

equipped with both desiccant style air dryers and automatic drain valves as well?

4. Based on its preliminary analysis, NHTSA estimates that the cost to the customer at retail for automatic drain valves ranges from \$75 to \$400 per reservoir depending upon the type of system. AlliedSignal manufactures an automatic drain valve costing approximately \$75 per unit, installed at retail, while the \$400 unit would include a desiccant type system with a heater. Stop Enterprises, the company referenced by the petitioner, manufactures an automatic drain valve costing approximately \$100 per unit. This compares to approximately \$15 for a manual drain valve installed at retail. The agency requests comments about whether these estimated costs for automatic and manual drain valves are accurate.

5. The cost to the vehicle manufacturer of desiccant style air dryers is estimated to be \$160 per unit (exclusive of installation). The agency requests comments about the costs associated with this device.

#### Rulemaking Analyses

This notice was not reviewed under E.O. 12866. NHTSA has analyzed this notice and determined that it is not "significant" within the meaning of the Department of Transportation's regulatory policies and procedures. While a full regulatory evaluation is not required because the notice merely requests comments on a potential rule, the agency estimates that such a requirement would have the following effect.

Approximately 397,500 vehicles are manufactured each year that are subject to Standard No. 121. Of these, approximately, 189,000 are trailers. According to estimates by the agency and the Truck Trailer Manufacturers Association (TTMA), manual drain valves are installed on approximately 99 percent of the units. The other one percent have automatic drain valves. Of the annual production of air braked vehicles, approximately 60,900 vehicles are comprised of single unit trucks (including school bus chassis), and transit and intercity buses. The agency estimates that 75 percent are equipped with automatic drain valves. The remaining 25 percent have manual drain valves. The balance of the production in air braked vehicles are truck tractors averaging approximately 147,600 vehicles annually. These vehicles have the highest installation rates of automatic drain valves and are presently estimated to be installed on approximately 85 percent of the

vehicles built new. Industry sources estimate the remaining 15 percent of the truck tractors not built with automatic purge valves will be so equipped in the next five years. It is expected that the installation rate will be in conjunction with the phasing in of antilock brake systems on heavy vehicles.

NHTSA estimates that the installed cost at retail of adding automatic drain valves to trailers would range from \$75 to \$150 depending upon the number of air reservoirs. Considering that approximately 99 percent of the trailers built new would require the addition of these units, the estimated cost would range from \$15.5 million on single reservoir trailers with no heater to \$31 million for single reservoir trailers with heated valves. On double reservoir trailers, the costs would be double, if automatic drain valves are installed on both air tanks. On straight trucks, bus chassis, and other buses, the additional 25 percent (approximately 15,225 units) which would require automatic drain valves would represent an additional cost ranging from \$1.2 to \$6.1 million depending upon the choice of system (i.e., ranging from a very basic automatic system with no heater or dryer to a full desiccant style system with heater). Approximately 85 percent of truck tractors are equipped with automatic drain valves including air dryers and thus would require an expenditure ranging from \$1.7 million to \$8.8 million, depending on the type of system selected.

Based on the above analysis, NHTSA estimates that the total incremental cost at retail level, resulting from requiring automatic drain valves ranges from \$18.4 to \$76.9 million, depending upon the system being selected.

#### Public Comments

Interested persons are invited to submit comments on the notice. It is requested but not required that 10 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 Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted 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 business information regulation. 49 CFR Part 512.

All comments received before the close of business on the comment closing date indicated above for the notice 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. The 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.

Issued on: July 18, 1995.

**Barry Felrice,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 95-18107 Filed 7-21-95; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AD22

#### Endangered and Threatened Wildlife and Plants; Proposed Change from Subspecies to Vertebrate Population Segment for Virgin River Chub in Virgin River and Notice of Status Review for Virgin River Chub in Muddy River

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

**ACTION:** Proposed rule and notice of status review.

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**SUMMARY:** Recent taxonomic work concluded that specific rank is warranted for the Virgin River chub (*Gila robusta seminuda* = *G. seminuda*), a federally endangered species found in the Virgin River system of Arizona, Nevada, and Utah. Moreover, these researchers concluded that the chub in the Muddy (= Moapa) River of Nevada, is conspecific with the Virgin River chub. Previously this distinctive

population of Virgin River chub, a category 2 candidate for Federal listing, was considered a separate, unnamed subspecies of roundtail chub (*G. robusta*), and was referred to as the Moapa roundtail chub.

Because of this recent taxonomic work, the U.S. Fish and Wildlife Service (Service) accepts that specific rank is warranted for the Virgin River chub and proposes to change the listing of the Virgin River chub in the Virgin River from a subspecies to a vertebrate population segment in the List of Endangered and Threatened Wildlife. In addition, the Service hereby initiates a status review of the Virgin River chub in the Muddy River to determine whether this vertebrate population segment warrants listing as a threatened or endangered species under the Endangered Species Act of 1973, as amended (Act).

**DATES:** Comments from all interested parties must be received by September 22, 1995. Public hearing requests must be received by September 7, 1995.

**ADDRESSES:** Comments and materials concerning this proposal and notice should be sent to Mr. Carlos H. Mendoza, Acting State Supervisor, U.S. Fish and Wildlife Service, 4600 Kietzke Lane, Building C-125, Reno, Nevada 89502-5093 (facsimile: 702-784-5870). Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Selena Werdon, Fish and Wildlife Biologist, at the above address (telephone: 702-784-5227).

**SUPPLEMENTARY INFORMATION:**

**Background**

Discovered in the early 1870's, the Virgin River chub was described by Edward Drinker Cope and Harry Crecy Yarrow as a full species, *Gila seminuda*, in 1875. Later, Max M. Ellis (1914) considered the Virgin River chub to be intermediate between the roundtail chub (*G. robusta*) and bonytail chub (*G. elegans*), and reduced the fish to a subspecies of roundtail chub (*G. robusta seminuda*). The fish was believed to be restricted to the Virgin River between Hurricane, Utah, and its confluence with the Colorado River.

In a recent taxonomic study of *Gila* using morphological and genetic characters, DeMarais and others (1992) concluded that the prior treatment of the Virgin River chub as a subspecies of the roundtail chub was inappropriate and arbitrary. The authors asserted that specific rank is warranted for *G. seminuda*, which likely arose through

introgressive hybridization involving *G. robusta* and *G. elegans* (DeMarais *et al.* 1992). Moreover, DeMarais *et al.* (1992) included the chub in the Muddy River, a Virgin River tributary, within *G. seminuda*. These conclusions were accepted by the American Fisheries Society and the American Society of Ichthyologists and Herpetologists Fish Names Committee (Joseph S. Nelson, *in litt.*, 1993). The Service also accepts these conclusions.

The Service and other authorities (Holden and Stalnaker 1970, Minckley 1973, Smith *et al.* 1977) have treated the chubs within the Muddy River as a separate, unnamed subspecies of roundtail chub (= Moapa roundtail chub). The Service also has considered this chub to be a category 2 candidate for Federal listing since 1982 (47 FR 58455, 54 FR 556, 56 FR 58804, and 59 FR 58982). Category 2 species are taxa for which information now in the possession of the Service indicates that proposing to list as endangered or threatened is possibly appropriate, but for which sufficient data on biological vulnerability and threat are not currently available to support proposed rules. Though genetically allied to the chub within the Virgin River and apparently of hybrid origin, the Muddy River population of *G. seminuda* is "distinctive" (DeMarais *et al.* 1992; Bruce DeMarais, pers. comm. June 29, 1994). Moreover, despite access to Lake Mead, no migration between the Virgin River and Muddy River populations has been verified (Allan and Roden 1978). As a result of the distinctiveness and reproductive isolation of the two populations, the Service concludes that the Virgin River chub consists of two vertebrate population segments.

The decline of chub in the Muddy River was first documented in the 1960's (Wilson *et al.* 1966, Deacon and Bradley 1972). By 1964, the abundance of chub at a 1938 collection site had decreased more than 83 percent; a similar decrease (approximately 92 percent) was documented at a 1942 collection site (Wilson *et al.* 1966). Between 1964 and 1968, Deacon and Bradley (1972) noted an upstream shift in the distribution of the Muddy River population. By 1974-1975, the chub had been completely eliminated from the lower Muddy River and were further reduced in abundance in the middle portion of the river (Cross 1976). The decline may have been related to cumulative effects of parasitism (Wilson *et al.* 1966), changes in flow, water quality, and substrate (Deacon and Bradley 1972, Cross 1976), channelization (Cross 1976), and the establishment of nonnative fish species

(Deacon *et al.* 1964, Hubbs and Deacon 1964, Deacon and Bradley 1972, Cross 1976).

The Service has carefully assessed the best scientific and commercial information available regarding the Virgin River population of Virgin River chub in determining to propose this rule. Based on this evaluation and especially recent taxonomic work, the preferred action is to change the listing of the Virgin River chub in the Virgin River in the List of Endangered and Threatened Wildlife (50 CFR 17.11(h)) from an endangered subspecies throughout its entire range to an endangered vertebrate population segment in the Virgin River in Utah, Arizona, and Nevada. As a result, the Virgin River chub in the Virgin River will remain listed as endangered in the same area as it was prior to this taxonomic work, while the Virgin River chub in the Muddy River will remain unlisted. In addition, the Service hereby initiates a status review of the Virgin River chub in the Muddy River to determine whether this population segment warrants listing as threatened or endangered under the Act. The limited information and data currently available to the Service indicate that the chub in the Muddy River remain reduced in abundance from historical levels, and that the species has been eliminated from the lower Muddy River. This decline is likely a result of a combination of habitat degradation, interactions with nonnative species, and parasitism.

**Public Comments Solicited**

The Service intends that any final action resulting from this proposal or that any listing proposal eventually resulting from this notice be as accurate and effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of this proposed rule and notice are hereby solicited. Comments particularly are sought concerning:

- (1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to Virgin River chub in the Muddy River;
- (2) The location of any additional populations of the species and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;
- (3) Additional information concerning the range, distribution, and population size of the Muddy River population segment;

(4) Current or planned activities in the Moapa Valley and their possible impacts on the species;

(5) Additional information concerning the taxonomy of Virgin River chub; and

(6) Data on chub movement (or lack thereof) between the Virgin and Muddy Rivers.

Final promulgation of the regulation changing the Virgin River chub from a subspecies to a population listing will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal. In addition, the Service will use the best available scientific and commercial data to evaluate the status of the Muddy River population segment and, if deemed appropriate, prepare a listing proposal. If listing is deemed warranted, the Service will publish a proposed rule in the **Federal Register** for public comment and will include a review of materials used in its preparation. Critical habitat will be addressed in any proposed rule.

The Endangered Species Act provides for a public hearing on this proposal, if

requested. Requests must be received by September 7, 1995. Such requests must be made in writing (includes FAX) and addressed to the Acting State Supervisor, U.S. Fish and Wildlife Service (see **ADDRESSES** action).

**National Environmental Policy Act**

The Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

**References Cited**

A complete list of all references cited herein, as well as others, is available upon request from the office listed in the **ADDRESSES** section above.

**Author**

The primary author of this notice is Selena Werdon (see **ADDRESSES**).

**List of Subjects in 50 CFR Part 17**

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

**Proposed Regulation Promulgation**

Accordingly, the Service hereby proposes to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

**PART 17—[AMENDED]**

1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

2. Section 17.11(h) is amended by revising the entry for "Chub, Virgin River" under FISHES to read as follows:

**§ 17.11 Endangered and threatened wildlife.**

\* \* \* \* \*  
(h) \* \* \*

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
* FISHES	*	*	*	*	*		*
* Chub, Virgin River .....	* <i>Gila seminuda</i> (=G. <i>robusta seminuda</i> ).	* U.S.A. (AZ, NV, UT) ..	* Virgin River .....	E	361,	NA	NA
*	*	*	*	*	*		*

Dated: March 22, 1995.  
**Mollie H. Beattie,**  
Director, U.S. Fish and Wildlife Service.  
[FR Doc. 95–18046 Filed 7–21–95; 8:45 am]  
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**DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**50 CFR Part 654**

[Docket No. 950710177–5177–01; I.D. 060295A]

RIN 0648–A107

**Stone Crab Fishery of the Gulf of Mexico; Control Date**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Advance notice of proposed rulemaking; consideration of a control date.

**SUMMARY:** This document announces that the Gulf of Mexico Fishery Management Council (Council) is considering whether there is a need to impose additional management measures limiting entry in the stone crab fishery in the exclusive economic zone (EEZ) in the Gulf of Mexico off Florida, and if there is a need, what management measures should be imposed. If it is determined that there is a need to impose additional management measures, the Council may initiate a rulemaking to do so. Possible measures include the establishment of a limited entry program to control participation or effort in the fishery. If a limited entry program is established,

the Council is considering July 24, 1995, as a possible control date. Consideration of a control date is intended to discourage new entry into the fishery based upon economic speculation during the Council's deliberation on the issues.

**DATES:** Comments must be submitted by August 23, 1995.

Comments should be directed to the Gulf of Mexico Fishery

**ADDRESSES:** Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL 33609.

**FOR FURTHER INFORMATION CONTACT:** Georgia Cranmore, 813–570–5305.

**SUPPLEMENTARY INFORMATION:** The stone crab fishery is managed under the Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico (FMP) that was developed by the Council, approved by NMFS, and implemented through final regulations