

§ 0.465 Request for copies of materials which are available, or made available, for public inspection.

(d)(3) Copies of computer source programs and associated documentation produced by the Commission shall be obtained through the National Technical Information Service (NTIS), Department of Commerce. NTIS will forward each request to the Commission. If it can be determined that the requested program is available, the Commission will distribute the current edition to the requester. NTIS will act as billing agent for the Commission. NTIS will bill the requester for the direct costs of production plus their overhead based on billing information provided by the Commission. Estimates of the total cost may be obtained from NTIS in advance. NTIS will not stock Commission source programs and documentation, nor will they maintain a catalog of Commission computer programs that may be available due to the large volume of programs and the frequency with which they are revised. Requests shall be limited to computer source programs and associated documentation in existence when the request is submitted; requests which require the Commission to produce unique computer programs, data bases and documentation, which are not part of its inventory at the time of the request, will not be honored. Likewise, periodic updates of these materials, as they occur, will not be furnished.

[FR Doc. 87-22755 Filed 9-30-87; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-390; RM-5419]

Radio Broadcasting Services; Northwood, IA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots FM Channel 274A to Northwood, Iowa as that community's first FM channel in response to a petition filed by Northwood Broadcasting Co., Inc. With this action, this proceeding is terminated.

DATES: Effective November 12, 1987. The window period for filing applications will open on November 13, 1987, and close on December 14, 1987.

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-390, adopted August 25, 1987, and released September 28, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended by adding the entry of Channel 274A to Northwood, Iowa.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-22680 Filed 9-30-87; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF DEFENSE

48 CFR Parts 204, 223, and 252

Defense Federal Acquisition Regulation Supplement; Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives at Contractor Facilities

AGENCY: Department of Defense (DoD).

ACTION: Extension of interim rule and request for comments.

SUMMARY: The Defense Acquisition Regulatory Council has revised and extended the expiration date of the interim rule published in the *Federal Register* on November 21, 1986 (51 FR 42095), presently in effect, which pertains to security of arms, ammunition and explosives at contractor facilities.

DATES: This interim rule is effective October 1, 1987, and expires on September 30, 1988, unless sooner rescinded.

Comments: Interested parties are invited to submit written comments on or before November 30, 1987, to the Executive Secretary, DAR Council, at the address below. Comments received

will be considered in revising the interim rule which will be implemented by Departmental guidance. Please cite DAR Case 85-102 in all correspondence related to this subject.

Note.—If commenters choose to hand-carry comments to the DAR Council Office at 1211 South Fern Street, Arlington, VA, arrangements for hand-carried comments must be made with the DAR Council Staff Members. Security Guards at this location are not permitted to accept or sign for hand-delivered comments of any kind.

ADDRESS: Interested parties should submit written comments to: Defense Acquisition Regulatory Council, ATTN: Mr. Charles W. Lloyd, Executive Secretary, ODASD(P)/DARS, c/o OUSD(A)(MRS), Room 3D139, The Pentagon, Washington, DC 20301-3062.

FOR FURTHER INFORMATION CONTACT: Mr. Charles W. Lloyd, Executive Secretary, DAR Council, telephone (202) 697-7266.

SUPPLEMENTARY INFORMATION:

A. Background

This document extends the expiration date and revises an interim rule published for public comment on November 21, 1986 (51 FR 42095), which requires that the physical security requirements of DoD Instruction 5220.30 be incorporated by reference in contracts involving manufacture or use of arms, ammunition, and explosives (AA&E). This extension is necessary to allow sufficient time to revise and publish a DoD Manual on this subject (DoD 5100.76-M, "Physical Security of Sensitive Conventional AA&E") which will contain AA&E physical security standards applicable to DoD contracts. It is anticipated that the manual will be published in June 1988 and made available to the public through the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Upon publication, this rule will be modified and final DFARS coverage adopted.

In response to a request by the Office of the Inspector General, DoD, the contract clause prescribed by the rule has been revised to permit access by representatives of that office to contractor facilities to review compliance. No other revisions to the rule were suggested by the public or by DOD agencies.

Although Pub. L. 98-577 does not require additional publication for public comment, interested parties may submit comments which will be considered in drafting a final rule.

B. Regulatory Flexibility Act

The interim rule incorporates by reference, in standard contract format, requirements which have been prescribed previously by the Treasury Department and by the DoD pursuant to statutory authority, and which have been applicable to DoD contracts since 23 September, 1980. However, recent investigations by the DoD IG revealed a lack of uniform compliance by DoD contracting officers in incorporating the appropriate physical security standards in contracts. This interim rule establishes uniform procedures for use by Government personnel in implementing these long standing procedures. Accordingly, the Department certifies that this rule will not have a significant economic impact upon a substantial number of small entities within the meaning of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601 et seq. A regulatory flexibility analysis has therefore not been performed. Comments are invited from small entities and other interested parties.

C. Paperwork Reduction Act

The interim rule incorporates previously established information collection requirements within the meaning of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., as implemented by regulations prescribed within 5 CFR Part 1320, and does not require additional information collection efforts by contractors. Accordingly, the Act is inapplicable and approval by OMB of the interim rule is not required. Notwithstanding the inapplicability of the Act, the interim rule has been adopted in a manner consistent with DoD policy of reducing paperwork burdens on the public by directing that contracting officers provide a copy of DoDI 5220.30 to contractors/offers upon request. Additionally, the DoDI incorporates BATF standards published in 27 CFR Part 55 which are not otherwise readily available to contractors.

List of Subjects in 48 CFR Parts 204, 223 and 252**Government procurement.**

Charles W. Lloyd,

Executive Secretary, Defense Acquisition Regulatory Council.

Therefore, the DoD FAR Supplement contained in 48 CFR Parts 204, 223 and 252 is amended as set forth below.

1. The authority citation for 48 CFR Parts 204, 223 and 252 continues to read as follows:

Authority: 5 U.S.C. 301, U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

PART 204—ADMINISTRATIVE MATTERS

2. Section 204.202 is amended by adding to paragraph (c), paragraph (6) to read as follows:

204.202 DoD distribution requirements.

* * *

(c) * * *

(6) One copy or an extract to the cognizant Defense Investigative Service (DIS) office as listed in DoDI 5220.30, Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives at Contractor Facilities whenever the clause prescribed at 223.7103 is included in the contract.

* * *

3. Section 204.470 is added to read as follows:

204.470 Physical security of conventional arms, ammunition, and explosives.

Policies and procedures regarding physical security requirements peculiar to selected Conventional Arms, Ammunition, and Explosives are addressed in Subpart 223.71.

PART 223—ENVIRONMENT, CONSERVATION, AND OCCUPATIONAL SAFETY

4. A new Subpart 223.71, consisting of §§ 223.7100 through 223.7105, is added to read as follows:

Subpart 223.71—Safeguarding Conventional Arms, Ammunition, and Explosives Within Industry

Sec.

- 223.7100 Scope of subpart.
- 223.7101 Definitions.
- 223.7102 Policy.
- 223.7103 Preaward responsibilities.
- 223.7104 Notification to DIS.
- 223.7105 Clause.

Subpart 223.71—Safeguarding Conventional Arms, Ammunition, and Explosives Within Industry**223.7100 Scope of subpart.**

This subpart prescribes policy, procedures, responsibilities and requirements for safeguarding Conventional Arms, Ammunition, and Explosives (AA&E) located at contractor or subcontractor facilities.

223.7101 Definitions.

Conventional arms, ammunition, and explosives as used in this subpart means only those items covered by DoDI 5220.30, Physical Security of

Sensitive Conventional Arms, Ammunition, and Explosives at Contractor Facilities. In general, these items include sensitive (attractive to criminal elements), conventional (non-nuclear) material which are man portable and easily employed with little modification, or associated firing components.

223.7102 Policy.

The physical security requirements of DoDI 5220.30, "Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives at Contractor Facilities," are to be applied to all contracts involving conventional AA&E.

223.7103 Preaward responsibilities.

(a) Technical or requirements organizations initiating purchase requests must identify when AA&E is involved and which physical security requirements in DoDI 5220.30 apply; and

(b) The contracting officer prior to award of a contract involving AA&E shall request the cognizant Defense Investigative Service (DIS) Industrial Security office to evaluate and certify the prospective contractor's ability to safeguard AA&E consistent with DoDI 5220.30. This should be accomplished as part of the normal Preaward Survey process by completing Item "G" Section III and Block 23 of the Standard Form 1403.

223.7104 Notification to DIS.

Whenever the clause at 252.223-7003 is included in a contract, the contracting activity shall provide an extract or a copy of the contract to the cognizant DIS office (see 204.202(c)(6)).

223.7105 Clause.

The contracting officer shall insert the clause at 252.223-7003, Safeguarding Arms, Ammunition, and Explosives in all solicitations and contracts involving an AA&E covered by DoDI 5220.30. The clause need not be included in contracts performed in Government-Owned Contractor Operated ammunition production facilities. The contracting officer shall provide a copy of DoDI 5220.30 to each contractor/offers upon request.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

5. Section 252.223-7003 is added to read as follows:

252.223-7003 *Safeguarding arms, ammunition, and explosives.*

As prescribed at 223.7105, insert the following clause:

Safeguarding Arms, Ammunition, and Explosives (Oct 1987)

(a) The Contractor shall comply with the applicable requirements of Enclosure (2) to DoDI 5220.30, entitled "Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives at Contractor Facilities," in effect on the date of award of this contract. A copy of the DoD Instruction is available from the contracting officer upon request.

(b) The Contractor shall allow representatives of the Defense Investigative Service (DIS) and the Office of the Inspector General, DoD, access, at all reasonable times, into its facilities for purposes of reviewing its compliance with the physical security standard applicable to this contract.

(c) The Contractor shall insert this clause, including this paragraph (c) with appropriate changes in the designation of the parties, in all subcontracts hereunder which involve Conventional Arms, Ammunition, and Explosives (AA&E) as defined in section 223.7101 of the DoD FAR Supplement.

(d) The Contractor shall provide a copy of any subcontract involving AA&E to the cognizant DIS office within ten (10) days after issuance of the subcontract.

(e) Nothing contained herein shall relieve the Contractor from complying with applicable Federal, state and local laws, ordinances, codes and regulations (including the obtaining of licenses and permits) in connection with performance of this contract. Nothing contained herein shall be construed as relieving the Contractor from its responsibilities for the physical security at contractor or subcontractor facilities.

(End of clause)

[FR Doc. 87-22590 Filed 9-30-87; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife and Plants; Correction of Rules for Bay Checkerspot Butterfly and Cape Fear Shiner; Correction**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; corrections.

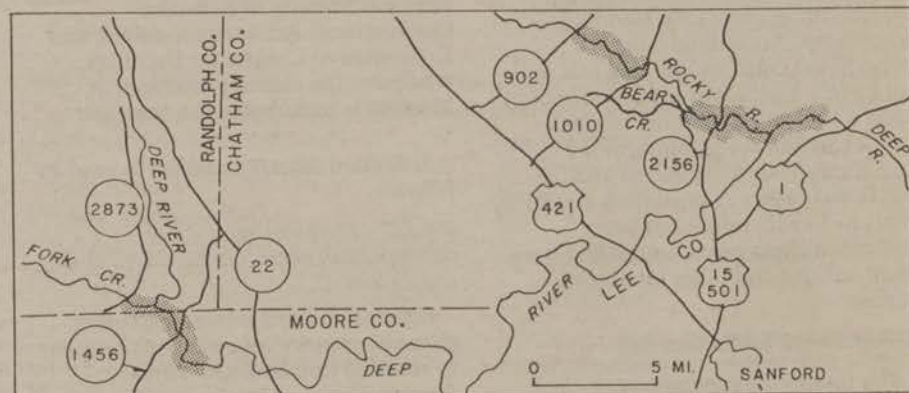
SUMMARY: This notice corrects errors in two recent rules: (1) The Bay Checkerspot Butterfly determination as endangered on September 18, 1987 (52 FR 35366-35378) and (2) the Cape Fear Shiner determination as threatened and of critical habitat on September 25, 1987 (52 FR 36034-36039).

FOR FURTHER INFORMATION CONTACT: Mr. William Knapp, Acting Chief, Office

of Endangered Species (500 Broyhill), U.S. Fish and Wildlife Service, Washington, DC 20240 (703-235-2771, FTS 235-2771).

SUPPLEMENTARY INFORMATION: The following corrections are made to these two documents.

1. In rule document 87-21603 at page 35369 in the issue of Friday, September 18, 1987, the first sentence at the top of the page, first column, is correctly amended to read "... private property that is mostly closed to trespass ...".



Dated: September 25, 1987.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87-22692 Filed 9-30-87; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17**Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Hualapai Vole**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines endangered status for the Hualapai vole (*Microtus mexicanus hualpaiensis*), a small mammal found in northwestern Arizona. It is very rare and occupies small patches of suitable habitat that are threatened by livestock grazing, human recreation, and other problems. This rule implements the protection of the Endangered Species Act of 1973, as amended, for the Hualapai vole.

EFFECTIVE DATE: The effective date of this rule is November 2, 1987.

§ 17.11 [Amended]

2. The scientific name for the § 17.11(h) entry for the "Butterfly, bay checkerspot" is correctly added to read "*Euphydryas editha bayensis*".

3. The column "Vertebrate population where endangered or threatened" for the § 17.11(h) entry for the "Butterfly, bay checkerspot" is correctly added by the insertion of "NA" for this invertebrate.

4. The map published in rule document 87-22268 in the issue of Friday, September 25, 1987, is correctly revised to appear as follows:

ADDRESS: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Service's Regional Office of Endangered Species, 500 Gold Avenue SW., Room 4000, Albuquerque, New Mexico.

FOR FURTHER INFORMATION CONTACT: Alisa M. Shull, Endangered Species Biologist, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103 (505/766-3972 or FTS 474-3972).

SUPPLEMENTARY INFORMATION:**Background**

The Mexican vole (*Microtus mexicanus*) occurs in Mexico and the southwestern United States; there are 12 subspecies (Hall 1981). It is a small, cinnamon-brown, mouse-sized mammal with a short tail and long fur that nearly covers its small, round ears. There are three subspecies in Arizona, including the Hualapai vole (*M. m. hualpaiensis*), which is the subject of this rule. The Hualapai vole is distinguished from *M. m. mogollonensis*, found to the east, by paler color of the dorsum, a shorter body, a shorter and broader skull, and a longer tail and hind foot. It is distinguished from *M. m. navaho*, found

to the northeast, by generally larger size, a longer and broader skull, and a longer tail, body, and hind foot.

Five adult specimens averaged 5.4 inches (137.2 millimeters) in head and body length, and 1.2 inches (30.2 millimeters) in tail length (Hoffmeister 1986).

Goldman (1938) described *M. m. hualpaiensis* on the basis of 4 specimens collected near the summit of Hualapai Peak in northwestern Arizona on October 1, 1923. Including these 4, a total of 15 individuals of the subspecies are now known to have been captured in the Hualapai Mountains. Nine of these are now preserved specimens. The 15 individuals were found in seven isolated localities over 61 years from 1923 through 1984.

Six voles that might possibly represent *M. m. hualpaiensis* have been collected from outside the Hualapai Mountains. Four were collected in 1981 in the Music Mountains, about 50 miles (80 kilometers) north of Hualapai Peak, but have not yet been subjected to taxonomic evaluation (Spicer *et al.* 1985). The population represented is small, and its habitat is isolated, restricted, and subject to the same degradation as habitat in the Hualapai Mountains. Hoffmeister (1986) tentatively (pending a larger sample size) reassigned two specimens collected in Prospect Valley in 1913, and previously classified as *M. m. mogollonensis*, to *M. m. hualpaiensis*. Prospect Valley is almost 90 miles (145 kilometers) northeast of the Hualapais. Reassignment was based on body and skull measurements that are closer to *M. m. hualpaiensis* than to the geographically closer *M. m. navaho*. Hoffmeister did suggest, however, that a larger sample from Prospect Valley might indicate that the two specimens "... are referable to *M. m. navaho* to which on a geographical basis they would seem referable." Due to the taxonomic uncertainty surrounding these two specimens, and their disjunct geographic distribution, their classification as *M. m. hualpaiensis* is tenuous. Even if the specimens are *M. m. hualpaiensis*, over 73 years have passed without additional records from that locality, and any represented population may no longer be extant. The Service will continue to investigate the possibility of additional specimens and localities. If the Music Mountains voles and/or the Prospect Valley voles are determined to be *M. m. hualpaiensis*, they would be covered by this rule determining endangered status for the subspecies.

The lands where *M. m. hualpaiensis* or its sign have been found consist of

both publicly and privately owned areas. The Hualapai Mountains locations include Mohave County Parks lands, Santa Fe Pacific Railroad Company land, and other publicly or privately owned land. Except for the Mohave County Parks land, the sites are managed as part of larger grazing allotments by the Bureau of Land Management (BLM). That agency is giving consideration to the welfare of the vole and is attempting to acquire one of the key sites in the Hualapai Mountains that is now privately owned. The sites in the Music Mountains are already owned and managed by BLM.

In the Hualapai Mountains, *M. m. hualpaiensis* has been found between about 5,397 and 8,400 feet (1,645 and 2,560 meters) in elevation. *Microtus mexicanus* in the Southwest is primarily associated with dry, grass/forb habitats in ponderosa pine dominated forest. Although the Hualapai vole is now found only in moist, grass/sedge along permanent or semipermanent waters (such as springs and seeps) it may be capable of occupying drier areas when grass/forb habitats are available there. The populations of *Microtus* in the Hualapai Mountains and the Music Mountains are disjunct relicts from Pleistocene times. The Hualapai vole may have become isolated when North American glaciers were retreating and the climate was becoming warmer and drier (Spicer *et al.* 1985).

In its original Review of Vertebrate Wildlife, published in the Federal Register of December 30, 1982 (47 FR 58454-58460), the Service included the Hualapai vole in category 2, meaning that information then available indicated that a proposal to determine endangered or threatened status was possibly appropriate, but was not yet sufficiently substantial to support such a proposal. A subsequent Service-funded status survey (Spicer *et al.* 1985) gathered many new data, and in its revised Vertebrate Review of September 18, 1985 (50 FR 37958-37967), the Service included the Hualapai vole in category 1, meaning that substantial information was on hand to support the biological appropriateness of proposing to list as endangered or threatened. In the Federal Register of January 5, 1987 (52 FR 306-309), the Service published a proposed rule to determine endangered status for the Hualapai vole.

Summary of Comments and Recommendations

In the proposed rule of January 5, 1987 (52 FR 306-309), and associated notifications, all interested parties were requested to submit information that 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. A newspaper notice was published in the *Mohave Daily Miner* on January 25, 1987, which invited general public comment.

Three comment letters were received and all supported the proposal; they were from the Bureau of Land Management (BLM), the Arizona Game and Fish Department (AGFD), and the Arizona Chapter of the Wildlife Society. Clarifications of several points were requested and have been incorporated into the final rule. In addition the commenters covered the following:

Comment 1: Several "typographical" errors were noted including an error under factor "A" of the "Summary of Factors Affecting the Species." The proposed rule said that in a Service-funded status survey voles were found in 12 places; this should read "2 places."

Service response: These were printing errors and did not occur in the copy of the proposed rule that was sent to the Federal Register.

Comment 2: Additional potential predators on the vole include the zone-tailed, Cooper's, and Sharp-shinned hawks, and the goshawk.

Service response: These species have been added to the list under factor "C" in the "Summary of Factors Affecting the Species."

Comment 3: Under available conservation measures, it should be mentioned that BLM is pursuing water rights acquisition to benefit public lands resources and uses, including the needs of the vole.

Service response: The final rule has been modified accordingly.

Comment 4: An additional vole site, based on sign only, has been located in the Hualapai Mountains by BLM biologists.

Service response: The Service is aware of this location, and this information has been added to the final rule. However, because of the low numbers and small amount of habitat, this information does not change the status of the Hualapai vole.

Summary of Factors Affecting the Species

After a thorough review and consideration of all available information, the Service has determined that the Hualapai vole (*Microtus mexicanus hualpaiensis*) should be classified as an endangered species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR

Part 424) promulgated to implement the listing provisions of the Act were followed. 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 Hualapai vole (*Microtus mexicanus hualpaiensis*) are as follows (information taken from Spicer *et al.* 1985, unless otherwise noted):

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

The Hualapai vole is extremely rare and has among the most restricted habitats of any North American mammal. From 1923 to the present, only 15 specimens are known to have been captured in the Hualapai Mountains. These individuals were taken at 7 localities, and sign alone was found at 3 other sites in that area. In addition, as noted above, 2 other specimens were collected in the Prospect Valley in 1913, but continued existence of any represented population is doubtful, and 4 other specimens were taken in the Music Mountains in 1981, but their identity is uncertain. The recent Service-funded status survey investigated 59 potential sites, but found voles in only 2 places and sign alone in 1 other place. These last 3 sites were characterized by isolated grass-forb vegetation in the immediate vicinity of open water or seeps, surrounded by drier, unsuitable habitat. Each site was only 3-5 yards (3-5 meters) across and 80-450 yards (75-400 meters) long. The total size of suitable vole habitat was estimated at about three-quarters of an acre (0.31 hectare), and this habitat was thought capable of supporting a minimum of 44 voles. Since the Service-funded survey, BLM biologists have located an additional site in the Hualapai Mountains. No voles were found there, but sign occurred intermittently in a drainage measuring about 1,968 feet (600 meters) long and 20 feet (6 meters) wide.

Even the few spots from which the Hualapai vole has been recorded are apparently not consistently or currently occupied. Past incompatible land management practices and periods of drought have combined to cause the deterioration of most of the habitat of the vole. The present main threat to the habitat appears to be the elimination of the ground cover of grasses, sedges, rushes, and forbs around open water and seeps, primarily by grazing and heavy recreational use, including camping and off-road vehicle activity.

Except for the Mohave County Parks land, the sites where the vole sign has been found are managed as part of

larger grazing allotments by BLM. Although the Hualapai Mountain Park is not actually part of a BLM grazing allotment, it is adjacent to grazing allotments and is unfenced along part of this boundary. Therefore, cattle from the adjacent lands do heavily graze in the park. Creekbed habitats with their succulent green vegetation are more attractive to livestock than are the drier areas surrounding them. Livestock concentrates in these moist areas, greatly reducing, if not eliminating, ground cover by both grazing and trampling. In addition to causing the loss of food and cover, the reduction of green vegetation could have a negative effect on reproductive potential of the Hualapai vole by reducing breeding stimuli.

Human recreational users are also attracted to spring areas. Due to an increased demand for outdoor recreation, additional areas of the Hualapai Mountain Park will likely be opened up for public use. The Mohave County Parks Department is also exploring the possibility of developing a three-acre lake within historic vole habitat.

In addition, the soil on the slopes of the Hualapai Mountains is mostly shallow and subject to erosion. Locally, the erosional tendencies are exacerbated by many years of heavy land use (historic road construction, heavy long-term livestock overuse, and localized, concentrated recreation) that have contributed to reduced ground cover and concentration of runoff. Water development that pipes all available water to a downstream trough may also lead to the elimination of ground cover in stream bottoms.

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

The Hualapai vole is neither sought for economic or sporting purposes nor persecuted as a pest or collected as a pet. However, because of the low number of animals, the easily accessible population areas, and the developing curiosity regarding the Hualapai vole, vandalism and taking could pose a threat. In addition, it is possible that an intensive snap trapping effort could eliminate a particular population.

C. Disease or Predation

Nothing is known about disease or predation in Hualapai vole populations. However, species of *Microtus* are usually a fundamental part of the base of the food pyramid, and many potential predators occur in the Hualapais. These predators include the coyote, gray fox, ringtail, raccoon, bobcat, striped skunk,

hog-nosed skunk, red-tailed hawk, zone-tailed hawk, Cooper's hawk, sharp-shinned hawk, goshawk, great horned owl, screech owl, spotted owl, gopher snake, Arizona black rattlesnake, black-tailed rattlesnake, striped whipsnake, and Sonoran Mountain kingsnake. In addition, predation by domestic cats could be a potential threat in the northeastern part of Hualapai Mountain Park, where a residential area is expanding in and adjacent to potential vole habitat.

D. The Inadequacy of Existing Regulatory Mechanisms

The Hualapai vole is included in Group 2 of "Threatened Native Wildlife in Arizona." Group 2 contains species or subspecies whose continued presence in Arizona is in jeopardy because of substantial population decline (Arizona Game and Fish Commission 1982). However, this listing carries no enforcement authority and provides no protection for habitat. There are no statutes specifically authorizing State conservation of threatened or endangered species, but the State can control scientific and educational collecting, and can buy and manage land.

E. Other Natural or Manmade Factors Affecting its Continued Existence

The areas of habitat supporting the Hualapai vole are relatively small and isolated. This mammal is thus fragmented into tiny populations that are subject to inbreeding and reduced genetic viability. The populations may therefore be particularly vulnerable to artificial or natural disturbances in their habitat.

Drought is an additional threat to the Hualapai vole's habitat. The impacts of drought can include reduced water flow from springs and seeps, reduced new vegetative growth, and decreased ground cover, all of which can cause increased exposure of the soil and erosion. While drought is a natural phenomenon, the effects of drought are intensified by human-caused habitat degradation.

The Service has carefully assessed the best available scientific information regarding the past, present, and probable future threats to the species in determining to make this rule final. Based on this evaluation, the preferred action is to list the Hualapai vole as endangered. A decision to take no action would exclude the Hualapai vole from protection provided by the Endangered Species Act. A decision to propose only threatened status would not adequately reflect the very small

population and habitat sizes of this vole, its history of rarity and vulnerability, and the multiplicity of problems that confront it. For the seasons given below, critical habitat is not being designated.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, critical habitat be designated at the time a species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for the Hualapai vole at this time. Because of the rarity of the animal, its easily accessible populations, and the developing curiosity regarding it, publication of critical habitat descriptions and maps could be detrimental. No benefit can be identified that would outweigh the threats of vandalism or taking that might result from such publication. BLM is aware of the locations of the vole's populations, has acknowledged the threats to these populations, and already is actively considering them during planning. Should the Service receive additional information that would warrant reconsideration of this decision, critical habitat could be proposed in the future.

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. Some actions may be initiated prior to listing, circumstances permitting. 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 and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued

existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species, the responsible Federal agency must enter into formal consultation with the Service.

The Hualapai vole is known to occur primarily on BLM lands. BLM is the surface managing agency and would be subject to section 7 consultation if any of its actions might affect the vole. Such actions include maintenance of existing grazing leases and water rights and developments. BLM would be required to consider protection of the vole's habitat while administering such leases, and to maintain habitat without violating individual water rights that may exist. As noted above under "Critical Habitat," BLM is aware of the situation and is giving consideration to the welfare of the vole. BLM is pursuing water rights acquisition to benefit public lands resources and uses, including the need of the vole. In addition, BLM plans to fence (with Service funding) around an important vole habitat area to exclude cattle grazing. Other measures to protect habitat from grazing and excessive recreational use might also facilitate recovery of the Hualapai vole, as might further investigations of population status and biological needs.

Section 9 of the Act, and 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 in interstate or foreign commerce any listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has 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 endangered wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.22 and 17.23. 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. 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 otherwise available.

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).

References Cited

- Arizona Game and Fish Commission. 1982. Threatened native wildlife in Arizona. Arizona Game and Fish Department publication, 12 pp.
- Goldman, E.A. 1938. Three new races of *Microtus mexicanus*. *Journal of Mammalogy*, 19:493.
- Hall, E.R. 1981. The mammals of North America. John Wiley and Sons, New York, 2 vols.
- Hoffmeister, D.F. 1986. Mammals of Arizona. The University of Arizona Press, Tucson, Arizona.
- Spicer, R.B., R.L. Glinski, and J.C. deVos, Jr. 1985. Status of the Hualapai vole (*Microtus mexicanus hualpaiensis* Goldman). Report to U.S. Fish and Wildlife Service, Office of Endangered Species, Albuquerque, New Mexico, 50 pp.

Author

The primary author of this final rule is Alisa M. Shull, Endangered Species Biologist, U.S. Fish and Wildlife Service, Albuquerque, New Mexico 87103 (505/766-3972 or FTS 474-3972).

List of Subjects in 50 CFR part 17

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

Regulation 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 continues to read 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.*); Pub. L. 99-625, 100 Stat. 3500 (1986), unless otherwise noted.

2. Amend § 17.11(h) by adding the following, in alphabetical order under "Mammals," to the List of Endangered and Threatened Wildlife:

§ 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							
Vole, Hualapai	<i>Microtus mexicanus hualpaiensis</i>	U.S.A. (AZ)	Entire	E	292	NA	NA

Dated: September 22, 1987.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87-22693 Filed 9-30-87; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 204 and 604

[Docket No. 60593-6093]

OMB Control Numbers for Information Collection Requirements

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

ACTION: Final rule; technical amendment.

SUMMARY: NOAA issues this housekeeping amendment which consolidates OMB control numbers for NOAA information collection requirements inadvertently codified at two locations. This should assist the reader, as well as reduce costs to the Federal government.

EFFECTIVE DATE: September 29, 1987.

FOR FURTHER INFORMATION CONTACT: Richard Schaefer (Director, Fisheries Conservation and Management Office), 202-673-5263.

SUPPLEMENTARY INFORMATION: OMB control numbers for NOAA information collection requirements were inadvertently codified at both 50 CFR Parts 202 and 604. By this rule, Part 604 is removed and Part 204 is revised to add to the table of OMB control numbers those now appearing at Part 604.

This action is taken in compliance with E.O. 12291 and does not conflict with other related laws since neither textual nor number changes are being made.

List of Subjects in 50 CFR Parts 204 and 604

Reporting and recordkeeping requirements.

Dated: September 29, 1987.

Bill Powell,

Executive Director, National Marine Fisheries Service.

For the reasons set out in the preamble, the Administrator, under his authority at Department Organization Order 25-5A, dated August 26, 1985, amends 50 CFR Chapters II and VI as follows:

PART 204—OMB CONTROL NUMBERS FOR NOAA INFORMATION COLLECTION REQUIREMENTS

1. The authority citation for Part 204 continues to read as follows:

Authority: Paperwork Reduction Act of 1980, 44 U.S.C. 3501-3520 (1982).

§ 204.1 [Amended]

2. Section 204.1(b) is amended by adding sequentially the entries from the table in § 604.1(b).

PART 604—[REMOVED AND RESERVED]

3. Part 604 is removed and reserved.

[FR Doc. 87-22764 Filed 9-29-87; 1:33 pm]

BILLING CODE 3510-22-M

50 CFR Part 254

[Docket No. 70900-7200]

Jellyfish Control

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

ACTION: Final rule.

SUMMARY: NOAA removes a part from the Code of Federal Regulations (CFR) pertaining to Federal funding of State projects to control jellyfish. Federal authority of these projects has not been and will not likely be used. The intended effect is to remove extraneous text from the CFR and effect a cost savings for the Agency.

EFFECTIVE DATE: September 29, 1987.

FOR FURTHER INFORMATION CONTACT: Donna D. Turgeon, 202-673-5313.

SUPPLEMENTARY INFORMATION: This final rule removes Part 254 from the CFR which pertains to Federal cooperative grant program to States under the

Jellyfish Control or Elimination Act of 1966.

Although the Act, which is implemented by Part 254, has not been repealed, no funds have been allocated since 1977 to assist States for its purposes. It is unlikely that funds will be appropriated in the future. If funds should become available, the regulations would require substantial revision; a new rule would be proposed at that time. Part 254 is obsolete. Removing it from the CFR will save annual publication costs and will have no effect on any person or entity.

Classification

The Assistant Administrator for Fisheries, NOAA, has determined that this rule is a matter pertaining to grants, benefits and contracts and is therefore exempted from the requirements of the Administrative Procedures Act (APA) to be published in proposed form for public comment with delayed effective date under 5 U.S.C. 553(a)(2).

Notice and comment for this rule are not required by the APA or any other law. Therefore, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act (5 U.S.C. 603).

This rule is not a major rule under Executive Order 12291 requiring a regulatory impact analysis, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act (44 U.S.C. 3501).

List of Subjects in 50 CFR Part 254

Fish, Grant programs—natural resources.