volume of production. There would be no significant economic impact on any vehicle manufacturer because no manufacturer would be required to provide headlamp concealment devices. There would be no economic impact on manufacturers that already provide the devices because the devices meet the existing headlamp concealment device requirements in the FMVSSs, and NHTSA tentatively concludes that the ECE standard does not differ substantively from the FMVSSs. If made final, the rule would permit vehicle manufacturers a choice between certifying that the vehicle with a headlamp concealment device meets the old FMVSS or the incorporated ECE standard. NHTSA does not believe there would be a cost advantage to certifying to one standard over another.

C. Environmental Impacts

In accordance with the National Environmental Policy Act of 1969, the agency has considered the environmental impacts of this proposed rule and determined that, if adopted as a final rule, it would not have a significant impact on the quality of the human environment.

D. Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

E. Civil Justice Reform

This proposed rule would not have a retroactive effect. Under 49 U.S.C. Section 30103, whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard. A procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards is set forth in 49 U.S.C. Section 30106. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

F. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Public Law 104–4) requires agencies to prepare a written assessment of the cost, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of more than $100 million annually. Because this proposed rule would not have a $100 million effect, no Unfunded Mandates assessment has been prepared.

Public Comments

Interested persons are invited to submit comments on the proposal. 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 a 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 proposal 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. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. 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.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, it is proposed that the Federal Motor Vehicle Safety Standards (49 CFR Part 571), be amended as set forth below.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 would continue to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.108 would be amended by adding S12.6 and S12.7 to read as follows:

§ 571.108 Standard No. 108; Lamps, reflective devices, and associated equipment.

* * * * *

S12.6 As an alternative to complying with the requirements of S12.1 through S12.5, a vehicle with headlamps incorporating VHAD or visual/optical aiming in accordance with paragraph S7 may meet the requirements for *Concealable lamps* in paragraph S5.14 of the following version of the Economic Commission for Europe Regulation 48: E/ECE/324—E/ECE/TRAN/505, Rev.1/Add.47/Rev.1, 22 March 1994, in the English language version.

S12.7 Manufacturers of vehicles with headlamps incorporating VHAD or visual/optical aiming shall elect to certify to S12.1 through S12.5 or to S12.6 prior to, or at the time of certification of the vehicle, pursuant to 49 CFR part 567. The selection is irrevocable.

Issued on: October 23, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98–28817 Filed 10–27–98; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Finding for a Petition To List the Junaluska Salamander as Endangered With Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding and initiation of status review.

SUMMARY: The Fish and Wildlife Service (Service) announces a 90-day finding for a petition to list the Junaluska salamander (*Eurycea junaluska*) under the Endangered Species Act of 1973, as amended (Act). The Service finds that the petition presents substantial information indicating that listing this species may be warranted. A status review is initiated.

DATES: The finding announced in this document was made on October 8, 1998. To be considered in the 12-month finding for this petition, information and comments should be submitted to the Service by December 28, 1998.

ADDRESSES: Data, information, comments, or questions concerning this petition should be sent to the State Supervisor, U.S. Fish and Wildlife Service, Asheville Field Office, 160 Zillicoa Street, Asheville, North Carolina 28801. The petition finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. J. Allen Ratzlaff (see ''**ADDRESSES**'' section), telephone 828/258–3939, Ext. 229; facsimile 828/258–5330.

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 as to whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. This finding is to be based on all information available to the Service at the time the finding is made. To the maximum extent practicable, the finding shall be made within 90 days following receipt of the petition and promptly published in the **Federal Register**. Following a positive finding, section 4(b)(3)(B) of the Act requires the Service to promptly commence a status review of the species.

The processing of this petition conforms with the Service's final listing priority guidance for fiscal years 1998 and 1999, published in the **Federal Register** on May 8, 1998 (63 FR 25502). The guidance calls for giving highest priority to handling emergency situations (Tier 1); second highest priority to resolving the listing status of outstanding proposed listings, resolving the conservation status of candidate species, processing administrative findings on petitions, and processing a limited number of delistings and reclassifications (Tier 2); and third priority to processing proposed and final designations of critical habitat (Tier 3). The processing of this petition falls under Tier 2.

The Service has made a 90-day finding on a petition to list the Junaluska salamander (*Eurycea junaluska*). The petition, dated March 30, 1998, was submitted by Mr. Ray Vaughan on behalf of Appalachian Voices and the Biodiversity Legal Foundation and was received by the Service on March 31, 1998. It requests the Service to list the Junaluska salamander as endangered and designate critical habitat under 16 U.S.C. § 1533(a)(3)(A) of the Endangered Species Act. The petition identifies timber harvesting, nonnative trout, exposure to acid-bearing rock, siltation, genetic drift, the inadequacy of current laws, and naturally occurring events as immediate threats to the species' continued existence.

The petitioners submitted claims that the Junaluska salamander is imperiled because, ''despite decades of searching, only six or seven populations have been found'' and ''even within those populations, adult individuals are extremely rare.'' Further elaborating on this point, the petitioners quote one source as stating, ''Trends of existing populations are not known; however, the rarity of existing populations suggests that most populations have suffered long-term declines.'' Some of the demographic problems associated with small population size are also cited as threats. The petitioners also identify ''stocked trout, timber harvesting, 'exposure to acid-bearing Anakeesta rock formations during road construction,' and other disturbances that dump silt into their stream habitat'' as threats to the species. The petitioners also claim that existing laws are inadequate to protect the species, specifically the U.S. Forest Service's (USFS) National Forest Management Act.

The Service concurs with the petitioners that this is a rare species, currently known from only six populations. However, rarity in itself is not a listing criterion (see section 4 of the Act). The petitioners assert that the rarity of adults is indicative of low recruitment into the population, citing one researcher as collecting only 50 adults in 10 years of field work. This may be true, but others have collected as many as 18 adults in a single night (W. Gutzke, University of Memphis, personal communication, 1998). The rarity of collected adults is possibly more a function of sampling.

One of the main reasons the petitioners cite for the need to list the Junaluska salamander is ''clearcuts and sediment from timber sales and road building operations of the U.S. Forest Service'' (specifically, a salvage sale in the Snowbird Creek drainage in Graham County, North Carolina). The circumstances regarding the proposed USFS salvage operation on Snowbird Creek have changed since the petition was written, and the mitigation efforts implemented to minimize impacts to the species, specifically sedimentation, may now nullify this sale as an example of the potential threats to the species and its habitat.

The Service recognizes the potential threat from the exposure of acid-bearing rock in watersheds that harbor the Junaluska salamander. Construction of the Cherohala Skyway from Robbinsville, North Carolina, to Tellico Plains, Tennessee, resulted in exposure of acid-bearing rock (Anakeesta) in the Santeetlah Creek drainage as well as portions of the Tellico River system in Tennessee. Acid-producing materials (usually rock containing pyritic sulfur in excess of 0.5 percent, with little or no alkaline materials) produce acidic leachate upon weathering. The acidic leachate may result in downstream pH values of ≤4.5. Excavation for road construction facilitates weathering by exposing additional rock surface area. The Federal Highway Administration (FHWA) has published guidelines for handling situations with acid-producing materials (FHWA 1989). However, it is not clear what effect some of the mitigation measures for handling acidic rock may ultimately have on aquatic life.

The Service agrees that the other threats listed by the petitioners (genetic drift, nonnative trout, and naturally occurring events [at least for individual populations]), along with several other factors (including nonpoint source pollution from other than USFS activities and competition with other salamander species) could potentially threaten this species.

The Service has reviewed the petition, its accompanying literature, and other literature and information in the Service's files. On the basis of the best scientific and commercial information available, the Service finds that the petition presents substantial information indicating that listing the Junaluska salamander may be warranted. The Service believes the petitioners have presented adequate information about the status, distribution, and abundance of the

Junaluska salamander and that they have addressed most of the potential threats to the species in North Carolina. However, the Service is in need of additional information to adequately assess the status of the species in Tennessee, to locate additional populations, and to identify those factors that may affect its persistence. Prior to receiving the subject petition, the Service had some knowledge of the status of the Junaluska salamander, principally in North Carolina. Consequently, the Service had initiated a status survey for the Tennessee portion of the species' range. In addition, the USFS is working with the Service and several other agencies and organizations to begin a multi-agency conservation agreement to minimize or eliminate the threats to the species in North Carolina.

The petitioners also requested that critical habitat be designated for the Junaluska salamander. If after completion of the status review the Service determines that the petition to list the Junaluska salamander as endangered is warranted, the issue of designating critical habitat would be addressed in the subsequent proposed rule.

References Cited

Bruce, R. C. 1982. Egg laying, larval periods, and metamorphosis of *Eurycea bislineata* and *E. junaluska* at Santeetlah Creek, North Carolina. Copeia 1982(4):755–762.

Bruce, R. C., and T. J. Ryan. 1995. Distribution and population status of the salamander, *Eurycea junaluska*. U.S. Forest Service Challenge Cost Share Report. No. 11–287. 84 pp.

Federal Highway Administration. 1989. Guidelines for handling excavated acid-producing materials. FHWA/DF/89001, March 1989.

Mittleman, M. B. 1949. American Caudata VI: the races of *Eurycea bislineata*. Proc. Biol. Soc. Wash. 62:89–96.

Ryan, T. J. 1998. Larval life history and abundance of a rare salamander, *Eurycea junaluska*. J. of Herpetology 32(1):10–17.

Sever, D. M. 1979. Male secondary sexual characters of the *Eurycea bislineata* (Amphibia, Urodela, Plethodontidae) complex in the Southern Appalachian Mountains. J. Herpetology 13:245–253.

_____. 1983. Observations on the distribution and reproduction of the salamander *Eurycea junaluska* in Tennessee. J. Tenn. Acad. Sci. 58:48–50.

Sever, D. M., H. A. Dundee, and C. D. Sullivan. 1976. A new *Eurycea* (Amphibia: Plethodontidae) from southwestern North Carolina. Herpetologica 32:26–29.

Author: The primary author of this document is Mr. J. Allen Ratzlaff (see **ADDRESSES** section).

Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: October 8, 1998.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 98–28882 Filed 10–27–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AF29

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for the Armored Snail and Slender Campeloma

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service (Service) proposes to list the armored snail (*Pyrgulopsis* (=*Marstonia*) *pachyta*) and slender campeloma (*Campeloma decampi*) as endangered species under the Endangered Species Act of 1973, as amended (Act). The armored snail is known only from Piney and Limestone creeks, Limestone County, Alabama, and the range of the slender campeloma has been reduced (Aquatic Resources Center (ARC) 1997) by at least three-quarters from its historical distribution and is now found only in Round Island, Piney, and Limestone creeks, Limestone County, Alabama. These species are in a particularly precarious position, being restricted to a few isolated sites along two or three short river reaches. Siltation and other pollutants from poor land-use practices, and waste discharges, are contributing to the general deterioration of water quality, likely impacting these species.

DATES: Comments from all interested parties must be received by December 28, 1998. Public hearing requests must be received by December 14, 1998.

ADDRESSES: Comments and materials concerning this proposal should be sent to the State Supervisor, Asheville Field Office, U.S. Fish and Wildlife Service, 160 Zillicoa Street, Asheville, North Carolina 28801. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. J. Allen Ratzlaff, at the above address (telephone 828/258–3939, Ext. 229; facsimile 828/258–5330).

SUPPLEMENTARY INFORMATION:

Background

The armored snail (*Marstonia pachyta*) was described by Thompson in 1977 and was later reassigned to the genus *Pyrgulopsis* by Hershler and Thompson (1987). The armored snail is a small, presumably annual, species (usually less than 4 millimeters (mm) (0.16 inch (in)) in length) (Thompson 1984). It is distinguished from other closely related species by the characteristics of both its verge (male reproductive organ) and shell. The armored snail has a small raised gland on the ventral surface of the verge (a trait common only with the beaverpond snail (*P. castor*) of this genus) and two small glands along the left margin of the apical (tip) lobe. The apical lobe is smaller than in most species of *Pyrgulopsis* (Thompson 1977). Garner (1993) noted some variation in verge characteristics (more developed apical lobes) but attributed the differences to temporal changes in verge morphology throughout the annual life cycle. The shell is easily identified by its ovate-conical shape, its pronounced thickness, and its complete peristome (edge of the opening). Other *Pyrgulopsis* species with ovate-conical shells have much thinner, almost transparent, shells, and the peristome is seldom complete across the parietal margin (area along the opening abutting the main body of the shell) of the aperture (opening) (Thompson 1977).

The armored snail occurs only in Piney and Limestone creeks, Limestone County, Alabama (Garner 1993, Hershler 1994, ARC 1997), and has never been noted outside this area. Piney Creek was a tributary to Limestone Creek prior to the construction of Wheeler Lake on the Tennessee River. Thus, the two populations of the armored snail are likely remnants of a once larger population. Armored snails are generally found among submerged tree roots and bryophytes (nonflowering plants comprising mosses and liverworts) along stream margins in areas of slow to moderate flow. Occasionally they are found in the submerged detritus (organic matter and rock fragments) along pool edges.

The armored snail is in a particularly precarious position, being restricted to a few isolated sites along two short river reaches. Inhabited sites appear to be rather small, covering only a few square meters.

The slender campeloma belongs to the ovoviviparous family Viviparidae. All species in this family give birth to