The requirements specify that all stationary sources specified under those source categories listed in 40 CFR Part 51 (which emit 5 tons/year or more of lead or lead compounds) and any other stationary source (which emits 25 tons/year or more of lead or lead compounds) must be analyzed to determine their impact on the lead NAAQS. In addition, EPA established ambient lead monitoring and data handling requirements (46 FR 44159) in a September 3, 1981 notice, codified at 40 CFR Part 58.

II. Minnesota's Lead SIP

A. Attainment Demonstration and Control Strategy

The State of Minnesota submitted a SIP for the attainment and maintenance of the lead NAAQS on April 28, 1983. Minnesota's Plan includes a discussion of air quality data measured since 1977, an emission inventory of lead sources, atmospheric dispersion modeling analyses, and the necessary control strategies.

The State's modeling analysis demonstrates that full implementation of the control measures will provide for the attainment and maintenance of the NAAQS. Further discussion of the attainment demonstration may be found in the notice of proposed rulemaking which was published in the December 29, 1983 (48 FR 57321), **Federal Register**, and technical support documents which are located at Region V's office.

There were public comments received by the Agency on the proposed attainment demonstration and control strategies. As a result, EPA is approving these elements of the lead plan in today's **Federal Register.**

B. Lead Monitoring Plan

The State of Minnesota submitted a monitoring SIP to EPA on March 5, 1980. An amendment to the revision was submitted on June 2, 1980. The monitoring SIP which was subsequently approved on March 4, 1981 (41 FR 15138), designated two National Air Monitoring Stations (NAMS) and also included 16 State and Local Air Monitoring Sites Stations (SLAMS) for lead.

After subsequent review of lead monitoring as required by 40 CFR Part 58, the State revised its network to five SLAMS sites statewide as of January 1, 1983. EPA proposed approval of the lead monitoring plan in the December 29, 1983 (48 FR 57321) **Federal Register.** Further discussion of the lead monitoring plan may be found in the notice of proposed rulemaking and the technical support documents located at Region V's office. No public comments were received by the Agency on this element of the lead Plan. Therefore, EPA approves the revised Minnesota Air Quality Surveillance Plan as meeting all the requirements of sections 110 and 319 of the Act in today's **Federal Register.**

C. Lead New Source Review Plan

In the December 29, 1983, (48 FR 57321) **Federal Register**, EPA proposed approval of the Minnesota lead Plan, with the understanding that the State would clarify the New Source Review portion of the Plan prior to EPA's final rulemaking. EPA's proposed approval of the New Source Review Plan was contingent upon: (1) A demonstration from the State that its general permit rule, APC–3, includes authority to review construction permit applications against the Federal NAAQS for lead and (2) EPA's final approval of amended APC–3.

The State, however, on April 23, 1984, repealed amended APC–3 and in its place adopted a Consolidated Permit rule. Additionally, on February 15, 1984 and February 21, 1984, the State submitted information which is intended to demonstrate that the new Consolidated Permit rule satisfies EPA's concerns in relation to the lead New Source Review Plan. Before, EPA can make a final determination on the lead New Source Review provisions, the State must submit the Consolidated Permit rule as a SIP revision so that EPA can review the rule as it applies to lead New Source Review. As a result, EPA will take action on the New Source Review portion of the lead Plan after the State submits its revised New Source Review provisions.

Therefore, EPA is approving all the elements of the Minnesota lead Plan, with the exception of the New Source Review portion of the Plan in today's **Federal Register;** EPA will propose action at a future date on the overall Consolidated Permit rule, including the applicable provisions for lead New Source Review.

III. Summary

EPA has evaluated the Minnesota lead Plan by comparing it to the requirements for an approvable SIP, as set forth in the above mentioned Code of Federal Regulations. Therefore, since there were no public comments received by the Agency pertaining to this action, EPA approves the entire Minnesota lead Plan, with the exception of the New Source Review portion of the Plan. EPA will take action on the New Source Review portion of the Plan when the State of Minnesota submits its recently revised source permitting authority upon which that portion of the lead Plan was based. EPA will review and analyze the Consolidated Permit Rule as a separate SIP revision in the near future. EPA will propose rulemaking on this revised Consolidated Permit rule in a future **Federal Register** notice.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Note.—Incorporation by reference of the State Implementation Plan for the State of Minnesota was approved by the Director of the Federal Register on July 1, 1982.

Authority: Secs. 110, 301, and 319 of the Clean Air Act, as amended (42 U.S.C. 7410, 7601 and 7609).

Dated: June 29, 1984.

Alvin L. Alm,

Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of the Code of Federal Regulations, Chapter I, Part 52 is amended as follows:

1. Section 52.1220 is amended by adding new paragraph (c)(22).

§ 52.1220 Identification of plan.

* * * * *

(c) * * *

(22) On April 28, 1983, Minnesota submitted its Lead SIP. Additional information was submitted on February 15, 1984, and February 21, 1984.

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[FR Doc. 84–17745 Filed 7–3–84; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 124

[FRL–2622–3]

301(k) Compliance Extensions for Innovative Technology; Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule on section 301(k) compliance extensions for innovative technology which was published on June 25, 1984 (49 FR 25978). The action is necessary to correct language used in adding a regulatory definition.

FOR FURTHER INFORMATION CONTACT: Marilyn Goode, 426–7010

SUPPLEMENTARY INFORMATION: On page 25981, second column, the amendatory language numbered 2. should have read:

"2. Section 124.2 is amended by adding the definition for *Consultation with the Regional Administrator* in alphabetical order as follows:".

Dated: June 29, 1984.

Frank E. Hall,

Deputy Director Permits Division, Office of Water Enforcement and Permits.

[FR Doc. 84–17743 Filed 7–3–84; 8:45 am]

BILLING CODE 6560–50–M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 201

Federal Information Resources Management Regulation (FIRMR); Ordering Procedure for Looseleaf Edition

AGENCY: Office of Information Resources Management, GSA.

ACTION: Notice of procedure for Federal agencies/departments to order FIRMR looseleaf edition.

SUMMARY: This notice announces the procedures for Federal agencies/departments to order copies of the looseleaf edition of the FIRMR. Individual agency offices will be responsible for assembling and making their quantity requirements for the FIRMR looseleaf edition known through their normal agency publication distribution channels to their Government Printing Office (GPO) Agency Liaison Officer. That official will be responsible for consolidating the agency requirements for submission to the GPO on a SF–1 rider requisition to the GPO jacket number assignment for the FIRMR and the GSA requisition number authorizing the printing.

APPLICABLE DATES: The **Federal Register** publication date of the complete text of the FIRMR is estimated to be in October 1984. The looseleaf edition will be prepared immediately thereafter. Agency GPO Liaison Officers have been advised to take action to consolidate agency FIRMR distribution requirements.

FOR FURTHER INFORMATION CONTACT: Roger W. Walker, Policy Branch (KMPP), Office of Information Resources Management, telephone (202) 566–0194 or FTS, 566–0194 or Faye Deal, Reproduction Services Division, Office of Policy and Management Systems, telephone (202) 535–7693 or FTS, 535–7693.

SUPPLEMENTARY INFORMATION: (1) The General Services Administration has established a new Government-wide regulation called the Federal Information Resources Management Regulation (FIRMR). The final rule was published in the **Federal Register** (49 FR 20994, May 17, 1984). The FIRMR is located in the Code of Federal Regulations at Title 41 as a new Chapter 201.

(2) The initial FIRMR designated certain portions of the existing Federal Procurement Regulations (FPR) (41 CFR Ch. 1) and Subchapter F as well as certain portions of Subchapter B of the Federal Property Management Regulations (FPMR) (41 CFR Ch. 101) as FIRMR provisions. Currently, GSA is preparing a new single text which will integrate these provisions into the new FIRMR general structure. This complete text version of the FIRMR is scheduled for publication in the **Federal Register** in October 1984. The looseleaf edition will be prepared after this version of the FIRMR is published.

(3) The FIRMR provides Government-wide management, acquisition, and use policies and procedures for certain information resources; i.e., automatic data processing, office automation, telecommunications, and current records management. In addition to the regulation and amendments and temporary regulations as they are issued, the looseleaf edition will provide informational and guidance bulletins, indices of current bulletins, handbooks, reports, and illustrations of forms pertaining to the subject matter.

(4) It is recommended the following offices have access to the looseleaf version of the FIRMR: The senior official designated by the agency head according to the Paperwork Reduction Act of 1980 (44 U.S.C. 3506); The senior procurement executive designated by the agency head according to the Office of Federal Procurement Policy Act Amendments of 1983 (41 U.S.C. 414); Policy and program development offices reporting to the above referenced senior officials; Information resources program, facilities management and personal property offices; Procurement and contracting offices (including all procurement personnel assigned to information resources acquisitions); and Budget, administrative, oversight, audit, Inspectors General, legal counsel, and reference libraries supporting agency information resources activities.

(5) Agency GPO Liaison Officers have been requested to assemble requirements for a consolidated order to the GPO. Individual agency offices should make their requirements for copies known through normal agency publication distribution channels. A supplementary **Federal Register** notice is anticipated prior to the publication date which will establish a deadline for submission by each agency of an agency consolidated SF–1 rider requisition to the GPO. Since GPO supplies of copies cannot be anticipated to cover overlooked agency needs, it is important that early attention be given to this matter.

(6) Private sector companies, associations, businesses, publishers, and other interested parties will be provided with an opportunity to place subscription orders to the looseleaf edition of the FIRMR with the Superintendents of Documents. Ordering information will be provided in a subsequent **Federal Register** notice prior to the publication date.

Dated: June 27, 1984.

Francis A. McDonough,

Deputy Assistant Administrator for Federal Information Resources Management.

[FR Doc. 84–17758 Filed 7–3–84; 8:45 am]

BILLING CODE 6820–25–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

Availability of FM Broadcast Allotments; Announcement of Effective Date

AGENCY: Federal Communications Commission.

ACTION: Announcement of effective date of final rules.

SUMMARY: On May 26, 1983, the Commission adopted a *Report and Order* to increase the availability of FM broadcast allotments for licensing of FM broadcast stations. However the effective date of the implementing rules was to be announced at a future time by an announcement in the **Federal Register.** In a meeting held March 1, 1984, the Commission ordered that the previously adopted final rules were to be effective that date. Publication by this announcement is necessary so that all interested persons can now apply for FM broadcast stations using the procedures that will permit the more

efficient use of the FM broadcast spectrum.

EFFECTIVE DATE: March 1, 1984.

FOR FURTHER INFORMATION CONTACT: John Karousos or Kathryn Hossford, Mass Media Bureau, (202) 632–9660.

SUPPLEMENTARY INFORMATION: On May 26, 1983, the Commission adopted a *Report and Order* in BC Docket 80–90 with effective date be concurrent with the adoption of a *Notice of Proposed Rulemaking* in a related proceeding. On March 1, 1984, the Commission adopted that notice under MM Docket 84–231, and therein stated that the effective date of amendments of the rules made in BC Docket 80–90 would be immediately effective. Therefore announcement is hereby given that the Rules shown in Appendix C of BC Docket 80–90 published at 47 FR 29486 on June 27, 1983, and further amended by *Memorandum Opinion and Order* published at 49 FR 10260 on March 20, 1984, and *Order* published at 49 FR 22088 on May 25, 1984, became effective March 1, 1984.

William J. Tricarico,

Secretary.

[FR Doc. 84–17643 Filed 7–3–84; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Final Rule Reclassifying the Snail Darter (Percina Tanasi) From an Endangered Species to a Threatened Species and Rescinding Critical Habitat Designation

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) reclassifies the snail darter (*Percina tanasi)* from an endangered species to a threatened species which the Service believes better reflects the species' present status. This decision is based on the results of snail darter research and on the recommendations of the Snail Darter Recovery Team and the conclusions of the Service's approved Snail Darter Recovery Plan (U.S. Fish and Wildlife Service, 1983a). The snail darter is presently known from only six Tennessee River tributaries and from the main stem of the Tennessee River near the mouth of three tributaries. Most of these populations are extremely small and subject to threats to their continued existence. Neither the Service nor the Snail Darter Recovery Team believes sufficient evidence is presently available to allow the species to be removed from Endangered Species Act protection. The Service also rescinds presently designated snail darter critical habitat on the Little Tennessee River, Loudon County, Tennessee. This area no longer functions as snail darter habitat. It was flooded by the Tellico Reservoir when a Federal law was passed exempting the Tellico Project from Endangered Species Act consideration. Reclassifying the species' status and rescinding its critical habitat will not remove the Act's protection as the snail darter will continue to be protected as a threatened species.

EFFECTIVE DATE: August 6, 1984.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Asheville Endangered Species Field Station, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801.

FOR FURTHER INFORMATION CONTACT: Mr. Richard G. Biggins, Asheville Endangered Species Field Station, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801 (704/259–0321 or FTS 8/672–0321), or Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–2771 or FTS 8/235–2771).

SUPPLEMENTARY INFORMATION:

Background

The snail darter was first collected in August 1973 in the lower reaches of the Little Tennessee River, Loudon County, Tennessee, and was described by Dr. David Etnier (1976) as *Percina (Imostoma) tanasi.* The species is a robust fish, rarely exceeding 3.4 inches. The background color of the upper portion of the fish's sides is brown with a faint trace of green. Four dark brown saddle-like marks cross the back of the fish. The lower part of the sides is lighter and interspersed with dark blotches. The belly is white, and the upper portion of the head is dark brown. The cheeks are mottled brown and interspersed with traces of yellow. The fish inhabits shoal areas where the adults spawn. The hatchling young drift downstream and later return to the shoal areas.

The snail darter was listed as an endangered species on October 9, 1975 (40 FR 47506). Critical habitat on the Little Tennessee River, from river mile 0.5 to river mile 17, Loudon County, Tennessee, was designated on April 1, 1976 (41 FR 13926–13928). On September 25, 1979, a Federal law exempted the Little Tennessee River Tellico Reservoir Project from Endangered Species Act consideration. The reservoir was subsequently completed, and a reproducing snail darter population no longer exists in the Little Tennessee River.

When the species was listed and its critical habitat designated, the only known population was threatened by the imminent completion of Tellico Dam and the flooding of the fish's Little Tennessee River habitat. Prior and subsequent to the completion of the Tellico Reservoir project, snail darters were introduced to other streams in the Tennessee River Valley. To date, these introductions have proven successful only in the Hiwassee River, Polk County, Tennessee.

Snail darters were found in the Tennessee River, Loudon County, Tennessee, near the mouth of the Little Tennessee River in 1979. Subsequently, they were discovered in South Chickamauga Creek, Hamilton County, Tennessee, in 1980 and later in Catoosa County, Georgia. These discoveries led to additional searches in the Tennessee River and its tributaries. These searches resulted in the discovery of snail darters inhabiting three other Tennessee River tributaries (Sewee Creek, Meigs County, Tennessee; Sequatchie River, Marion County, Tennessee; and Paint Rock River, Jackson and Madison Counties, Alabama), and the main stem of the Tennessee River near the mouth of two tributaries, South Chickamauga Creek (Nickajack Reservoir, Hamilton County, Tennessee), and Sequatchie River (Guntersville Reservoir, Marion County, Tennessee). Review of these data in 1982 by the Snail Darter Recovery Team and the Service during its recovery planning process led the Service to determine that the species could be reclassified from endangered to threatened status. Neither the Recovery Team nor the Service felt sufficient evidence was available for the species to be removed entirely from Endangered Species Act protection.

On July 21, 1983 (48 FR 33328), the Service published an advance notice of a proposed rule to reclassify or delist the snail darter. That notice:

(1) Reaffirmed the Service's conclusion that the species, based on available data, could not be removed entirely from Endangered Species Act protection, but that it could be safely reclassified to threatended status;

(2) Presented the three alternatives from the Service's approved Snail Darter Recovery Plan by which the species

could be judged eligible for removal from the list of endangered and threatened wildlife; and

(3) Stated that the Service was involved in an extensive snail darter survey of Tennessee River tributaries aimed at satisfying Alternative B in the Snail Darter Recovery Plan. That criterion states that the species shall be considered recovered when:

> * * * more Tennessee River tributary populations of the species are discovered and existing populations are not lost. The number of additional populations needed to meet this criteria [sic] would vary depending on the status of the new populations, but two populations similar to Sewee Creek, South Chickamauga Creek, or Sequatchie River populations, or one comparable to the Hiwassee River population, would denote recovery.

And

> No present or foreseeable threats exist which could cause the species to become in danger of extinction throughout a significant portion of its range.

The Service has completed its snail darter survey (U.S. Fish and Wildlife Service, 1983b). The study confirmed that snail darters were still surviving in each of the five Tennessee River tributaries known to be inhabited by the species at the time the study was conducted. This survey did not uncover any new populations although twelve other Tennessee River tributaries were searched. However, one snail darter was found in the Little River, Blount County, Tennessee, by an independent stream survey crew (Dr. David Etnier, personal communication, September 1983). This river has been extensively surveyed in the past, and communication with biologists familiar with the species and the Little River indicates that it is unlikely that a substantial population exists there.

The Snail Darter Recovery Team reviewed the results of the Service's snail darter survey at a Recovery Team meeting on September 1, 1983. The conclusions reached at that meeting were communicated to the Regional Director, U.S. Fish and Wildlife Service, Atlanta, Georgia, in a September 2, 1983, letter from the Recovery Team leader. That letter made three recommendations to the Service: (1) The snail darter could be downlisted from endangered to threatened status, (2) insufficient data were available to consider removing the species from the Federal list, and (3) the requirements for a Federal permit to collect snail darters should be retained if downlisting occurs. Subsequent to the discovery of a snail darter in the Little River, Blount County, Tennessee, Recovery Team members were contacted to determine if this find changed their recommendations regarding the snail darter's future Federal status. All team members contacted were in agreement that the find of a snail darter in the Little River did not satisfy Alternative B (see above) of the Recovery Plan. They recommended that the Service proceed with reclassifying the species to threatened status.

The July 21, 1983, **Federal Register** (48 FR 33328) also solicited comments from government agencies, local governments, the scientific community, and other interested parties concerning the species' status, and environmental and other impacts of a proposal to downlist or delist the snail darter. The following is a summary of the responses received.

The Atlanta, Georgia, Regional Office of the Federal Energy Regulatory Commission responded that they were forwarding the Service's request for information to their Washington, D.C., office for response. We received no further comments from this agency.

All three of the State conservation agencies whose States are inhabited by the snail darter—the Alabama Department of Conservation and Natural Resources, the Georgia Department of Natural Resources (GDNR), and the Tennessee Wildlife Resources Agency (TWRA) supported reclassification of the species from endangered to threatened status. Both the GDNR and TWRA further stated that insufficient data were available to make the decision to delist the species.

The Vice-president, North American Production, Conoco Inc., commended the Service for its proposal to reclassify or delist the snail darter. He further stated that he believed it was evident the snail darter was in adequate supply for such a step.

The National Wildlife Federation supported the reclassification of the snail darter from endangered to threatened status. They concluded their letter by stating:

> * * * biological information on the snail darter indicates that the species is not in immediate danger of extinction and therefore we agree that the species should be reclassified to the threatened category. Delisting the species is not warranted at this time. The well-being of most newly discovered populations is unknown. Habitat degradation continues to propose potential threats and population monitoring, conducted over several years, will be necessary to determine the status of the fish throughout its range.

On February 21, 1984, the Service published in the **Federal Register** (49 FR 6388) a proposal to reclassify the snail darter from an endangered to a threatened species and rescind its critical habitat in the Little Tennessee River. The proposal provided information on the species' biology, status, threats, and potential implications of the proposed action.

Summary of Comments and Recommendations

In the February 21, 1984, proposed rule (49 FR 6388) and associated notifications, all parties were requested to submit factual reports or information which 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 Athens, Tennessee, Post-Athenian on March 8, 1984; in the Chattanooga, Tennessee, News-Free Press on March 9, 1984; and in the Huntsville, Alabama, Huntsville News on March 10, 1984, which invited general public comment. A total of ten comments were received and are discussed below.

The Tennessee Wildlife Resources Commission, Tennessee Department of Conservation, Tennessee Cooperative Fishery Unit, and one individual respondent supported the proposal to reclassify the snail darter to threatened status and rescind its Little Tennessee River critical habitat. The Georgia Department of Natural Resources; U.S. Department of the Interior, Geological Survey; and the Tennessee Valley Authority supported the proposal to reclassify the snail darter but made no mention of their position regarding rescinding presently designated critical habitat. The Service concurs with these comments and believes threatened status better reflects the species' true status and feels the present critical habitat on the Little Tennessee River should be rescinded as the area no longer functions as critical snail darter habitat.

The Georgia Department of Natural Resources encouraged the Service to continue monitoring known snail darter populations. The Tennessee Department of Conservation stated that they understood the Service intended to monitor the species. Although the Service's approved Snail Darter Recovery Plan (U.S. Fish and Wildlife Service, 1983a) outlines the need to develop and implement a snail darter monitoring program, the Service is not now and has no plans to carry out such a program in the immediate future. Funding for all programs identified in approved recovery plans is contingent

on a species' recovery priority, the project's recovery priority, and the availability of recovery implementation funds. Based on present funding levels and the recovery priority of the snail darter, it is unlikely funds will be available in the foreseeable future to formally monitor snail darter populations. However, the Service will maintain our present informal contacts with Federal and State agencies, conservation groups, aquatic biologists, and individuals interested in the species and the quality of its habitat. Through these contacts the Service will be able to determine if significant changes occur in the status of the species and its habitat.

The Tennessee Valley Authority commented on the Service's conclusions regarding the prudence of designating critical habitat for existing snail darter populations. They stated that information on the snail darter's distribution was already available in several public documents and therefore identifying stream reaches as critical habitat would be unlikely to increase illegal take of snail darters. They further stated that listing critical habitat would strengthen the protection of the habitat by clearly identifying those areas important to the survival of the species. The Service agrees that listing critical habitat would provide some additional protection for the snail darter. However, the Service believes the added protection provided by designating critical habitat would be offset by the increased threat to the species from illegal take and vandalism. The Service recognizes that information on the snail darter's distribution is available to the public. However, the critical habitat designation process would require that specific information on the species' distribution (including maps) and habitat requirements be published in the **Federal Register.** This detailed information would also be discussed at any public meeting that might be requested subsequent to proposing critical habitat.

The snail darter and issues surrounding the controversy with Tellico Dam on the Little Tennessee River have received a tremendous amount of notoriety. The Service believes designating snail darter critical habitat will revive this controversial issue. If snail darter distribution information was made common knowledge, an increased threat to the species from illegal take and vandalism would be likely.

The Federal Energy Regulatory Commission, Georgia Department of Agriculture, and Georgia Forestry Commission responded but took no position for or against the proposal.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the snail darter should be reclassified as a threatened species. Procedures found at Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate the 1982 Amendments—see proposal at 48 FR 36062, August 8, 1983) set forth the procedures for reclassifying species on the Federal list. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to the snail darter (*Percina tanasi*) are as follows:

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

The historic range of the snail darter is virtually impossible to determine as essentially no preimpoundment collections were made from the main channel of the Tennessee River or its major tributaries. However, the Snail Darter Recovery Plan states that the species' range prior to the impoundments probably included gravel shoal habitat areas of the main channel Tennesee River and the lower reaches of its tributaries from perhaps north central Alabama upstream into eastern Tennessee. Presently, the snail darter is known from six Tennessee River tributaries and the main stem of the Tennessee River near the mouth of three tributaries.

Little River, Blount County, Tennessee. One snail darter was collected in the Little River in September 1983. This is the only specimen known from the river although the river has received considerable sampling. The specific site where the fish was taken has been sampled six times. The most recent collection (October 1983) was aimed at finding snail darters (Dr. David Etnier, personal communication, November 1983), but none were taken. This population is believed to be very small. Little River watershed is rural and sparsely developed. The river contains a diverse assemblage of fish species which indicates quality habitat.

Tennessee River at Watts Bar Reservoir, Loudon County, Tennessee. Snail darters were discovered in Watts Bar Reservoir in 1979 and have been observed on numerous occasions since that time. However, it is not known if these fish represent a reproducing population. The Little Tennessee River previously entered Watts Bar Reservoir at Tennessee River Mile (TRM) 601.1. If a population does exist in Watts Bar Reservoir, it could be threatened by port facility development proposed for TRM 592.5 and TRM 600.2.

Sewee Creek, Meigs County, Tennessee. Snail darters were first collected in Sewee Creek in 1980 and have been observed in the creek every year since that time. The species has been found in concentrations nearly identical to snail darter concentrations once found in the Little Tennessee River. However, the creek section inhabited by the species is very small (5.7 miles) thus limiting the size of the total population. Sewee Creek's habitat is probably one of the most secure of the six tributaries known to contain the snail darter. The watershed is small and mostly rural and forested.

Hiwassee River, Polk County, Tennessee. This population was introduced utilizing fish from the Little Tennessee population. The introduction appears to be successful. Small darters are reproducing and young-of-the year fish have been observed every year from 1976 through 1982. The population is the largest known to exist, and according to the Snail Darter Recovery Team, the population likely numbers 3,000 individuals.

Although the Hiwassee River population is large and appears to be doing well, it is not completely secure. The Hiwassee has had a history of train wrecks involving acid spills. However, recent railroad improvements should decrease the severity of any future spill. Heavy metal and pH problems in the Ocoee River, a tributary of the Hiwassee, also represent a threat to the population. Wastewater cleanup and reforestation programs have been implemented in the Ocoee to correct the problem. If these Ocoee River watershed programs prove successful, the snail darter population will likely be more secure.

South Chickamauga Creek, Hamilton County, Tennessee, and Catoosa County, Georgia. Snail darters were found in this creek in 1980 and have been collected intermittently since then. This population appears to exist in a precarious situation. The South Chickamauga Creek watershed contains many potential threats to the species including both runoff from urban areas and industrial sites, the threat of accidental chemical spills, and effluent

from a wastewater treatment plant. Growth projections for the watershed are significant. Unless the welfare of the species is condsidered, an increase in threats to the snail darter may be anticipated.

Tennessee River at Nickajack Reservoir, Hamilton County, Tennessee. Four snail darters were seen by scuba divers in Nickajack Reservoir near the mouth of South Chickamauga Creek in 1980. Whether this represents a resident population in the reservoir or part of the South Chickamauga Creek population cannot be determined based on available data. There are two projects under consideration which could impact the snail darter in the reservoir. A commercial dredging operation is proposed for TRM 453–460, and a port facility is proposed for TRM 466–468. Snail darters were found in areas near these proposed projects.

Sequatchie River, Marion County, Tennessee. This population was discovered in 1981 and has been sampled six times since. Although considerable effort has been aimed at assessing this population, only 13 snail darters have ever been observed in this river. The Sequatchie Valley is a rural area. However, it does contain coal reserves, and coal mining activities have brought siltation and pH problems to its tributaries. The Little Sequatchie River, a tributary of the Sequatchie, has experienced fish kills which have been partially attributed to coal mining activity.

Tennessee River at Guntersville Reservoir, Marion County, Tennessee. Two snail darters were observed by scuba divers in the Guntersville Reservoir area. It is not known if these fish represent a resident population of the main Tennessee River or if they are part of the Sequatchie River population. Snail darters in the reservoir could be impacted by a proposed dredging operation at TRM 390.3–423 and a proposed port facility at TRM 424.

Paint Rock River, Jackson and Madison Counties, Alabama. The snail darter population was found in this river in 1981 after extensive searches. A total of four days of sampling yielded only five individuals. Surveys in 1983 attempting to verify the continued existence of the species in the Paint Rock River found only one snail darter after seven days of searching in the same areas where the species had been previously found. The Paint Rock River Valley is forested in the upper basin with row crops predominating in the lower basin. Stream siltation and enrichment problems associated with agricultural activities are evident and pesticides may be a threat. The river was channelized by the U.S. Army Corps of Engineers in 1966. Presently, there are discussions in the valley that this procedure should be repeated.

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

The snail darter has received a tremendous amount of notoriety, and this has made the fish vulnerable to illegal take. At present the species is protected by Federal and State laws which require permits for scientific collecting. The degree of protection will not substantially change if the proposal to reclassify the snail darter to threatened status is finalized.

C. Disease or Predation

There is no evidence of threats from disease or predation.

D. The Inadequacy of Existing Regulatory Mechanisms

The Federal Endangered Species Act protects the species and its habitat through section 7(a)(2), which requires Federal agencies to ensure that any activity they authorize, fund, or carry out is not likely to jeopardize the continued existence of the species. These provisions of the Act would continue to protect the snail darter if the species is reclassified to threatened status. The states of Alabama, Georgia and Tennessee prohibit take without a scientific collecting permit.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

There are no other factors, natural or manmade, known to be affecting the continued existence of the snail darter.

The Service has carefully assessed the best scientific 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 reclassify the snail darter from endangered to threatened status. (See "Critical Habitat" section of this rule for discussion of why critical habitat was rescinded in the Little Tennessee River and not designated in other rivers.) The species, by virtue of its distribution and status, no longer fits the Act's definition of an endangered species. Conversely, due to threats to the species' continued existence and the scant knowledge concerning the viability of most of the known populations, removing the species from Federal protection would be contrary to the Act's intent.

Critical Habitat

The Endangered Species Act in section 4(a)(3), as amended, requires that to the maximum extent prudent and determinable, the Secretary designate critical habitats at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time. The snail darter and issues surrounding it have received a tremendous amount of notoriety. Because of this, the Service believes that designation of critical habitat, which requires detailing the species' exact distribution and habitat, would increase the snail darter's vulnerability to illegal taking, subject it to deliberate vandalism, and increase the law enforcement problem. Therefore, because of the potential for increasing the threat to the species the Service finds that it is not prudent to determine critical habitat for the snail darter at this time.

The Service rescinds the present critical habitat in the Little Tennessee River from river mile 0.5 through river mile 17 and removes the area from Endangered Species Act protection. The area has been flooded by Tellico Reservoir and no longer provides suitable habitat for a snail darter population.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species 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, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States 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 taking and harm 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. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402 and are now under revision (see proposal at 48 FR 29990; June 29, 1983). Section (7a)(2) requires Federal agencies to ensure that activities they authorize,

fund, or carry out are not likely to jeopardize the continued existence of a listed species. If a Federal action may affect a listed species, the responsible Federal agency must enter into consultation with the Service. As the snail darter is being reclassified from endangered to threatened status, the species will continue to receive protection under section 7(a)(2) of the Act.

The Act and its implementing regulations found at 50 CFR 17.21 and 17.31 set forth a series of general prohibitions and exceptions that apply to all threatened wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that had been taken illegally. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving threatened animal species under certain circumstances. Regulations governing permits are at 50 CFR 17.22, 17.23, and 17.32. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities. For threatened species there are also permits for zoological exhibition, educational purposes, or special purposes consistent with the purposes of the Act.

As there are no special rules associated with the snail darter reclassification, the species generally will continue to receive the same Endangered Species Act protection against taking under a threatened species category that it received as an endangered species. However, there is a slightly broader range of permits that are available for activities involving threatened species, 50 CFR 17.32.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined by 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).

Literature Cited

Etnier, D.A. 1976. *Percina tanasi*, a new percid fish from the Little Tennessee River, Tennessee. Proc. Biol. Soc., Washington. 88(44):469–645.

U.S. Fish and Wildlife Service. 1983a. Snail Darter Recovery Plan. U.S. Fish and Wildlife Service, Atlanta, Georgia. 46 pp.

U.S. Fish and Wildlife Service. 1983b. Snail Darter Survey (July, August, and October 1983). U.S. Fish and Wildlife Service, Asheville, North Carolina. 45 pp.

Author

The primary author of this final rule is Richard G. Biggins, Asheville Endangered Species Field Station, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801.

List of Subjects in 50 CFR Part 17

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

Regulations Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchaper 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 reads as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. Amend the table at § 17.11(h) by revising the entry of the "Darter, snail" (under FISHES) and deleting the critical habitat 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							
Darter, snail	*Percina tanasi*	U.S.A. (AL, GA, TN)	Entire	T	12,150	NA	NA

3. Amend § 17.95(e) for "Fishes" by deleting the entry for critical habitat for the snail darter.

Dated: June 27, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84–17735 Filed 7–3–84; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 267

[Docket No. 40556–4056]

United States Standards for Grades of North American Freshwater Catfish and Products Made Therefrom

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Interim rule with request for comments.

SUMMARY: NOAA issues an interim rule to establish grading standards for North American catfish and products made therefrom. These interim Standards for Grades provide a system to classify North American catfish and products made therefrom by quality into four U.S. Grade categories: A, B, C, and Substandard. The intended effect is to permit identification of such quality levels on the product or product label for the benefit of the consumer and the industry. These Standards for Grades are intended to be used in a voluntary program of fishery products inspection and certification by NMFS.

DATES: The effective date for these interim Standards for Grades is August 6, 1984 until January 6, 1986. Comments must be received on or before July 5, 1985. Incorporation by reference in this document is approved by the Director of the Federal Register and is effective as of August 6, 1984.

ADDRESS: Send comments to Thomas J. Billy, Director, Office of Utilization Research, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, DC 20235.