entomological expedition initially believed that they had rediscovered this species on some of the small, remote northern Mariana Islands. However, their collections proved to be a different species. The Japanese entomologists' failure to locate the Marianas euploea butterfly, despite the thoroughness of their search for butterflies, is the basis for the Service considering that this species is currently extinct throughout its range. Because it is believed to be extinct, this species is being removed from the list of candidates.

The Surf thistle (*Cirsium rhothophilum*) is a bush-like biennial or short-lived perennial member of the sunflower family that is endemic to southern California. It occurs only in the narrow strip of habitat between wind-blown beach and stabilized dunes. The species was considered to be threatened by oil production, missile facility construction, beach users, recreational vehicles, cattle, and non-native ice plants. Approximately 57 percent of the recorded locations, with 80 percent of the total number of plants, are on Vandenberg Air Force Base within designated special management areas for the western snowy plover (*Charadrius alexandrinus nivosus*), a listed threatened species. The protection and management of these western snowy plover areas by the Air Force have also protected the Surf thistle sufficiently to stabilize the population. Based on this information, continuation of candidate status for this species is not warranted.

The Merced clarkia (*Clarkia lingulata*) is an annual plant of the evening primrose family that is endemic to central California. It occurs in the understory of pine/oak foothill woodlands and is known from only two

localities in Mariposa County. Both localities are steep north-facing slopes within the Sierra National Forest and partly within a California Department of Transportation (Caltrans) right-of-way. The species was considered to be threatened by road construction and maintenance activities, power line maintenance activities, and landslides. Implementation of protection measures through a Memorandum of Understanding signed by the Forest Service, Caltrans, and Pacific Gas and Electric has reduced the level of threats to the Merced clarkia. The available information indicates that the degree of the threats to the Merced clarkia does not warrant issuance of a proposed rule nor continuation of candidate status for this species.

The San Gabriel Mountains dudleya (*Dudleya densiflora*) is a white or pink-flowered perennial of the stonecrop family that is endemic to southern California. It occurs on steep cliffs and canyon walls within chaparral, oak woodland, and riparian woodlands. This species is known from four populations within a 9 square-mile area along the southern face of the San Gabriel Mountains in Los Angeles County. The species was considered to be threatened by mining, road maintenance, and recreational activities. The San Gabriel Mountains dudleya is being removed from candidate status because about 75 percent of the subpopulations of the species occur on steep cliffs and canyon walls on U.S. Forest Service lands and are not threatened by habitat modification at this time.

#### Author

This notice was compiled from materials supplied by staff biologists located in the Service's regional and field offices. The materials were compiled by Martin J. Miller, Division of Endangered Species (see ADDRESSES section).

#### Authority

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

Dated: September 3, 1997.

**Jamie Rappaport Clark,**

*Director, U.S. Fish and Wildlife Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 970829217-7217-01; I.D. 081597E]

RIN 0648-AJ79

### Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 18

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS issues this proposed rule and request for comments for Framework Adjustment 18 to the Northeast Multispecies Fishery Management Plan (FMP). This rule proposes to allow pelagic midwater trawling for herring and mackerel in Multispecies Closed Areas I and II, the Gulf of Maine (GOM) multispecies closure areas, and in the Nantucket Lightship Closed Area under certain conditions. The intended effect of this action is to provide greater economic opportunity for pelagic midwater trawl vessels to harvest herring and mackerel while maintaining the conservation benefits of the current multispecies management measures.

**DATES:** Comments must be received on or before October 6, 1997.

**ADDRESSES:** All comments concerning these proposed regulations should be addressed to Andrew A. Rosenberg Ph.D., Administrator, Northeast Region, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930. Copies of the framework document are available upon request from Paul J. Howard, Executive Director, New England Fishery Management Council, 5 Broadway, (Route 1), Saugus, MA 01906.

**FOR FURTHER INFORMATION CONTACT:** Richard A. Pearson, NMFS, Fishery Policy Analyst, 508-281-9279.

#### SUPPLEMENTARY INFORMATION:

#### Background

In 1994, at the request of the New England Fishery Management Council (NEFMC), NMFS, by emergency action, closed three large areas for the duration of the emergency to all fishing gear capable of catching multispecies (59 FR 63926, December 12, 1994, and amended at 60 FR 3102, January 13, 1995). These areas, known as Closed Areas I and II, and the Nantucket

Lightship Closed Area, cover approximately 4800 square miles (12432 sq km). In order to avoid a hiatus between the emergency action and implementation of Amendment 7, NMFS issued Framework Adjustment 9 (60 FR 19364, April 18, 1995) to implement the emergency measures on a permanent basis while Amendment 7 was being developed to address a longterm objective of stock rebuilding. In 1996, Amendment 7 to the FMP continued the existing year-round closures and closed seasonally three additional large areas in the GOM (61 FR 27710, May 31, 1996). These areas currently remain closed to all gear capable of catching multispecies, including pelagic midwater trawls.

Recently, the NEFMC was requested by fishery participants to allow pelagic midwater trawling for herring and mackerel in the multispecies closed areas. According to the participants, the herring and mackerel fisheries capture negligible amounts of regulated multispecies due to the spatial separation of pelagic and demersal species in the water column. Because of the low value of herring and mackerel, it is important to industry that vessels have unimpeded access to these species throughout their migration to ensure that the harvesting and/or processing capacity of the vessels is maximized. Large closed areas impede access and make fishing for herring and mackerel less economically feasible. These pelagic species are very important for commercial fishing vessels in New England that participate in joint ventures or in the directed domestic fishery. Due to the prohibition on fishing in closed areas and an increased reliance on closed areas for multispecies mortality reduction, it has become increasingly difficult to conduct these pelagic fishing operations.

The NEFMC has reviewed NMFS sea sampling data from the fisheries and has determined that pelagic midwater trawls, when fished properly, can operate in closed areas with a minimal bycatch of regulated multispecies. NMFS agrees with this determination. However, allowing one type of trawl vessel while prohibiting another type could present enforcement problems. Several requirements in Framework 18 address these enforcement concerns. This proposed rule would allow pelagic midwater trawling for herring and mackerel in Closed Areas I and II, the Nantucket Lightship Closed Area, and the GOM Closed Areas under the following conditions: (1) Vessels must obtain and comply with a midwater trawl letter of authorization (as currently required under § 648.80(d)(2)