

there were about 210 fatalities to occupants of pickup cargo beds each year. The number of deaths each year shows remarkably little variation, beginning with 213 fatalities in 1983 and concluding with 211 fatalities in 1993. While the total size of the problem of injuries and fatalities to cargo bed occupants is small in the context of overall traffic safety (about one-half of one percent of annual motor vehicle fatalities), the relative constancy of the number over this decade suggests that it has not been much affected by the many safety improvements made to pickups during that decade, nor has it been much affected by the changes in personal behavior by vehicle occupants during that decade, such as significant increases in safety belt use by occupants and significant decreases in drunk and drugged driving. This suggests it may be appropriate for NHTSA to try a new approach specifically targeted to reduce injuries and deaths to passengers in cargo beds. NHTSA granted Ms. Slay's petition on January 25, 1995, to allow for a full and careful consideration of the issues raised.

However, the grant of the petition did not mean the agency endorsed Ms. Slay's suggested solution to the problem. The fatality data show that most of the fatalities in pickup cargo beds are teenagers or young adults aged 20–29. People in these age groups have traditionally been among the least receptive to safety warnings on labels. This information raises doubts about the effectiveness of a warning label as a solution to this problem.

Given all of this information, NHTSA sought a creative alternative to address this safety risk outside of the traditional regulatory process. NHTSA began by sending a letter to each of the pickup manufacturers asking for their reaction to Karen Slay's petition and her suggested solution to the problem. Although the manufacturers did not agree with labeling their trucks, they did agree with Ms. Slay that something ought to be done. All of the pickup manufacturers agreed to voluntarily include clear language in each pickup owner's manual warning against riding in beds. Chrysler, Ford, and General Motors, whose vehicles collectively comprise more than 86 percent of annual pickup sales in the U.S., went a step further. These three manufacturers agreed to provide a simple and uniform warning about the hazards of riding in cargo areas in the owner's manuals for each of their vehicles starting no later than the 1997 model year. All of the pickup manufacturers also committed to join in a broad-based effort to raise the public's awareness of this safety

concern, including joining in promoting the adoption and enforcement of State laws restricting people from riding in pickup cargo beds and joining in a public education campaign on this subject.

Having this understanding with the pickup manufacturers was encouraging, but NHTSA believed it needed to involve more potential partners in this effort if it was to be successful. Accordingly, the agency contacted the National Automobile Dealers Association to see if they would join in the effort to address this problem. The dealers' organization agreed. Also, the National PTA had written a letter to NHTSA in support of Karen Slay's petition. NHTSA contacted the National PTA to see if it would agree to participate in an information campaign on the hazards of riding in cargo beds, and the National PTA agreed to do so.

NHTSA held a news conference on May 25, 1995 to announce this new cooperative effort to reduce injuries and deaths in pickup truck cargo beds. This cooperative effort will rely on the slogan "Kids Aren't Cargo" to raise the public's awareness about this safety risk. NHTSA has followed this up by including some "Kids Aren't Cargo" materials in the Campaign Safe and Sober materials made available to all of the States and by contacting national organizations other than the National PTA to see if they are interested in joining this effort.

Since manufacturers and others have already voluntarily committed to join in a broad-based effort to reduce the injuries and deaths to occupants of cargo beds, there is no reason to proceed with consideration of a regulatory requirement to achieve that same goal. Accordingly, the rulemaking action associated with the January 25, 1995 grant of Karen Slay's petition for rulemaking is hereby terminated.

This termination should not be misinterpreted. If at some point in the future it becomes clear that the "Kids Aren't Cargo" campaign has not achieved its purpose, the agency will evaluate all of its options to reduce injuries and deaths to occupants in cargo areas, including possible regulatory requirements. At this time, however, the agency believes the "Kids Aren't Cargo" campaign represents an approach that is more likely to address effectively this safety risk than a regulatory approach would be. Therefore, rulemaking action on the Slay petition is terminated.

The agency would like to close by expressing its appreciation to Ms. Slay for her petition and her work in this area. It is rare that an individual citizen with no previous involvement in the

area of highway safety or dealing with State and Federal government can get a bill introduced in the State legislature and pass one of the two houses easily on its first hearing, and move the Federal government to put together a coalition of parties to try to address the issue on a National level. These accomplishments can be traced to a single citizen working out of her house with no funding, no list of members for whom she purported to speak—nothing more than her dedication to this issue and her ability to present clear, reasonable, and articulate arguments for why some action was necessary.

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Barry Felrice,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AD35

Endangered and Threatened Wildlife and Plants; Proposed Threatened Status for *Arctostaphylos Pallida* (Pallid Manzanita), a Plant From the Northern Diablo Range of California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service (Service) proposes to list *Arctostaphylos pallida* (pallid manzanita) as a threatened species, pursuant to the Endangered Species Act of 1973, as amended (Act). This plant species is found only in the northern Diablo Range of California in Alameda and Contra Costa Counties. The species is threatened by shading and competition from native and non-native plants, fire suppression, habitat fragmentation, hybridization, disease, herbicide spraying, unauthorized tree cutting, inadequate regulatory mechanisms, and stochastic events by virtue of the small isolated nature of the remaining populations. This proposal, if made final, would extend Federal protection and recovery provisions afforded by the Act for this species.

DATES: Comments from all interested parties must be received by October 9, 1995. Public hearing requests must be received by September 25, 1995.

ADDRESSES: Comments and materials concerning this proposal should be sent