

Primary Standards" to "Better Than National Standards."
 East Taylor Township (Twp.), Middle Taylor Twp. and West Taylor Twp. redesignated from "Cannot Be Classified" to "Better Than National Standards."

The air quality data from January 1983 through the end of 1986 indicate that the Johnstown area shows no violations of the TSP air quality standards and therefore, EPA is redesignating this area to attainment for TSP.

EPA has examined the air quality data collected from the monitoring sites used to demonstrate attainment and found that the data were collected in accordance with all EPA requirements. In addition, DER has provided evidence of an implemented control strategy and evidence that emissions are not likely to increase in this area. There are no stacks in excess of Good Engineering Practice (GEP) in the area and no dispersive techniques have been implemented.

The improvement in air quality was accompanied by a reduction in actual and allowable emissions of 980 tons per year. This was due to the permanent shutdown of Bethlehem Steel's coke battery and blast furnace. This facility would need a new source review permit to recommence operation.

In the January 20, 1987 Proposed Rule (52 FR 2118) concerning this action, EPA

inadvertently proposed that East Conemaugh Boro and Franklin Boro be reclassified from secondary nonattainment to attainment, but should have proposed reclassification from primary nonattainment to attainment. That happened as a result of the fact that in a previous letter from the Commonwealth dated July 27, 1984, it was requested that the designation for those boros be changed from primary nonattainment to secondary nonattainment. That request was proposed in the **Federal Register** on March 11, 1985 (50 FR 9694), and no comments were received. Final action was not taken due to the lack of support documentation necessary to reclassify those areas. However, in the request that is the subject of today's action, the necessary documentation was provided to demonstrate full attainment for those areas. Since no comments were received during the comment period for either of the proposed actions, EPA does not consider it to be necessary to repropose this reclassification action.

Final Action

EPA is approving the July 1, 1985 request from the Commonwealth of Pennsylvania to redesignate certain portions of the Johnstown area to attainment for TSP.

The Office of Management and Budget has exempted this rule from the

requirements of section 3 of Executive Order 12291.

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

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: November 20, 1987.

Lee M. Thomas,
Administrator.

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 81—[AMENDED]

Subpart NN—Pennsylvania

1. The authority citation for Part 81 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 81.339 is amended by revising entry IV.(A) for the "Johnstown Air Basin" in the table for Total Suspended Particulates to read as follows:

§ 81.339 Pennsylvania.

PENNSYLVANIA—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
IV. Central Pennsylvania Intrastate AQCR:				
(A) Johnstown Air Basin: Cambria County:				
City of Johnstown.....				X
Dale Boro.....				X
East Conemaugh Boro.....				X
Franklin Boro.....				X
East Taylor Twp.....				X
Middle Taylor Twp.....				X
West Taylor Twp.....				X

[FR Doc. 87-27865 Filed 12-3-87; 8:45 am]
 BILLING CODE 6560-50-M

VETERANS ADMINISTRATION
48 CFR Part 819

Acquisition Regulations for Small Business Concerns

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The Veterans Administration (VA) is revising the VA Acquisition Regulation (VAAR) to address the procedure for processing Small Business Administration Certificate of Competency appeals and to include additional language to increase the emphasis on giving Vietnam era and disabled veteran-owned firms every

opportunity to participate in selling items and services to the VA.

EFFECTIVE DATE: November 24, 1987.

FOR FURTHER INFORMATION CONTACT: Chris A. Figg, Policy and Interagency Service (91A), Office of Procurement and Supply, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233-2334.

SUPPLEMENTARY INFORMATION:

I. Background

On May 4, 1987, there was published in the Federal Register (52 FR 16290) a notice of proposed rulemaking providing internal procedures for processing Small Business Administration Certificate of Competency appeals and providing additional language to give the Vietnam era and disabled veteran-owned firms every opportunity to participate in VA procurement opportunities.

Interested persons were given 30 days to comment on the proposal. The VA received no comments in response to the notice of proposed rulemaking; therefore, the regulation is adopted.

II. Executive Order 12291

Pursuant to the memorandum from the Director, Office of Management and Budget, to the Administrator, Office of Information and Regulatory Affairs, dated December 13, 1984, this final rule is exempt from sections 3 and 4 of Executive Order 12291.

III. Regulatory Flexibility Act (RFA)

Because this proposed rule does not come within the term "rule" as defined in the RFA (5 U.S.C. 601(2)), it is not subject to the requirements of that Act. In any case, this change will not have a significant impact on a substantial number of small entities because the provisions implement the requirements of the Competition in Contracting Act (CICA) as required by the Federal Acquisition Regulation (FAR). The provisions are primarily internal procedures which will not impact the private sector.

IV. Paperwork Reduction Act

This proposed rule requires no additional information collection or recordkeeping requirements upon the public.

List of Subjects in 48 CFR Part 8

Government procurement.

Approved: November 24, 1987.

Thomas K. Turnage,
Administrator.

Part 819 of title 48 of the Code of Federal Regulations is amended as follows:

PART 819—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

1. The authority citation for Part 819 continues to read as follows:

Authority: 38 U.S.C. 210 and 40 U.S.C. 486(c).

2. Subpart 819.6 is added to read as follows:

Subpart 819.6 Certificates of Competency and Determinations of Eligibility

819.602-3 Appealing Small Business Administration's decision to issue Certificates of Competency.

Formal VA appeals of an initial concurrence by the SBA Central Office in an SBA Regional Office decision to issue a Certificate of Competency (CoC) will be processed as follows:

(a) When the contracting officer believes that the VA should formally appeal the concurrence by the SBA Central Office in an SBA Regional Office decision to issue a CoC, the contracting officer will so notify the Director, Office of Procurement and Supply (93B) in writing within five business days after receipt of the SBA Central Office's written confirmation of its determination. Within ten business days of the contracting officer's receipt of the SBA's written confirmation (or within a period acceptable to the VA and the SBA), the Director, Office of Procurement and Supply (93B) will advise the SBA Central Office that the VA intends to file a formal appeal.

(b) Within ten business days of the contracting officer's receipt of the SBA Central Office's written confirmation, the contracting officer will furnish an original and one copy of the appeal file to the Director, Office of Procurement and Supply (93B). The file must contain a copy of the bid/offer from the firm considered nonresponsible, a copy of the bid/offer from the firm otherwise in line for award, a copy of the bid, a copy of the bid abstract, a copy of SBA's CoC Review Committee report, a copy of all correspondence with SBA on the matter, and the contracting officer's narrative statement establishing the error, omission, or other basis for disputing SBA's proposed responsibility determination.

(c) The Director, Office of Procurement and Supply (93B) will review the file prepared by the contracting officer. If the contracting officer's position is accepted, the Director, Office of Procurement and Supply (93B) will transmit the formal appeal to the SBA Central Office within ten business days after notifying that office of the VA's intent to appeal (or within a period acceptable to the VA and the SBA). The contracting officer will be informed of the final SBA decision.

(d) If, after the Central Office review, it is decided that a formal appeal should not be made to the SBA, the contracting officer will be advised of this decision and that the CoC should be accepted by the VA. The SBA Central Office will

also be advised that the VA will not pursue its formal appeal. If the decision concerns major construction projects and the Office of Facilities disagrees with the decision made by the Director, Office of Procurement and Supply, the matter will be referred to the Senior Procurement Executive for a final VA determination.

3. In section 819.807-70, the heading and first sentence are revised to read as follows:

819.807-70 Commitments of the Office of Facilities' funded projects for the 8(a) program.

Major and minor projects funded by the Office of Facilities (including those delegated to the Department of Medicine and Surgery) which have been committed to the 8(a) program will not be withdrawn from that program without the consent of the Office of Small and Disadvantaged Business Utilization (005C). * * *

4. In section 819.7004, the heading and first sentence is revised to read as follows:

819.7004 Waiver of the use of Vietnam era or disabled veteran-owned firms.

It is the policy of the VA to provide Vietnam era and disabled veteran-owned firms every opportunity to participate in the acquisition process. * * *

[FR Doc. 87-27775 Filed 12-3-87; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Removal of *Gambusia amistadensis*, the Amistad *Gambusia*, From the List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service is removing the Amistad gambusia (*Gambusia amistadensis*) from the List of Endangered and Threatened Wildlife. This action is based on a review of all available data, which indicate that this fish is extinct. The species is known to have occurred naturally only in Goodenough Spring, Val Verde County, Texas. It was eliminated there by inundation from the Amistad Reservoir, an impoundment constructed on the Rio Grande River in

1968. All other springs considered likely to harbor the species have been examined, but it was never found. Captive populations of *G. amistadensis* were maintained, but have since died or been eliminated through hybridizations with and predation by the mosquitofish (*Gambusia affinis*). Removing the Amistad gambusia from the List constitutes Service recognition of its extinction and removes Federal protection under the Endangered Species Act.

DATE: This rule becomes effective on January 4, 1988.

ADDRESSES: 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: Gerald L. Burton, 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 Amistad (Goodenough) gambusia (*Gambusia amistadensis*) is known to have occurred only in Goodenough Spring, a tributary of the Rio Grande in Val Verde County, Texas. It was described by Dr. Alex Peden in 1973, based on specimens collected in 1968 from Goodenough Spring just prior to its inundation by Amistad Reservoir. The species was not recognized as distinct until well after reservoir construction began (Peden 1973). During extensive collecting by Peden (1973) in spring areas immediately upstream and downstream from the Amistad Reservoir, no additional *G. amistadensis* were found, and Peden believed that the species was restricted to the Goodenough Spring area.

In July 1968, backwaters of the Amistad Reservoir, constructed by the U.S. Army Corps of Engineers, began permanent flooding of the area. In subsequent visits to the area after the reservoir had filled, the spring was found to be under more than 21.3 meters (70 feet) of silt-laden water, and Peden (1973) believed that the species was probably extirpated there. In 1979, all Texas springs listed by Brune (1981) as being within 50 kilometers (31 miles) of Goodenough Spring with outflow in excess of 10 liters per second (0.353 cubic feet per second) were surveyed, but no *G. amistadensis* were found, and the species is believed to be extinct (Hubbs and Jensen 1984).

Gambusia amistadensis was listed as endangered on April 30, 1980 (45 FR 28721), under provisions of the Endangered Species Act of 1973, as amended, at which time it occurred only in captivity at the University of Texas and Dexter National Fish Hatchery in New Mexico. Since that time, all captive populations have died or been eliminated through hybridization with and predation by the mosquitofish, *Gambusia affinis*. In the Federal Register of March 11, 1987 (52 FR 7462-7463), the Service published a proposed rule to delist the Amistad gambusia.

Summary of Comments and Recommendations

In the March 11, 1987, proposed rule (52 FR 7462) 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 that invited general public comment was published in the *Del Rio News-Herald* on April 3, 1987. Five comments were received and are discussed below.

Comments of support were received from the Texas Parks and Wildlife Department, the American Society of Ichthyologists and Herpetologists, a faculty member from the University of Texas at Austin, and a faculty member from Pan American University. A letter of opposition was received from a faculty member from the University of Oklahoma.

The commenter from the University of Oklahoma stated that he could see no benefit to delisting because of presumed extinction, and if the species remains on the list, it will automatically have protection if any other populations are discovered. The Service responds that maintaining a species on the List when it is presumed extinct causes an unnecessary burden on Federal Agencies when they evaluate projects in the context of section 7 of the Endangered Species Act. In addition, if the species is rediscovered, it can be relisted expeditiously under emergency provisions of the Act.

Summary of Status Findings

After a careful review of all available data, the Service has determined that *Gambusia amistadensis* is extinct and no longer requires protection pursuant to the Endangered Species Act of 1973, as amended. If evidence to the contrary is presented later, listing may be reposed.

Regulations at 50 CFR 424.11 state that a species may be delisted if: (1) It becomes extinct, (2) it recovers, or (3) the original classification data were in error. The Service believes that enough evidence exists to recognize *Gambusia amistadensis* as extinct. The Endangered Species Act requires that certain factors be considered before a species can be listed, reclassified, or delisted. These factors and their application to *G. amistadensis* are as follows:

A. *The present or threatened destruction, modification or curtailment of its habitat or range.* The Amistad gambusia was known to occur only in Goodenough Spring, tributary to the Rio Grande in Val Verde County, Texas. In July of 1968, backwaters of the Amistad Reservoir began permanent flooding of the area. The Amistad gambusia is believed to have been extirpated in that area.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Not applicable.

C. *Disease or predation.* Not applicable.

D. *The inadequacy of existing regulatory mechanisms.* Not applicable.

E. *Other natural or manmade factors affecting its continued existence.* All captive populations of *G. amistadensis* have died or been eliminated due to hybridization with and predation by the mosquitofish (*Gambusia affinis*).

Effects of Rule

This action removes this species from the List of Endangered and Threatened Wildlife. Federal agencies are no longer required to consult with the Secretary to insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of the Amistad gambusia. Federal restrictions on taking this species no longer apply. There is no designated critical habitat for this species.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of 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

- Brune, G. 1981. Springs of Texas, 1. Branch-Smith, Inc. Ft. Worth, Texas.
- Hubbs, C. and B.L. Jensen. 1984. Extinction of *Gambusia amistadensis*, an endangered fish. *Copeia* 1984(2):529-530.
- Peden, A.E. 1973. Virtual extinction of *Gambusia amistadensis* n. sp., a poeciliid fish from Texas. *Copeia* 1973(2):210-221.

Primary 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

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

PART 17—[AMENDED]

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.

§ 17.11 [Amended]

2. Amend § 17.11(h) by removing *Gambusia amistadensis* under "Fishes" from the List of Endangered and Threatened Wildlife.

Dated: October 22, 1987.

Susan Recce,
Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87-27912 Filed 12-3-87; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for *Crescentia portoricensis*

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines endangered status for a plant, *Crescentia portoricensis* (Higuero de Sierra), pursuant to the Endangered Species Act (Act) of 1973, as amended. *Crescentia portoricensis* is endemic to evergreen, semievergreen, and

deciduous forests on serpentine in the lower Cordillera region of southwestern Puerto Rico. This small tree is threatened by the indirect effects of deforestation and its extremely low population size. This rule implements the Federal protection and recovery provisions afforded by the Act for *Crescentia portoricensis*.

DATES: The effective date of this rule is January 4, 1988.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boqueron, Puerto Rico 00622, and at the Service's Southeast Regional Office, Suite 1282, 75 Spring Street SW., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT:

Ms. Susan Sealander at the Caribbean Field Office address (809/851-7297) or Mr. Richard P. Ingram at the Atlanta Regional Office address (404/331-3583 or FTS 242-3583).

SUPPLEMENTARY INFORMATION:

Background

Crescentia portoricensis was discovered by N. L. Britton in 1913 along the Maricao River in western Puerto Rico. A small population of the species was later found approximately 10 miles (16 kilometers) to the southwest in the Susua area. Prior to 1979, the species was known from two small populations in Maricao Commonwealth Forest and a third in Susua Commonwealth Forest, each population consisting of about six plants. The two Maricao populations were not found during a 1979 survey (Vivaldi and Woodbury 1981), and repeated searches of these sites have failed to locate the plants. However, five populations with 36 individuals were recently discovered in the Maricao area by Commonwealth Forest personnel. Thus, a total of 42 plants are now known from six sites.

Crescentia portoricensis is an evergreen vinelike shrub or small tree reaching 20 feet (6 meters) in height, with a trunk diameter of 3 inches (8 centimeters). The leaves are simple, oblanceolate to narrowly elliptic, shiny dark green and leathery, and usually clustered at the nodes. The yellowish-white flowers are tubular and irregularly bell-shaped. The fruits are cylindrical, hard, and dry. The species is endemic to the montane and lower montane mixed evergreen, semievergreen, and deciduous forests of the lower Cordillera of southwest Puerto Rico. Much of this region is underlain by serpentine, which appears as outcrops or serpentinite soils, and contributes to a high floristic

diversity and endemism. Within the two Commonwealth Forest units where it occurs, *Crescentia portoricensis* is restricted to sites along permanent or intermittent watercourses.

Deforestation has had a significant effect on the native flora of Puerto Rico, particularly at lower elevations. The lands presently within Susua Commonwealth Forest, entirely below 1,550 feet (475 meters), were deforested by the beginning of this century. The fact that *Crescentia portoricensis* occupied sites in ravine-bottoms probably contributed to its persistence in this area, although such sites were then exposed to the after-effects of deforestation. The lands at higher elevations (up to 2,880 feet or 875 meters) in Maricao Commonwealth Forest have largely escaped such extreme alternation, but both Maricao and Susua have continued to be affected indirectly by deforestation of adjacent lands and the increased incidence of erosion, landslides, and flash flooding. Since it occupies stream and valley bottom habitats, *Crescentia portoricensis* has been particularly vulnerable to these impacts. It is believed that the two previously known Maricao populations were lost to flooding and the resulting erosion of their habitat.

Crescentia portoricensis was recommended for Federal listing by the Smithsonian Institution (Ayensu and DeFilipps 1978). The species was included among the plants being considered as endangered or threatened species by the Fish and Wildlife Service, as identified in the notice published in the December 15, 1980, *Federal Register* (45 FR 82480). The species was placed in category 1 (species for which the Service has substantial information supporting the appropriateness of proposing to list them as endangered or threatened), and was retained in category 1 in the September 27, 1985, revised notice (50 FR 39526).

In a notice published in the *Federal Register* on February 15, 1983 (48 FR 6752), the Service reported the earlier acceptance of the new taxa in the Smithsonian's 1978 book as under petition within the context of section 4(b)(3)(A) of the Act, as amended in 1982. The Service subsequently found on October 13, 1983, October 12, 1984, October 11, 1985, and October 10, 1986, that listing *Crescentia portoricensis* was warranted but precluded by other pending listing actions, in accordance with section 4(b)(3)(B)(iii) of the Act. The Service proposed listing *Crescentia portoricensis* on January 14, 1987.

Summary of Comments and Recommendations

In the January 14, 1987, proposed rule and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate agencies of the Commonwealth of Puerto Rico, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. A newspaper notice inviting general public comment was published in the *San Juan Star* on February 6, 1987. Six letters of comment were received and are discussed below. A public hearing was neither requested nor held.

The Secretary of the Puerto Rico Department of Natural Resources supported the proposed listing of *Crescentia portoricensis*. The Federal Highway Administration, U.S. Forest Service, and Environmental Protection Agency each acknowledged the proposal and stated that no specific actions under consideration by their agencies would affect the species. The Natural History Society of Puerto Rico indicated no objection to the proposal but also noted that *Crescentia portoricensis* might occur on the Cabo Rojo National Wildlife Refuge. The Service can find no record of such occurrence, and considers that this suggestion may refer to another species of *Crescentia*. The U.S. Army Corps of Engineers responded with a request for more information; this request was answered, and the Corps elected not to comment on the proposal at this time.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Crescentia portoricensis* 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 *Crescentia portoricensis* Britton (Higuero de Sierra) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The indirect effects of deforestation, particularly habitat modification and direct destruction of plants through erosion or landslides caused by accelerated runoff

and flash flooding, appear to be the most serious threats to *Crescentia portoricensis*. Although the surviving populations exist within units of the Commonwealth Forest system, the alteration of surrounding lands continues to affect the species and its habitat. In addition, flood control projects, which include large reservoirs in the mountains of the Maricao area, have been proposed by the Army Corps of Engineers. If these are constructed, impoundments could extend into drainages where the species may occur.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Taking for these purposes has not been a documented factor in the decline of this species, but could become so in the future. Species of the genus *Crescentia* (calabash) are widely cultivated throughout the Old and New World tropics. Overcollection could prove a serious problem for this species, since only 42 individuals are known to exist in the wild.

C. *Disease or predation.* Disease and predation have not been documented as factors in the decline of this species.

D. *The inadequacy of existing regulatory mechanisms.* The Commonwealth of Puerto Rico has recently adopted a regulation that recognizes and provides protection for certain Commonwealth listed species. However, *Crescentia portoricensis* is not yet on the Commonwealth list. Federal listing would provide the Act's recovery and protection provisions to this small tree.

E. *Other natural or manmade factors affecting its continued existence.* The known populations of *Crescentia portoricensis* are confined to geographically small areas and thus are susceptible to a variety of natural disturbances, such as major storms and resulting landslides or flooding. Although the species is probably adapted to survive such events, these natural threats are exacerbated by the manmade conditions outlined in factor "A" above. In addition, with only 42 plants known to exist, and no seedlings ever observed, rarity is itself a factor affecting continued survival.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list *Crescentia portoricensis* as endangered. Since there are few individuals remaining and a continuing risk of damage to the plants and/or their habitat, endangered status seems an accurate assessment of the

species' condition. It is not prudent to designate critical habitat because of the reasons given below.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for *Crescentia portoricensis* at this time. The distribution of this species is so restricted that collecting or vandalism could seriously damage or eliminate the remaining populations. Publication of critical habitat descriptions and maps in the *Federal Register* would increase the likelihood of such activities. Federal involvement in the areas where this plant occurs can be identified without the designation of critical habitat. All involved parties and landowners will be notified of the location and importance of protecting this species' habitat, and such protection will be addressed through the recovery process and through section 7 procedures (see "Available Conservation Measures," below).

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 action by Federal, Commonwealth, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the Commonwealth and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking 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 or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. No critical habitat is being proposed for *Crescentia portoricensis*, as discussed above. Federal involvement is expected only if flood control projects are begun by the U.S. Army Corps of Engineers. However, through careful planning, adverse impacts to this species can be minimized.

Section 9(a)(2) of the Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plants. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export any endangered plant, transport it in interstate or foreign commerce in the course of commercial activity, sell or offer it for sale in interstate for foreign commerce, or remove it from areas under Federal jurisdiction and reduce it to possession. Certain exceptions can apply to agents of the Service and Commonwealth conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered plant species under certain circumstances. Although there may be

some horticultural interest in *Crescentia portoricensis*, it is anticipated that few trade permits would ever be sought or issued since the species is not known to be in cultivation and is uncommon in the wild. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, DC 20240 (703/235-1903).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of 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 reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

Ayensu, E.S., and R.A. DeFilippis. 1978. Endangered and Threatened Plants of the United States. Smithsonian Institution and World Wildlife Fund, Washington, DC, xv + 403 pp.
 Vivaldi, J.L., and R.O. Woodbury. 1981. Status report on *Crescentia portoricensis* Britton. Unpublished status report submitted to the U.S. Fish and Wildlife Service, Atlanta, 28 pp.

Author

The primary author of this final rule is Mr. David Densmore, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boqueron, Puerto Rico 00622 (809/851-7297).

List of Subjects in 50 CFR Part 17

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

Regulation Promulgation

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

PART 17—[AMENDED]

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. Amended § 17.12(h) by adding the following, in alphabetical order under Bignoniaceae, to the List of Endangered and Threatened Plants:

§17.12 Endangered and threatened plants:

* * * * *
 (h) * * *

Species	Scientific name	Common name	Historic range	Status	When listed	Critical habitat	Special rules
Bignoniaceae—Bignonia family:							
<i>Crescentia portoricensis</i>	Higuero de Sierra	U.S.A. (PR)		E	301	NA	NA

Dated: October 22, 1987.
 Susan Recce,
 Acting Assistant Secretary for Fish and Wildlife and Parks.
 [FR Doc. 87-27913 Filed 12-3-87; 8:45 am]
 BILLING CODE 4310-55-M

50 CFR Part 20
Migratory Bird Hunting; Late Seasons, and Bag and Possession Limits for Certain Migratory Game Birds in the United States
AGENCY: Fish and Wildlife Service, Interior.
ACTION: Final rule amendment.
SUMMARY: This final rule amendment prescribes the daily bag and possession limits for ducks in the Mississippi

Flyway in those States selecting the point system. These bag limits were omitted from the rulemaking dated Tuesday, September 29, 1987 (52 FR 36496).
EFFECTIVE DATE: December 4, 1987.
FOR FURTHER INFORMATION CONTACT: Rollin D. Sparrowe, Chief, Office of Migratory Bird Management, Matomic Building—Room 536, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240 (202/254-3207).
SUPPLEMENTARY INFORMATION: On September 29, 1987, the U.S. Fish and Wildlife Service (hereinafter the Service) published in the **Federal Register** (52 FR 36496) a final rule prescribing the late open seasons, hunting hours, hunting areas, and daily bag and possession limits for general

1987-88 waterfowl seasons in the conterminous United States. In a table on page 36519 of that rulemaking, the Service prescribed the point values assigned to the species and sexes of ducks for States in the Mississippi Flyway that select the point system, but inadvertently omitted prescribing the daily bag and possession limits. The addition of the daily bag and possession limits to that table is made in this final rule amendment.

Environmental Considerations
 Compliance of the 1987-88 migratory game bird hunting regulations with the National Environmental Policy Act and the Endangered Species Act were addressed by the Service in the September 29, 1987, "final" rule.