

a. Four approved standard sizes and three types of padded envelopes are approved for use in the registered mail system:

- Type I—Styrofoam Pellets
Type II—Closed Cell Foam
Type III—Blister Bubbles

ALL TYPES

[Inches (approximate weight)]

	Height	Length	Not exceeding (ounces)
No. 0.....	6	10	.70
No. 4.....	9½	14½	1.50
No. 5.....	10½	16	1.80
No. 7.....	14½	20	2.90

b. Any other sizes between the minimum (number 0) and maximum (number 7) may be submitted for approval at the discretion of the Postal Service provided that the aspect ratio (length divided by height) is between 1 to 1.3 and 1 to 2.5 inclusive.

.322 Specifications and Drawings

Construction standards and drawings for guidance in the manufacture of registered mail padded envelopes are contained in Postal Service specification number USPS-E-1020 (ESC). Copies of the specifications may be obtained by writing to the Special Services Division, Office of Mail Classification, Rates and Classification Department, USPS Headquarters, Washington, DC 20260-5371.

.323 Approval

To secure approval of registered mail padded envelopes, submit to the Office of Mail Classification:

- Not less than six complete envelopes of each style made of exact materials, construction, etc., to be identical in every way with the envelopes intended to be marketed.
- The identification of all parts of the envelope by material and physical properties.
- The complete composition, formula, and trade name of all materials.

Note.—Written notification of approval or disapproval, including reasons for disapproval, will be issued. All envelopes submitted will be returned, including those damaged during testing, unless the Postal Service is authorized, in writing, to retain them.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of issuance of the transmittal letter will be published in the *Federal Register* as provided in 39 CFR 111.3.

(39 U.S.C. 401(2), 403, 404(a))

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 84-22620 Filed 8-24-84; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 3E2895/4E2973/R683; FRL-2639-4]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Norflurazon

Correction

In FR Doc. 84-19876 beginning on page 30701 in the issue of Wednesday, August 1, 1984, make the following correction.

On page 30702, first column § 180.356(a), in the table, the third entry for "Parts per million" should read "0.1".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 1, 2, 9, 11, 12, 62, 64, 68, 71, and 77

Technical Corrections to Federal Emergency Management Regulations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This document makes technical corrections to sundry FEMA regulations. These corrections correct errors or inaccuracies in the present regulations.

EFFECTIVE DATE: August 27, 1984.

FOR FURTHER INFORMATION CONTACT: William L. Harding, Office of General Counsel, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, Telephone (202) 289-0377.

SUPPLEMENTARY INFORMATION: The regulation makes technical corrections to FEMA regulations and is not substantive in nature. It is routine. Therefore, it is not subject to any of the requirements of 5 U.S.C. 553, Executive Order 12291, the Regulatory Flexibility Act, 44 CFR Part 10 relating to environmental matters, or the Paperwork Reduction Act.

List of Subjects

44 CFR Part 1

Administrative practice and procedure.

44 CFR Part 2

Authority delegations (government agencies), Organization and functions (government agencies).

44 CFR Part 9

Floodplains, Wetland, Coastal zone.

44 CFR Part 11

Administrative practice and procedure, Claims.

44 CFR Part 12

Advisory committees.

44 CFR Part 62

Flood insurance, Claims.

44 CFR Part 64

Flood insurance, Floodplains.

44 CFR Part 68

Administrative practice and procedure, Floodplains.

44 CFR Part 71

Flood insurance, Coastal zone.

44 CFR Part 77

Flood insurance, Floodplain grant programs, Environmental protection.

Accordingly, Chapter 1 of Title 44, Code of Federal Regulations, is amended as follows:

PART 1—RULEMAKING; POLICY AND PROCEDURES

§ 1.1 [Amended]

1. The second sentence of § 1.1(a) is amended by removing the words "Administrative Procedures Act" and adding "Administrative Procedure Act" in place thereof.

2. Section 1.1(d) is amended by removing the words "will be prepared" and adding the words "has been issued" in place thereof.

3. Section 1.1(e) is amended by removing the word "proposed."

§ 1.7 [Amended]

4. Section 1.7 is amended by revising paragraph (a) to read:

(a) The FEMA semi-annual agenda called for by Executive Order 12291 will be part of the Unified Agenda of Federal Regulations published in April and October of each year.

§ 1.11 [Amended]

5. Section 1.11(c) is amended by removing the word "or" and adding the word "on" in place thereof.

§ 1.12 [Amended]

6. Section 1.12(f)(3) is amended by removing the word "or" and adding the word "on" in place thereof.

PART 2—ORGANIZATION FUNCTIONS AND DELEGATIONS OF AUTHORITY**§ 2.66 [Amended]**

7. The introductory paragraph to § 2.66 is amended by removing "of Training and Education" and adding "for Training and Fire Programs" in place thereof.

§ 2.70 [Amended]

8. Section 2.70(a)(5) is amended by removing the words "Executive Order 12065 of June 28, 1978, as amended" and adding the words "Executive Order 12356" in its place.

9. Section 2.70(a)(6) is amended by removing the figure "2.65" and adding the figure "2.66" in its place.

PART 9—FLOODPLAIN MANAGEMENT AND PROTECTION OF WETLANDS**§ 9.7 [Amended]**

10. Section 9.7(c)(1)(ii) is amended by removing under the heading "Sources of Maps and Technical Information" the following: "FEMA Regional Offices/ Division of Insurance and Hazard Mitigation" and added "FEMA Regional Offices/Natural and Technological Hazards Division" in place thereof.

§ 9.11 [Amended]

11. Section 9.11(e)(1) is amended by removing "Office of State and Local Programs of FEMA" and adding "the Federal Insurance Administration" in its place.

§ 9.181 [Amended]

12. Section 9.181(b)(1) is amended by removing the words "Associate Director for Disaster Response and Recovery" and adding in place thereof "Associate Director for State and Local Programs and Support."

PART 11—CLAIMS**§ 11.11 [Amended]**

13. Section 11.11(c) is amended by removing the subparagraph number "(1)" and by removing "Appendix A to Part 5 of the Chapter" and adding "Part 2 of this Chapter" in place thereof.

PART 12—ADVISORY COMMITTEES**§ 12.5 [Amended]**

14. Section 12.5 is amended by removing "Resource Management and Administration Directorate."

PART 62—SALE OF INSURANCE AND ADJUSTMENT OF CLAIMS**§ 62.22 [Amended]**

15. Section 62.22(a) is amended by removing the words "Director, Federal Emergency Management Agency" and adding the words "Federal Insurance Administrator" in place thereof.

16. Section 62.22(b) is amended by removing the word "Director" where it appears twice and adding the word "Federal Insurance Administrator" in its place.

PART 64—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE**§ 64.1 [Amended]**

17. Section 64.1(a) is amended by removing the words "(herein the Associate Director)".

PART 67—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS**§ 67.12 [Amended]**

18. Section 67.12(b) is amended by removing the words "Associate Director" and adding the word "Administrator" in place thereof.

PART 68—ADMINISTRATIVE HEARING PROCEDURES**§ 68.1 [Amended]**

19. Section 68.1 is amended by removing the words "Associate Director's" and adding "Administrator's" in place thereof.

§ 68.2 [Amended]

20. Section 68.2 is amended by removing the second sentence.

§ 68.3 [Amended]

21. Section 68.3 is amended by removing the words "Associate Director's" and adding "Administrator's" in place thereof.

22. Section 68.3 is amended by removing the words "Associate Director" where they appear therein, and adding the word "Administrator" in place thereof.

§ 68.5 [Amended]

23. Section 68.5 is amended by removing the words "Associate Director" and adding the word "Administrator" in place thereof.

§ 68.6 [Amended]

24. Section 68.6(a) is amended by removing the words "Associate Director" and adding the word "Administrator" in its place.

§ 68.7 [Amended]

25. Section 68.7 is amended by removing the words "Associate Director" and adding the word "Administrator" in place thereof in paragraphs (b) and (c).

§ 68.8 [Amended]

26. Section 68.8 is amended by removing the words "Associate Director" and adding the word "Administrator" in place thereof.

PART 71—IMPLEMENTATION OF THE COASTAL BARRIER RESOURCES ACT**§ 71.2 [Amended]**

27. Section 71.2(b) is amended by removing the word "means" and adding the word "meets" in place thereof.

§ 71.3 [Amended]

28. Section 71.3 is amended by adding "a" before the word "structure".

PART 77—ACQUISITION OF FLOOD DAMAGED STRUCTURES**§ 77.2 [Amended]**

29. Section 77.2 is amended by revising paragraph (d)(3) to read:

* * * * *

(d) * * * * *

(3) The rights to enforce the restrictive covenants shall be assigned to the Administrator as assignee, together with a declaration that any future violation of the restrictive covenants or agreements, delivered in writing to the Chief Executive Officer within thirty (30) days from the date the Administrator receives actual notice of the violation, shall be deemed at the Administrator's option to cause a reversion of title to FEMA.

* * * * *

Dated: August 21, 1984.

George W. Jett,
General Counsel.

[FR Doc. 84-22640 Filed 8-24-84; 8:45 am]
BILLING CODE 6719-01-M

44 CFR Part 64

[Docket No. FEMA 6617]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the flood plain management requirements of the program. If FEMA receives documentation that the community has adopted the required flood plain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT:

Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 287-0222, 500 C Street, Southwest, FEMA—Room 509, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that

statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the **Federal Register**.

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary

because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required flood plain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in Section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

PART 64—[AMENDED]

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of Eligible Communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date ¹
REGION II					
New Jersey, Sussex	Ogdensburg, borough of	340454B	July 16, 1975, Emerg., Sept. 5, 1984, Reg., Sept. 5, 1984, Susp.	May 17, 1974 and Oct. 31, 1974	Sept. 5, 1984.
New York:					
Dutchess	Beekman, town of	361333C	Feb. 5, 1976, Emerg., Sept. 5, 1984, Reg., Sept. 5, 1984, Susp.	Oct. 18, 1974, Aug. 13, 1976 and Apr. 15, 1977.	Do.
Columbia	Clermont, town of	361315B	Nov. 13, 1975, Emerg., Sept. 5, 1984, Reg., Sept. 5, 1984, Susp.	Nov. 8, 1974 and June 4, 1976	Do.
Monroe	Fairport, village of	360415B	Jan. 30, 1975, Emerg., Sept. 5, 1984, Reg., Sept. 5, 1984, Susp.	May 31, 1974 and Aug. 20, 1976	Do.
Rensselaer	Nassau, town of	361155A	May 16, 1977, Emerg., Sept. 5, 1984, Reg., Sept. 5, 1984, Susp.	Nov. 22, 1974	Do.
Dutchess	Northeast, town of	361340B	Aug. 8, 1975, Emerg., Sept. 5, 1984, Reg., Sept. 5, 1984, Susp.	Oct. 18, 1974 and Jan. 9, 1976	Do.
REGION III					
Maryland, Harford	Havre de Grace, city of	240043C	Feb. 26, 1975, Emerg., Mar. 15, 1977, Reg., Sept. 5, 1984, Susp.	July 26, 1974, Jan. 16, 1976, and Mar. 15, 1977.	Do.
REGION IV					
Florida:					
Gilchrist and Levy	Fanning Springs, town of	120148B	Aug. 22, 1975, Emerg., Sept. 5, 1984, Reg., Sept. 5, 1984, Susp.	Nov. 29, 1974 and June 27, 1980	Do.
Lake	Fruitland Park, city of	120387B	July 17, 1975, Emerg., Sept. 5, 1984, Reg., Sept. 5, 1984, Susp.	Jan. 14, 1977	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date ¹
Kentucky, Floyd	Unincorporated areas	210069B	Mar. 11, 1976, Emerg., Sept. 5, 1984, Reg., Sept. 5, 1984, Susp.	Dec. 13, 1974 and June 17, 1977	Do.
South Carolina, Beaufort	Beaufort, city of	450026C	Nov. 27, 1970, Emerg., May 2, 1977, Reg., Sept. 5, 1984, Susp.	June 28, 1974, Sept. 5, 1975 and May 2, 1977	Do.
Tennessee:					
Anderson	Unincorporated areas	470217B	Aug. 5, 1975, Emerg., Sept. 5, 1984, Reg., Sept. 5, 1984, Susp.	June 17, 1977	Do.
Unico	Erwin, city of	470094B	Apr. 20, 1978, Emerg., Sept. 5, 1984, Reg., Sept. 5, 1984, Susp.	July 2, 1976, and Dec. 17, 1976	Do.
Roane	Harriman, city of	475427B	Sept. 18, 1970, Emerg., Feb. 26, 1971, Reg., Sept. 5, 1984, Susp.	Feb. 26, 1971, July 1, 1974, and Sept. 3, 1975	Do.
Campbell	LaFollette, city of	475435B	Apr. 2, 1971, Emerg., Dec. 17, 1981, Reg., Sept. 5, 1984, Susp.	Dec. 23, 1971, July 1, 1974, and Nov. 12, 1976	Do.
REGION V					
Illinois, Pike	Pearl, village of	170556C	Sept. 1, 1976, Emerg., Sept. 16, 1984, Reg., Sept. 5, 1984, Susp.	Dec. 28, 1973, Mar. 26, 1976, and Sept. 16, 1981	Do.
REGION VIII					
Montana, Flathead	Unincorporated areas	300023C	Jan. 31, 1975, Emerg., Sept. 5, 1984, Reg., Sept. 5, 1984, Susp.	Sept. 13, 1974, Mar. 19, 1976, and June 28, 1977	Do.
REGION IX					
California:					
San Diego	Oceanside, city of	060294B	June 30, 1975, Emerg., Sept. 5, 1984, Reg., Sept. 5, 1984, Susp.	May 10, 1974 and Oct. 27, 1976	Do.
San Bernardino	Rancho Cucamonga, city of	060671A	Aug. 7, 1978, Emerg., Sept. 5, 1984, Reg., Sept. 5, 1984, Susp.		Sept. 5, 1985.

¹ Date certain Federal assistance no longer available in special flood hazard areas.
Code for reading 4th column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Administrator, Federal Insurance Administration)

Jeffrey S. Bragg,
Administrator, Federal Insurance
Administration.

[FR Doc. 84-22644 Filed 8-24-84; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Seven Birds and Two Bats of Guam and the Northern Mariana Islands

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines endangered status for seven birds—Guam broadbill, Mariana crow, Mariana gallinule, Micronesian kingfisher, Guam rail, Vanikoro swiftlet, and bridled white-eye—and two mammals—the little Mariana fruit bat and Guam population of Mariana fruit bat. All nine animals have declined drastically in numbers and distribution, and several appear close to extinction. This rule implements the protection provided by the Endangered Species Act of 1973, as amended, for these nine species of

Guam and the Northern Mariana Islands.

DATES: The effective date of this rule is August 27, 1984. Although the effective date of rules is normally 30 days from publication, the Service considers the status of the species covered by the present rule to be so critical that protection of the Endangered Species Act should be implemented immediately.

ADDRESSES: The complete file for this rule is available for inspection during normal business hours, by appointment, at the Service's Office of Environmental Services, 300 Ala Moana Boulevard, Room 6307, Honolulu, Hawaii 96850.

FOR FURTHER INFORMATION CONTACT: Mr. Sanford R. Wilbur, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 NE Multnomah Street, Portland, Oregon 97232 (503/231-6131 or FTS 429-6131).

SUPPLEMENTARY INFORMATION:

Background

The islands of Micronesia, in the western Pacific, support relatively few native vertebrate animals, except for those forms that, during some stage of their evolution, developed a capacity for flight. Many kinds of birds, and some bats, have been discovered in the region, often with species or subspecies restricted to a single island. Because of their limited range and specialized ecological needs, island animals have generally proved highly vulnerable to extinction, especially as their habitat was invaded by people and associated disturbances, domestic animals, introduced predators, and diseases.

The jurisdiction of the United States extends over much of Micronesia, including the Territory of Guam and the Commonwealth of the Northern Mariana Islands. In these areas are found the following seven birds and two bats that are the subjects of this rule:

Guam broadbill (*Myiagra freycineti*), described by Oustalet in 1881, a small flycatcher, slate-blue above and cinnamon-white below, endemic to Guam, forages mainly in forest understory;

Mariana crow (*Corvus kubaryi*), described by Reichenow in 1885, similar in appearance and habits to the common crow (*C. brachyrhynchos*) of North America, occurs only on Guam and Rota;

Mariana gallinule (*Gallinula chloropus guami*), described by Hartert in 1917, a long-legged inhabitant of wetlands, largely dark in color, endemic to Guam and several of the Northern Mariana Islands;

Micronesian kingfisher (*Halcyon cinnamomina cinnamomina*), described by Swainson in 1821, largely brown in color, differs from many members of the kingfisher family (*Alcedinidae*) in having a broad and flattened bill, does not catch fish but forages in the forest for small land animals, endemic to Guam;

Guam rail (*Rallus owstoni*), described by Rothschild in 1895, a flightless bird with long legs and small wings, formerly found throughout the forests and grasslands of Guam;

Vanikoro swiftlet (*Aerodramus vanikorensis bartschi*), described by Mearns in 1909, a small member of the swift family (Apodidae), dark green-

brown above and brownish below, endemic to Guam and several of the Northern Mariana Islands, nests in caves;

Bridled white-eye (*Zosterops conspicillata conspicillata*), described by Kittlitz in 1833, a small song bird, light green above and dingy yellow below, found only on Guam, usually forages in upper forest canopy;

Little Mariana fruit bat (*Pteropus tokudae*), described by Tate in 1934, a moderate-sized bat, forearm less than 10 centimeters (4 inches) long, known only from Guam; and

Mariana fruit bat (*Pteropus mariannus mariannus*), described by Desmarest in 1822, a relatively large bat, forearm over 12.5 centimeters (5 inches) long, endemic to Guam and several of the Northern Mariana Islands, found mainly in forest habitat.

All nine of the above species have recently fallen drastically in numbers and distribution. The main cause of the decline of the bird species is not yet known, but may involve the spread of avian diseases or predation by introduced animals. The bats have been decimated largely by killing for use as human food. Habitat loss also probably has been a factor in the decline of some or all of the species. The Guam broadbill, Guam rail, bridled white-eye, and little Mariana fruit bat each apparently numbers fewer than 100 individuals and is thought to be on the verge of extinction. They are among the most critically endangered species of wildlife under U.S. jurisdiction. The populations of the Mariana fruit bat in the Northern Mariana Islands are not completely known; only the Guam population, which has suffered severe losses, is now being classified as endangered.

Of the above, the Mariana gallinule, Guam rail, Vanikoro swiftlet, little Mariana fruit bat, and Mariana fruit bat, and also one other Guam bird, the Mariana dove (*Ptilinopus roseicapillus*), were the subjects of a petition sent to the Service on August 28, 1978, by the Honorable Ricardo J. Bordallo, Governor of Guam, requesting that these animals be added to the U.S. List of Endangered and Threatened Wildlife. A second petition, sent to the Service on February 27, 1979, by the Honorable Joseph E. Ada, then Acting Governor of Guam, requested the listing of the Guam broadbill, Mariana crow, Micronesian kingfisher, and bridled white-eye, and also two other Guam birds, the white-throated ground dove (*Gallicolumba xanthonura xanthonura*) and cardinal honey-eater (*Myzomela cardinalis saffordi*). A third petition, sent to the Service on December 14, 1981, by the

Honorable Paul M. Calvo, then Acting Governor of Guam, requested the listing of two additional Guam birds, the Guam rufous-fronted fantail (*Rhipidura rufifrons uraniae*) and Micronesian starling (*Aplonis opaca guami*), and the sheath-tailed bat (*Emballonura semicaudata*). Still another petition, sent to the Service on November 24, 1980, by the International Council for Bird Preservation, requested the listing of the Mariana crow, Mariana gallinule, Guam rail, Micronesian kingfisher, and Mariana fruit dove, and also one other bird native to the Northern Mariana Islands, the Rota bridled white-eye (*Zosterops conspicillata rotensis*).

In the Federal Register of May 18, 1979 (44 FR 29128-29130), the Service issued a notice of review of status for the 12 animals that were the subjects of the first two petitions from the Government of Guam. In the Federal Register of February 15, 1983 (48 FR 6752-6753), the Service published the finding that the third petition from the Government of Guam had presented substantial information in support of listing the Guam rufous-fronted fantail, but not the Micronesian starling and sheath-tailed bat. In the Federal Register on May 12, 1981 (46 FR 26464-26469), the Service published a notice accepting the petition from the International Council for Bird Preservation, and announcing a status review of the subject birds. In the Federal Register of December 30, 1982 (47 FR 58454-58460), the Guam broadbill, Mariana crow, Mariana gallinule, Micronesian kingfisher, Guam rail, Vanikoro swiftlet, bridled white-eye, Mariana fruit dove, white throated ground dove, cardinal honey-eater, and Mariana fruit bat were included in category 1 of the Service's Review of Vertebrate Wildlife, meaning that there was then thought to be substantial information on hand to support the biological appropriateness of a listing proposal. The Guam rufous-fronted fantail, Rota bridled white-eye, little Mariana fruit bat, and sheath-tailed bat were placed in category 2, meaning that a proposal to list was possibly appropriate. In the Federal Register of November 29, 1983 (48 FR 53729-53733), the Service published a proposed rule to determine endangered status for the Guam broadbill, Mariana crow, Mariana gallinule, Micronesian kingfisher, Guam rail, Vanikoro swiftlet, bridled white-eye, little Mariana fruit bat, and Guam population of the Mariana fruit bat. One of the these species, the Guam rail, was determined as endangered by an emergency rule in the Federal Register of April 11, 1984 (49 FR 14354-14356). In the Federal Register of January 20, 1984 (49 FR 2485-2488), as corrected on

February 16, 1984 (49 FR 5977), the Service published its finding that the listing of the six Guam and Northern Mariana Island species covered by the petition from the International Council for Bird Preservation, and of the Guam rufous-fronted fantail, was warranted but precluded by other listing activity. The seeming discrepancy between this publication and the earlier proposal to list four of these same birds is explained by the fact that the actual finding on the petition had been made by the Service on October 13, 1983, but publication was delayed until January 20, 1984.

Also, prior to the issuance of the proposed rule of November 29, 1983, but subsequent to the Review of December 30, 1982, the Service compiled data indicating that four of the birds covered by the various petitions might not warrant listing. Specifically, the cardinal honey-eater, Micronesian starling, Mariana fruit dove, and white-throated ground dove are now thought to be common on one or more of the Mariana islands north of Guam, and the last species may also be common on the island of Yap to the southwest. As additional information on these birds becomes available, the Service may reassess their qualifications for addition to the List of Endangered and Threatened Wildlife. The two other birds covered by the petitions, but not included in the proposal of November 29, 1983, the Rota bridled white-eye and Guam rufous-fronted fantail, are thought to warrant listing, but development of a proposal has been precluded by other work. The Service continues to seek data on the sheath-tailed bat in order to determine if listing is warranted.

Summary of Comments and Recommendations

In the proposed rule of November 29, 1983, and associated notifications, all interested parties were requested to submit information that might contribute to development of a final rule. The Governor of the Territory of Guam, the Governor of the Commonwealth of the Northern Mariana Islands, the Chairman of the Biology Department of the University of Guam, and other concerned parties were contacted and requested to comment. A newspaper notice, inviting public comment, was published in the *Pacific Daily News* on December 28, 1983.

Seven comments were received. The Governor of the Territory of Guam, Representative Antonio B. Won Pat of Guam, the Environmental Defense Fund, and one private individual supported the proposal and explained how listing could benefit the involved species. The

U.S. National Park Service also supported the proposal, pointed out that the Mariana gallinule occurred within the American Memorial Park on Saipan, and listed management measures that would be considered for the conservation of this species. A private individual stated that poaching of the Mariana fruit bat is currently occurring on Guam, and made the recommendation, which the Service will consider, that the species be classified as endangered throughout its range. The Governor of the Commonwealth of the Northern Mariana Islands, however, commented that while fruit bat populations are very low on three of the islands in the Commonwealth, populations on most other islands are relatively large and not in need of special protection. The Governor also provided data on four other species in the Commonwealth, but did not state an opinion on the proposed listing thereof.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the Guam broadbill, Mariana crow, Mariana gallinule, Micronesian kingfisher, Guam rail, Vanikoro swiftlet, bridled white-eye, little Mariana fruit bat, and Guam population of the Mariana fruit bat should be classified as endangered. 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 1982 Amendments—see proposal at 48 FR 36062, August 8, 1983) 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 the nine animals named above are as follows:

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

As explained in detail below, there definitely has been a drastic curtailment in the range and numbers of each of the animals that is a subject of this rule. The reduction probably has resulted in part from destruction of much native habitat by human activity on Guam. Nonetheless, a rapid recent decline in populations appears unrelated to this problem, as there are remnants of suitable habitat throughout Guam that are completely devoid of the subject birds and bats.

The Guam broadbill formerly occurred in all forested areas of Guam.

It declined severely in recent years, and by the early 1970's was entirely absent from the southern two-thirds of the island. Data from a 1983 census indicate that the population contains fewer than 100 birds, and is apparently restricted to an area of about 373 acres in the Pajon Basin on Ritidian Point, at the north end of the island.

The Mariana crow once was found throughout the islands of Guam and Rota. It disappeared from southern Guam in the mid-1960's and from central Guam in the early 1970's. It is now confined to the northern part of that island, where the population in 1983 was estimated at 150 to 200 individuals. On Rota, the decline apparently has not been so severe; preliminary results from a 1982 survey indicate that the species still has an island-wide distribution and numbers 1,300 birds.

The Mariana gallinule historically had a wide distribution in the freshwater wetlands of Guam, Tinian, Saipan, and Pagan. The drainage of suitable habitat was a major factor in the reduction of the Guam population to about 100 to 200 birds by 1983. There are also small, very restricted populations on the other three islands.

The Micronesian kingfisher is endemic to Guam, where it formerly occurred in forest and forest edge throughout the island. It was considered common as recently as 1945, but subsequently declined drastically as much of its native limestone forest was destroyed. As many as 3,000 individuals may still survive, but the species is restricted to only a fourth of its original range, and the latest surveys indicate that the decline is continuing.

The Guam rail once occurred in all grassland and forest habitats of Guam. In recent years it experienced a precipitous drop in range and numbers. Surveys in 1983 suggest that fewer than 100 birds survive, and that these are distributed in several small, discontinuous groups in extreme northern Guam. One of these groups, containing a substantial number of the surviving birds, was potentially jeopardized by proposed land clearing operations in the vicinity of Andersen Air Force Base.

The Vanikoro swiftlet historically occupied Guam, Rota, Tinian, Saipan, and Agiguan. The populations of Rota and Tinian apparently disappeared within the last few years. The population on Saipan is declining, while that on Agiguan may be stable. The status of the Guam population is critical; as few as 50 individuals are thought to remain on the island.

The bridled white-eye formerly occurred throughout Guam, but apparently disappeared from the central and southern parts of the island by 1961. Observations in January 1983 indicate that this bird is restricted to an area of about 373 acres in the Pajon Basin on Ritidian Point, at the north end of Guam. With fewer than 50 individuals thought to survive, and a sharp decline still in progress, the bridled white-eye may be the most critically endangered bird under U.S. jurisdiction.

The little Mariana fruit bat is known only from Guam. It apparently has always been less common than the larger Mariana fruit bat and is subject to the same problems (see below). Of over 100 fruit bats collected and scientifically examined on Guam in the 1960's, only one was a little Mariana fruit bat. This individual was a female and was nursing a young, which escaped capture. No specimens are known to have been taken since then.

The Mariana fruit bat has been recorded from Guam, Rota, Tinian, Saipan, and Agiguan. The Guam population has fallen substantially; it is now restricted mainly to the cliff line forests in the northern part of the island, and is estimated to contain about 500 individuals. According to a comment from the Governor of the Commonwealth of the Northern Mariana Islands, preliminary estimates are 25 individuals on Agiguan, 25 on Tinian, and 50 on Saipan, but numbers are reportedly larger on Rota. Relatively large numbers of fruit bats also exist on several other islands in the Northern Marianas, but their taxonomic status is not fully understood.

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

The main factor in the decline of the Mariana and little Mariana fruit bats is killing for use as human food. These bats are considered delicacies by some of the people on Guam. Although hunting of these species was prohibited on the island in 1973, poaching has continued. Moreover, until 1982, frozen Mariana fruit bats were legally imported to Guam from the Northern Mariana Islands. Importation of other kinds of fruit bats, from other areas, is still taking place. Although such activity has declined in recent years, perhaps partly through local educational efforts, almost 11,000 fruit bats were imported under permit to Guam in fiscal year 1982.

Overutilization by people is not thought to have been a major factor in the decline of any of the seven birds that are covered by this rule. However, the

Guam rail was hunted legally as a game bird until 1973. The Mariana crow is still shot by some persons who consider it a pest.

C. Disease or Predation.

The spread of avian diseases is currently a prime suspect as a main factor in the recent decline of the seven birds included in this rule. To date, no particular disease has been identified, but relevant investigations are now being made by the Guam Aquatic and Wildlife Resources Division, funded through the Federal Pittman-Robertson Program and section 6 of the Endangered Species Act. There are some similarities in pattern between the disappearance of birds on Guam and in other areas where disease is thought to have been a major problem. An introduced tropical mosquito (*Culex quinquefasciatus*), now common on Guam, was implicated in the disappearance of many of Hawaii's native birds, by acting as a vector for the spread of avian malaria and other diseases.

Predation by introduced animals is also suspected as a major contributing cause of the observed declines. The brown tree snake, also known as the Philippine rat snake (*Boiga irregularis*), is now widespread on Guam. It is primarily arboreal and could thus prey on eggs and hatchlings in nests, and roosting young and adults. The introduced monitor lizard (*Varanus indicus*) is also common on the island and is a potential predator of birds. Cats, rats, dogs, and hogs, all brought to Guam through human agency, also may threaten native birds, especially the flightless Guam rail. While the general impact of these introduced species is not known, it is potentially severe, considering that the native fauna of Guam developed in an island environment, free from natural mammalian and reptilian predators, and thus may not have retained or evolved effective defenses.

D. The Inadequacy of Existing Regulatory Mechanisms.

All nine animals covered by this rule were classified as endangered by the Territory of Guam on September 24, 1981, and are thus protected by The Endangered Species Act of Guam (Pub. L. 15-36). This protection, however, does not require Federal agencies to insure that their actions are not likely to jeopardize the involved species, does not affect interstate commerce, and does not provide a basis for the substantial financial and technical assistance that will probably be necessary for a successful conservation program.

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

DDT and other chlorinated hydrocarbons were employed extensively on Guam during World War II, and there has since been widespread use of agricultural insecticides. Preliminary results of a 1981 study indicate that pesticides are not now a problem, though they may have impacted birds in the past, especially insectivorous species such as the Vanikoro swiftlet. An additional cause of mortality to the flightless Guam rail is being struck by motor vehicles on roads.

The decision to determine endangered status for the Guam broadbill, Mariana crow, Mariana gallinule, Micronesian kingfisher, Guam rail, Vanikoro swiftlet, bridled white-eye, little Mariana fruit bat, and Guam population of the Mariana fruit bat was based on an assessment of the best available scientific information and of past, present, and probable future threats to these species. A determination of critical habitat is not considered prudent.

Critical Habitat

Section 7(a)(2) of the Endangered Species Act, as amended, 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 or to destroy or adversely modify its critical habitat. Section 4(a)(3) requires that critical habitat be designated, to the maximum extent prudent and determinable, concurrent with the determination that a species is endangered or threatened. In the case of the nine species covered by this rule, the Service finds that a determination of critical habitat is not prudent. Such a determination would result in no known benefit to the species. The only Federal activity currently known to have a potential adverse effect on any of the species is the clearing of land by the U.S. Air Force in a portion of the Guam rail's habitat on Andersen Air Force Base. In that case, the area in question is well defined and the Air Force has been made aware of the problem. Should any other potential adverse effects develop, the involved agencies could be informed by means other than a critical habitat determination. In addition, such a determination might place the Mariana and little Mariana fruit bats in greater jeopardy. These two bats are prized as delicacies by some persons on Guam and are thus sought by poachers. To point out the precise areas and kinds of habitat they occupy would greatly increase the risk of illegal killing.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened pursuant to 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, State, and private agencies, groups, and individuals. The Act provides for land acquisition and cooperation with States, and requires recovery actions. Such actions are initiated by the Service following listing. The protection required by Federal agencies, and taking and harm prohibitions, are discussed, in part, below.

Section 7(a)(1) 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 in Federal Register of June 29, 1983, 48 FR 29989). 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 a listed 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 consultation with the Service. No Federal activities that may be affected in this regard are currently known with respect to the determination of endangered status for the Guam broadbill, Mariana crow, Mariana gallinule, Micronesian kingfisher, Vanikoro swiftlet, bridled white-eye, little Mariana fruit bat, and Guam population of the Mariana fruit bat. Determination of endangered status for the Guam rail, however, may result in consultation between the Service and the U.S. Air Force, regarding land clearing operations in a portion of the rail's habitat on Andersen Air Force Base.

The Act and its implementing regulations found at 50 CFR 17.21 set forth a series of general prohibitions and exceptions that apply to all endangered 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 any Guam broadbill, Mariana crow, Mariana gallinule, Micronesian kingfisher, Guam rail, Vanikoro swiftlet, bridled white-

eye, little Mariana fruit bat, or member of the Guam population of the Mariana fruit bat in interstate or foreign commerce. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been illegally taken. Certain exceptions apply to agents of the Service and Territorial and Commonwealth conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife under certain circumstances. Regulations governing such permits are codified at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship that would be suffered if such relief were not available.

The Service will now review the nine species covered by this rule to determine whether any should be considered for placement on the appendices of the Convention on

International Trade in Endangered Species of Wild Fauna and Flora or for other appropriate international agreements.

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).

Author

The primary author of this rule is Ronald M. Nowak, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975 or FTS 235-1975).

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, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 83-205, 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. Section 17.11(h) is amended by adding the following, in alphabetical order, to the List of Endangered and Threatened Wildlife under "MAMMALS" and "BIRDS:"

§ 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					
Mammals						
Bat, little Mariana fruit	<i>Pteropus tokudae</i>	Western Pacific Ocean: U.S.A. (Guam).	Entire range	E	156	NA NA
Bat, Mariana fruit	<i>Pteropus mariannus mariannus</i>	Western Pacific Ocean: U.S.A. (Guam, Rota, Tinian, Saipan, Agiguan).	Guam	E	156	NA NA
Birds						
Broadbill, Guam	<i>Myiagra freycineti</i>	Western Pacific Ocean: U.S.A. (Guam).	Entire range	E	156	NA NA
Crow, Mariana	<i>Corvus kubaryi</i>	Western Pacific Ocean: U.S.A. (Guam, Rota).	do	E	156	NA NA
Gallinule, Mariana	<i>Gallinula chloropus guami</i>	Western Pacific Ocean: U.S.A. (Guam, Tinian, Saipan, Pagan).	do	E	156	NA NA
Kingfisher, Micronesian	<i>Halcyon cinnamomina cinnamomina</i>	Western Pacific Ocean: U.S.A. (Guam).	do	E	156	NA NA
Rail, Guam	<i>Rallus owstoni</i>	Western Pacific Ocean: U.S.A. (Guam).	do	E	146E, 156	NA NA
Swiftlet, Vanikoro	<i>Aerodramus (-Collocalia) vanikorensis bartschi</i>	Western Pacific Ocean: U.S.A. (Guam, Rota, Tinian, Saipan, Agiguan).	do	E	156	NA NA
White-eye, bridled	<i>Zosterops conspiciata conspiciata</i>	Western Pacific Ocean: U.S.A. (Guam).	do	E	156	NA NA

Dated: August 1, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

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50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Experimental Populations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service amends Part 17 of Title 50 of the Code of Federal Regulations in order to comply with certain changes made in the Endangered Species Act of 1973 (Act) by the Endangered Species Act Amendments of 1982 (Amendments). Part 17 is hereby amended to establish procedures for: (1) The establishment and/or designation of certain

populations of species otherwise listed as endangered or threatened as experimental populations; (2) the determination of such populations as "essential" or "nonessential"; and (3) the promulgation of appropriate protective regulatory measures for such populations. This final rule is issued by the Service to amend Part 17 and implement section 10(j) of the