

impacts of this rule are minimal so that a regulatory evaluation is not required. The information required to be placed in the vehicle's owner's manual will result in only minimal costs for vehicle manufacturers and will not likely result in any cost increase for consumers.

The agency also considered the impacts of this rule under the provisions of the Regulatory Flexibility Act. I hereby certify that the regulation will not have a significant economic impact on a substantial number of small entities. As discussed above, the cost of including the information in the owner's manual will be only a few cents per manual. Accordingly, there will be little economic effect on any small organizations or governmental units which purchase motor vehicles. Few if any vehicle manufacturers qualify as small entities under the Act.

Further, this rulemaking action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that it has no Federalism implication that warrants preparation of a Federalism report.

NHTSA has analyzed this rule for purposes of the National Environmental Policy Act. The agency has determined that implementation of this action will not have any significant impact on the quality of the human environment.

List of Subjects in 49 CFR Part 575

Consumer protection, Labeling, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, 49 CFR part 575 is amended as follows:

PART 575—CONSUMER INFORMATION REGULATIONS

1. The authority citation for part 575 continues to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1407, 1421, and 1423; delegation of authority at 49 CFR 1.50.

2. Section 575.2(c) is amended by adding alphabetically the following definition of "Owner's manual" to read as follows:

§ 575.2 Definitions.

(c) Definitions used in this part.

"Owner's manual" means the document which contains the manufacturer's comprehensive vehicle operating and maintenance instructions, and which is intended to remain with the vehicle for the life of the vehicle.

3. Section 575.6 is amended by redesignating the existing text in

paragraph (a) as paragraph (a)(1), and adding a new paragraph (a)(2), to read as follows:

§ 575.6 Requirements.

(a)(1) * * *
 (2)(i) At the time a motor vehicle manufactured on or after September 1, 1990 is delivered to the first purchaser for purposes other than resale, the manufacturer shall provide to the purchaser, in writing in the English language and not less than 10 point type, the following statement in the owner's manual, or, if there is no owner's manual, on a one-page document:

If you believe that your vehicle has a defect which could cause a crash or could cause injury or death, you should immediately inform the National Highway Traffic Safety Administration (NHTSA) in addition to notifying [INSERT NAME OF MANUFACTURER].

If NHTSA receives similar complaints, it may open an investigation, and if it finds that a safety defect exists in a group of vehicles, it may order a recall and remedy campaign. However, NHTSA cannot become involved in individual problems between you, your dealer, or [INSERT NAME OF MANUFACTURER].

To contact NHTSA, you may either call the Auto Safety Hotline toll-free at 1-800-424-9393 (or 366-0123 in Washington, D.C. area) or write to: NHTSA, U.S. Department of Transportation, Washington, D.C. 20590. You can also obtain other information about motor vehicle safety from the Hotline.

(2)(ii) The manufacturer shall specify in the table of contents of the owner's manual the location of the statement in 575.6(a)(2)(i). The heading in the table of contents shall state "Reporting Safety Defects."

* * * * *
 Issued on November 21, 1989.

Jeffrey R. Miller,
 Acting Administrator.
 [FR Doc. 89-27731 Filed 11-24-89; 8:45 am]
 BILLING CODE 4910-59-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB23

Endangered and Threatened Wildlife and Plants; Delisting of *Echinocereus engelmannii* var. *purpureus* (Purple-Spined Hedgehog Cactus)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service removes *Echinocereus engelmannii* var.

purpureus (purple-spined hedgehog cactus) from the List of Endangered and Threatened Plants. This action is based on a review of all available data, which indicate that this plant is not a discrete taxonomic entity and does not meet the definition of a "species" as defined by the Endangered Species Act of 1973, as amended, and therefore, was listed in error. *Echinocereus engelmannii* var. *purpureus* is a sporadically occurring dark-colored and short-spined phase of the *Echinocereus engelmannii* var. *chrysoctrus* population localized in the Virgin River Basin of southwestern Utah. *Echinocereus engelmannii* var. *chrysoctrus* is common and has a broad distribution in the Mojave Desert of Arizona, California, Nevada, and Utah.

EFFECTIVE DATE: December 27, 1989.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Utah State Office, Fish and Wildlife Enhancement, U.S. Fish and Wildlife Service, 2078 Administration Building, 1745 West 1700 South, Salt Lake City, Utah 84104.

FOR FURTHER INFORMATION CONTACT: Larry England, botanist, at the above address (801/524-4430 or FTS 588-4430).

SUPPLEMENTARY INFORMATION:

Background

Echinocereus engelmannii var. *purpureus* was described in the scientific literature in 1969 from specimens collected near St. George, Utah, in 1949 (Benson 1969). *E. e. purpureus* differs from *E. e. chrysoctrus* (see Benson 1982) largely by the characteristics of the lower descending central spine which is darker (all the central spines of *E. e. purpureus* are dark purple), shorter, and more slender in *E. e. purpureus*. *E. e. purpureus* was listed as endangered on October 11, 1979 (44 FR 58866). Since the Federal listing of *E. e. purpureus* as endangered in 1979, no populations of the taxon have been located. Individual plants exhibiting characteristics described for *E. e. purpureus* occur sporadically within the population of *E. e. chrysoctrus* in southwestern Utah (Woodbury and England 1988).

Woodbury and England (1988) demonstrated that many morphological variations occur within the population of *E. e. chrysoctrus* in southwestern Utah and that none of these variations exhibit any population integrity independent of *E. e. chrysoctrus* as described by Benson (1982) and Taylor (1985). Miller (1988) considers *E. e. purpureus* to be a betalain color phase

within the southwestern Utah population of *E. engelmannii* that may be of no more than horticultural interest. In the newly published "A Utah Flora," Welsh et al. (1987) reduces *E. e. purpureus* to synonymy with *E. e. chrysocentrus*. Field observations by Bureau of Land Management and Fish and Wildlife Service (Service) biologists and botanists have confirmed the findings described above. Based on the information discussed above, the Service proposed the delisting of the purple-spined hedgehog cactus on January 19, 1989 (54 FR 2173).

Summary of Comments and Recommendations

In the January 19, 1989, proposed rule and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. Newspaper notices were published in The Daily Spectrum on February 19, 1989, and in the Deseret News and the Salt Lake Tribune on February 20, 1989. Four comments were received: one from the Governor of Utah, two from local governmental groups, and one from a professional botanist. All comments agreed with the Service's proposal to remove the purple-spined hedgehog cactus from the List of Endangered and Threatened Plants.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Echinocereus engelmannii* var. *purpureus* should be removed from the List of Endangered and Threatened Plants found at 50 CFR 17.12. Procedures found at Section 4(a)(1) of the Endangered Species Act (Act) (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act were followed. 50 CFR 424.11 requires that certain factors be considered before a species can be listed, reclassified, or delisted. These factors and their application to *Echinocereus engelmannii* (Parry) Lemaire var. *purpureus* L. Benson (purple-spined hedgehog cactus) are as follows:

A. The present or threatened destruction, modification, or curtailment of its habitat or range. The purple-spined hedgehog cactus (*E. e. purpureus*) has been determined to be no more than a sporadically occurring vegetative

phase, based primarily on spine characteristics, of *E. e. chrysocentrus*. *E. e. chrysocentrus* is a common species in the vegetative composition of the Mojave Desert in southwestern Utah (see Benson 1982, Welsh et al. 1987). *E. e. chrysocentrus*, which includes *E. e. purpureus*, is not significantly threatened with destruction, modification, or curtailment of its habitat throughout a significant portion of its range. The final rule (44 FR 58866) designating *E. e. purpureus* as an endangered species identified the urban sprawl of St. George, Utah, and human disturbance as threats contributing to the endangerment of that species. If *E. e. purpureus* were a valid taxon and met the definition of a "species" as described by the Endangered Species Act of 1973, as amended, then these factors would be relevant. However, since the entity shows no population integrity independent of *E. e. chrysocentrus*, it cannot be scientifically defended as a species, subspecies, or taxonomic variety.

B. Overutilization for commercial, recreational, scientific, or educational purposes. Cylindrical cacti, in general, are of horticultural interest. However, *E. e. chrysocentrus*, which includes *E. e. purpureus*, is abundant enough throughout its range so as not to be jeopardized at present, or in the foreseeable future, by horticultural exploitation of its wild population. Here again, as stated above in Section A, if *E. e. purpureus* were a valid taxon, then this factor would be relevant.

C. Disease or predation. Disease or predation is not a threat to *E. e. chrysocentrus*, which includes *E. e. purpureus*.

D. The inadequacy of existing regulatory mechanisms. All native cacti are on Appendices I or II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Convention). *E. e. purpureus* is included on Appendix II of the Convention. The Convention regulates and, in some cases, prohibits the export and international trade in species on its appendices. A recent law in Utah authorizes the Department of State Lands and Forestry to provide for protection of plant species designated as either threatened or endangered by the Federal Government under authority of the Act. The Bureau of Land Management, in its land use planning documents, has recognized the species and has provided guidelines for its conservation. This rule will necessitate the reevaluation of *E. e. purpureus* in State and Federal land use planning documents.

E. Other natural and manmade factors affecting its continued existence. None known.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by *E. e. purpureus* in determining to make this rule final. Based on this evaluation, the preferred action is to remove *Echinocereus engelmannii* var. *purpureus* from the List of Endangered and Threatened Plants in 50 CFR 17.12, thereby removing it from the protection of the Endangered Species Act of 1973, as amended.

The regulations at 50 CFR 424.11(d) state that a species may be delisted if: (1) It becomes extinct, (2) it recovers, or (3) the original classification data were in error. The Service believes current scientific information exists that demonstrates that *E. e. purpureus* does not represent a valid taxonomic entity and, therefore, does not meet the definition of "species" as defined in Section 3(16) of the Act. Therefore, *Echinocereus engelmannii* var. *purpureus* was listed in error.

Effects of Rule

This action will result in the removal of *Echinocereus engelmannii* var. *purpureus* from the List of Endangered and Threatened Plants. Federal agencies will no longer be required to consult with the Secretary of the Interior to insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of *E. e. purpureus*. There is no designated critical habitat for this entity. Federal restrictions on taking will no longer apply. There are no specific preservation or management programs for this cactus that will be terminated. Last, since *E. e. purpureus* is being delisted because it does not qualify as a "species," and not because it has recovered, there is no reason to monitor it for five years following delisting.

National Environmental Policy Act

The Fish and Wildlife 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

Benson, L. 1969. The cacti of the United States and Canada—new names and nomenclatural combinations. *Cactus & Succulent Journal* 41:126-127.

Benson, L. 1982. The cacti of the United States and Canada. Stanford University Press, Stanford, California. 1044 pp.

Miller, J.M. 1988. Floral pigments and phylogeny in *Echinocereus* (Cactaceae). *Systematic Botany* 13(2):173-183.

Taylor, N.P. 1985. The genus *Echinocereus*. Timber Press, Portland, Oregon. 160 pp.

Walsh, S.L., N.D. Atwood, S. Goodrich, and L.C. Higgins. 1987. A Utah flora. Great Basin Naturalist Memoirs No. 9, Brigham Young University Press, Provo, Utah. 894 pp.

Woodbury, L.A., and J.L. England. 1988. Morphological variation in *Echinocereus engelmannii* in Washington County, Utah.

Unpublished report. U.S. Fish and Wildlife Service, Salt Lake City, Utah. 4 pp.

Author

The author of this final rule is John L. England, botanist, U.S. Fish and Wildlife Service (see **ADDRESSES** section above).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Fish, Marine mammals, Plants (agriculture).

Regulation Promulgation**PART 17—[AMENDED]**

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal

Regulations, is amended as set forth below:

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

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1543; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500, unless otherwise noted.

§ 17.12 [Amended]

2. Amend § 17.12(h) by removing the entry "*Echinocereus engelmannii* var. *purpureus* Purple-spined hedgehog cactus" under "Cactaceae" from the List of Endangered and Threatened Plants.

Dated: October 23, 1989.

Sam Marler,

Acting Director, Fish and Wildlife Service.

[FR Doc. 89-27674 Filed 11-24-89; 8:45 am]

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