

MY 1997, and are added in this document.

In addition, the Honda line, the "Acura SLX", which is certified by Isuzu, is added to the Appendix A-I listing, the General Motors" line, the "Buick Park Avenue" is removed from the Appendix A-II listing and added to the listing in Appendix A-I because each of these lines have been granted full exemptions from the parts-marking requirements beginning with the 1997 model year. Additionally, the "Buick Regal" is removed from the Appendix A-I listing and the "Buick Regal/Century" line is added because the parts-marking exemption granted for the "Buick Regal" has been extended by the agency to include the new "Buick Century" model added to the "Buick Regal" line beginning with the 1997 model year.

Since the corrections made by this document only inform the public of previous agency actions, and do not impose any additional obligations on any party, NHTSA finds for good cause that the revisions made by this notice should be effective as soon as it is published in the Federal Register.

#### List of Subjects in 49 CFR Part 541

Administrative practice and procedure, Labeling, Motor vehicles, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR Part 541 is amended as follows:

#### **PART 541—[AMENDED]**

1. The authority citation for Part 541 continues to read as follows:

Authority: 15 U.S.C. 2021–2024, and 2026; delegation of authority at 49 CFR 1.50.

#### Appendix A—[Amended]

2. Appendix A is amended as follows:

a. In the entry for "Chrysler", "Dodge Ramcharger (MPV) 2" and "Dodge Ram Wagon/Van B–150 2" are removed; "Jeep Grand Cherokee (MPV) 2" is added after "Jeep Cherokee (MPV) 2".

b. In the entry for "Ford", "Lincoln Town Car" is added after "Lincoln Mark".

c. In the entry for "General Motors", "Buick Century 2", "GMC Sierra 1500 Pickup 2", and "Chevrolet C–1500 Pickup 2" is removed; "Geo Prizm" is added after "Geo Tracker (MPV) 2".

d. In the entry for "Honda", "TL" is removed.

e. In the entry for "Mercedes-Benz" "560 SL" is added after "560 SEC".

f. In the entry for "Suzuki", "X–90 1" is revised to read "Suzuki" "X–90 2".

g. In the entry for "Toyota", "MR 2" is revised to read "Toyota" "MR2".

h. In the table in Appendix A, the second footnote "1" at the end of the table is correctly redesignated as footnote "2".

#### Appendix A–I—[Amended]

3. Appendix A–I is amended as follows:

a. In the entry for "General Motors", "Buick Park Avenue 2" is added before "Buick Regal".

b. In the entry for "General Motors", "Buick Regal" is removed.

c. In the entry for "General Motors", "Buick Regal/Century 2" is added before "Buick Riviera".

d. In the entry for "Honda", "Acura CLX 2" is revised to read "Acura CL 2".

e. In the entry for "Honda", "Acura RL" is added after "Acura NS–X".

f. In the entry for "Honda", "Acura TL" is added before "Acura Vigor".

g. In the entry for "Honda", "Acura SLX" is added after newly added "Acura RL".

#### Appendix A–II—[Amended]

4. Appendix A–II is amended as follows:

In the entry for "General Motors", "Buick Park Avenue" is removed.

Issued on: December 18, 1996.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97–757 Filed 1–10–97; 8:45 am]

BILLING CODE 4910–59–P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018–AD47

#### Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for *Juglans jamaicensis*

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

**ACTION:** Final rule.

**SUMMARY:** The Fish and Wildlife Service (Service) determines *Juglans jamaicensis* (nogal or West Indian walnut) to be an endangered species pursuant to the Endangered Species Act of 1973, as amended (Act). Nogal is known from the islands of Hispaniola, Cuba, and Puerto Rico.

In Puerto Rico, this large tree is known from only 14 individuals at one locality in Adjuntas. The area is located near the Monte Guilarte Commonwealth Forest but is in private ownership and threatened by land-clearing for agriculture and rural development. This final rule provides *Juglans jamaicensis* with the Federal protection and recovery provisions afforded by the Act for listed species.

**EFFECTIVE DATE:** February 12, 1997.

**ADDRESSES:** The complete file for this rule is available for inspection, by

appointment, during normal business hours, at the Boquerón Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622.

**FOR FURTHER INFORMATION CONTACT:** Ms. Susan Silander, Botanist, at the Caribbean Field Office address (809/851–7297).

#### SUPPLEMENTARY INFORMATION:

##### Background

*Juglans jamaicensis* (nogal or West Indian walnut) was first described as *J. jamaicensis* by DeCandolle from a description and illustration of leaves, staminate catkin and fruit by Descourtilz which had been published under the name of *Juglans fraxinifolia*. DeCandolle mistakenly believed that the tree Descourtilz had illustrated originated in Jamaica, when in reality no walnut tree has ever been located in Jamaica. Synonyms which have been applied to the species include *Juglans fraxinifolia* Descourtilz, *J. cinerea* of Bello, *J. insularis* Griseb., *J. portoricensis* Dode, and *J. domingensis* (Proctor 1992).

*Juglans jamaicensis* is known from Cuba, Hispaniola and Puerto Rico but little information is currently available on its status in the first two countries (Liogier and Martorell 1982). It has been described by the Center for Plant Conservation (1992) as "not common" and by Proctor (1992) as becoming increasingly rare on these two islands.

Nogal was first collected from Puerto Rico by Augustin Stahl around 1865. This collection was from an area between Peñuelas and Adjuntas at an elevation of approximately 700 meters (2,297 feet). The species was subsequently collected by the German botanist Paul Sintenis in 1886 from somewhere near Adjuntas (Saltillo) and again in 1887 near Utuado (Santa Rosa). An additional collection was made by Bartolomé Barcelá in 1915 from an area near Adjuntas (Little *et al.* 1974, Proctor 1992). Little *et al.* (1974) stated that the species might possibly be extinct.

It was not reported again until 1974 when it was rediscovered by Roy O. Woodbury from the upper north slopes (an elevation of 1070 meters (3,510 feet)) of Cerro La Silla de Calderón, an area located near the southwest corner of the municipality of Adjuntas. A survey of these trees was made in 1992 by Salvador Alemañy of the U.S. Forest Service. A total of 14 individuals were documented, the largest of which was more than 20 meters (66 feet) in height. The species has been reported from montane forests at elevations between

700 and 1,000 meters (2,297 and 3,281 feet) (Proctor 1992).

*Juglans jamaicensis* is a large tree which may reach up to 25 meters (82 feet) in height. Twigs, buds, and leaf-axes have minute rusty hairs. The leaves are alternate and compound and consist of from 16 to 20 mostly paired, nearly stalkless leaflets. Leaflets are from 5.5 to 9 centimeters (5.5 to 9 inches) long and 2.2 to 4 centimeters (0.9 to 1.6 inches) wide, thin and nearly hairless except on the veins beneath. Leaflets are lanceolate, finely toothed, long-pointed and rounded, and unequal at the base. Nogal is monoecious; male and female flowers are borne in different clusters or catkins on the same tree. Staminate or male flowers are numerous and in drooping catkins, 8.8 to 11 centimeters (3.5 to 4.3 inches) long, borne on the twigs of the previous year. Pistillate or female flowers are several along an axis 4.4 to 8.8 centimeters (1.7 to 3.5 inches) long, borne at the ends of the shoots of the season. Individual male flowers are composed of a 6-lobed calyx and many stamens. Female flowers are about 0.5 centimeters (0.2 inches) long, composed of a 4-toothed scale opening at one side and 4 sepals. The fruit, a drupe, is a walnut which is composed of a blackish husk, a brown rough-ridged hard shell from 1.6 to 2.75 centimeters (0.6 to 1.1 inches) wide and one large, oily, edible seed (Little *et al.* 1974, Proctor 1992).

*Juglans jamaicensis* may have been more widespread in Puerto Rico in the past, but much of the forested areas in the central mountain region were cut for the planting of coffee. The species, possibly never a common one, may also have been cut for the use of its valuable wood (Little *et al.* 1974). Today it is known from only one locality on privately-owned land where it is threatened by rural development and agricultural activity.

#### Previous Federal Action

*Juglans jamaicensis* was included among the plants being considered as a Candidate for listing by the Service, as published in the Federal Register notice of review dated February 21, 1990 (55 FR 6184) and September 31, 1993 (58 FR 51144). *Juglans jamaicensis* is considered a "critical" plant species by the Natural Heritage Program of the Puerto Rico Department of Natural and Environmental Resources. The Center for Plant Conservation (1992) has assigned the species a Priority Status of A (a species which could possibly go extinct in the wild in the next 5 years). A proposed rule to list *Juglans jamaicensis*, published on September 29, 1995 (60 FR 50173), constituted the final 1-year finding for the species in

accordance with section 4(b)(3)(B)(ii) of the Act.

The processing of this final rule conforms with the Service's final listing priority guidance published in the Federal Register on May 16, 1996 (61 FR 24722). The guidance clarifies the order in which the Service will process rulemakings following two related events—(1) the lifting, on April 26, 1996, of the moratorium on final listings imposed on April 10, 1995 (Public Law 104-6), and (2) the restoration of significant funding for listing through the passage of the omnibus budget reconciliation law on April 26, 1996, following severe funding constraints imposed by a number of continuing resolutions between November 1995 and April 1996. The guidance calls for giving highest priority to handling emergency situations (Tier 1) and second highest priority (Tier 2) to resolving the listing status of the outstanding proposed listings. This final rule falls under Tier 2. At this time, there are no pending Tier 1 actions. In the development of this final rule, the Service has conducted an internal review of all available information. Based on this review, the Service has determined that there is no new information that would substantively affect this listing decision and that additional public comment is not warranted.

#### Summary of Comments and Recommendations

In the September 29, 1995, proposed rule and associated notifications, all interested parties were requested to submit factual reports of information that might contribute to the development of a final rule. Appropriate agencies of the Commonwealth of Puerto Rico, Federal agencies, scientific organizations and other interested parties were contacted and requested to comment. A newspaper notice inviting general public comment was published in the San Juan Star on October 27, 1995, and in El Nuevo Día on October 25, 1995. Two letters of comment were received, neither of which opposed the listing. The Puerto Rico Planning Board did not have comments on the listing but stated that they would utilize the information in the evaluation of projects which might affect the species. The U.S. Forest Service, Institute of Tropical Forestry (Institute), supported the listing of nogal, stating that the trees had not reproduced successfully recently but had, in the past, served as a source for seed. This seed source had been used to propagate seedlings in nurseries of the Puerto Rico Department of Natural and Environmental Resources, the Puerto

Rico Conservation Trust, and the Institute. Concern was expressed that this successful propagation effort not be jeopardized. A public hearing was neither requested nor held.

The Service also solicited the expert opinions of four appropriate and independent specialists regarding the pertinent scientific or commercial data and assumptions relating to taxonomy, population models, and biological and ecological information for this species. One response was received and those comments on biology and propagation have been incorporated into the final rule.

#### Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Juglans jamaicensis* should be classified as an endangered species. Procedures found at Section 4(a)(1) of the Act and regulations implementing the listing provisions of the Act (50 CFR part 424) were followed. A species may be determined to be endangered or threatened due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Juglans jamaicensis* (nogal or West Indian walnut) are as follows:

##### A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

*Juglans jamaicensis* is known only from Cuba, Hispaniola, and Puerto Rico. Available information indicates that it is rare on the first two islands (CPC 1992, Proctor 1992). In Puerto Rico, it is known from only one population consisting of 14 individuals on privately-owned land. Surrounding areas are currently planted in coffee. The expansion of the coffee plantation threatens these trees, particularly because the tendency to plant "sun coffee" is increasing and in such plantations all shade trees are eliminated. Located in a rural area, development for housing may threaten the species as well.

##### B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

The wood of the species is reported to be good quality and highly prized, and indeed, it is reported to have been cut in the past for such purposes (Little *et al.* 1974).

##### C. Disease or Predation

Disease and predation have not been documented as factors in the decline of this species.

#### D. The Inadequacy of Existing Regulatory Mechanisms

The Commonwealth of Puerto Rico has adopted a regulation that recognizes and provides protection for certain Commonwealth listed species.

However, *Juglans jamaicensis* is not yet on the Commonwealth list. Federal listing would provide immediate protection under the Act, and by virtue of an existing section 6 Cooperative Agreement with the Commonwealth, listing will also assure the addition of this species to the Commonwealth list and enhance possibilities for funding needed research.

#### E. Other Natural or Manmade Factors Affecting Its Continued Existence

One of the most important factors affecting the continued survival of this species is its limited distribution. Because so few individuals are known to occur in a limited area, the risk of extinction is extremely high. Catastrophic natural events, such as the passing of Hurricane Hugo in 1989, may dramatically affect forest species composition and structure, felling large trees and creating numerous canopy gaps.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list *Juglans jamaicensis* as endangered. The species is known from only one locality in Puerto Rico. Deforestation for rural and agricultural development are imminent threats to the survival of the species. Therefore, endangered rather than threatened status seems an accurate assessment of the species' condition. The reasons for not proposing critical habitat for these species are discussed below in the "Critical Habitat" section.

#### Critical Habitat

Critical habitat is defined in section 3 of the Act as: (i) The specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection and; (ii) specific areas outside the geographic area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. "Conservation" means the use of all methods and procedures needed to bring the species to the point at

which listing under the Act is no longer necessary.

Section 4(a)(3) of the Act, as amended, and implementing regulations require that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for *Juglans jamaicensis*. Service regulations (50 CFR 424.12(a)(1)) state that the designation of critical habitat is not prudent when one or both of the following situations exist—(1) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species, or (2) such designation of critical habitat would not be beneficial to the species.

The number of individuals of *Juglans jamaicensis* is sufficiently small and vandalism and collection could seriously affect the survival of the species. The wood of the species has been described as "highly prized" and cutting for timber has been identified as a factor affecting the species in the past. Publication of critical habitat descriptions and maps in the Federal Register would increase the likelihood of such activities. The Service believes that Federal involvement in the areas where these plants occur can be identified without the designation of critical habitat. All involved parties and landowners have been notified of the location and importance of protecting these species' habitat. Protection of these species' habitat will also be addressed through the recovery process and through the section 7 jeopardy standard. The precarious status of *Juglans jamaicensis* necessitates identical thresholds for determining adverse modification of critical habitat and jeopardizing the continued existence of the species. Therefore, no additional protection from designating critical habitat would occur for this species.

#### Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, Commonwealth, and private agencies, groups and individuals. The Act provides for possible land acquisition and cooperation with the Commonwealth, and requires that recovery actions be carried out for all

listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. No critical habitat is being proposed for this species, as discussed above. Federal involvement may be through the use of Federal funding for rural housing and development (for example, the Rural Economic and Community Development or Housing and Urban Development) or Federal activities or authorizations (for example, U.S. Forest Service for forest management practices on private lands).

The Act and its implementing regulations set forth a series of general trade prohibitions and exceptions that apply to all endangered plants. All prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export any endangered plant, transport it in interstate or foreign commerce in the course of commercial activity, sell or offer it for sale in interstate or foreign commerce, or remove and reduce to possession the species from areas under Federal jurisdiction. In addition, for plants listed as endangered, the Act prohibits the malicious damage or destruction on areas under Federal jurisdiction and the removal, cutting, digging up, or damaging or destroying of endangered plants in knowing violation of any Commonwealth law or regulation, including Commonwealth criminal trespass law. Certain exceptions can apply to agents of the Service and Commonwealth conservation agencies.

The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. It is

anticipated that few trade permits for this species will ever be sought or issued, since the species is not known to be in cultivation and is uncommon in the wild.

It is the policy of the Service, published in the Federal Register on July 1, 1994 (59 FR 34272) to identify to the maximum extent practicable those activities that would or would not constitute a violation of section 9 of the Act at the time of listing. The intent of this policy is to increase public awareness of the effect of listing on proposed or ongoing activities. The only known population of *Juglans jamaicensis* is located on privately-owned land. Since there is no Federal ownership, and the species is not currently in trade, the only potential section 9 involvement would relate to removing or damaging the plant in knowing violation of Commonwealth law, or in knowing violation of Commonwealth criminal trespass law. Section 15.01(b) of the Commonwealth "Regulation to Govern the Management of Threatened and Endangered Species in the Commonwealth of Puerto Rico" states: "It is illegal to take, cut, mutilate, uproot, burn or excavate any endangered plant species or part thereof within the jurisdiction of the Commonwealth of Puerto Rico." The Service is not aware of any otherwise lawful activities being conducted or proposed by the public that will be affected by this listing and result in a violation of section 9.

Questions regarding whether specific activities will constitute a violation of section 9 should be directed to the Field Supervisor of the Service's Caribbean

Field Office (see ADDRESSES section). Requests for copies of the regulations on listed species and inquiries regarding prohibitions and permits should be addressed to the U.S. Fish and Wildlife Service, Ecological Services (TE), 1875 Century Boulevard, Atlanta, Georgia 30345-3301 (404/679-7313).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment and Environmental Impact Statements, 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 Act. A notice outlining the Service's reasons for this determination was published in the Federal Register on October 25, 1983 (48 FR 49244).

Required Determinations

The Service has examined this regulation under the Paperwork Reduction Act of 1995 and found it to contain no information collection requirements. This rulemaking was not subject to review by the Office of Management and Budget under Executive Order 12866.

References Cited

Center for Plant Conservation. 1992. Report on the Rare Plants of Puerto Rico. Missouri Botanical Garden, St. Louis, Missouri.  
 Little, E.L. Jr, R.O. Woodbury, and F.H. Wadsworth. 1974. Trees of Puerto Rico and the Virgin Islands, Volume II. Agriculture Handbook No. 449. U.S. Department of Agriculture, Forest Service. Washington, D.C. 1024 pp.

Liogier, H.L. and L.F. Martorell. 1982. Flora of Puerto Rico and Adjacent Islands: a systematic synopsis. Editorial de la Universidad de Puerto Rico, Río Piedras, Puerto Rico. 342 pp.

Proctor, G. R. 1992. Status report on *Juglans jamaicensis* C. DC. Unpublished report submitted to the U.S. Fish and Wildlife Service. 7 pp.

Author: The primary author of this final rule is Ms. Susan Silander, Boquerón Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622 (787/851-7297).

List of Subjects in 50 CFR Part 17

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

Regulation Promulgation

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended 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 17.12(h) is amended by adding the following, in alphabetical order under FLOWERING PLANTS, to the List of Endangered and Threatened Plants to read as follows:

**§17.12 Endangered and threatened plants.**

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

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
FLOWERING PLANTS							
* <i>Juglans jamaicensis</i> ....	* Nogal or West Indian walnut.	* U.S.A. (PR), Cuba, Hispaniola.	* Juglandaceae	* E	* 603	* NA	* NA
*	*	*	*	*	*	*	*

Dated: November 26, 1996.  
 John G. Rogers,  
 Acting Director, Fish and Wildlife Service.  
 [FR Doc. 97-770 Filed 1-10-97; 8:45 am]  
 BILLING CODE 4310-55-P