regulations and are of food-grade purity (21 CFR 170.30(h)(1) and 182.1(b)(3)).

The agency has determined under 21 CFR 25.24(b)(7) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

In accordance with the Regulatory Flexibility Act, the agency considered the potential effects that this rule would have on small entities, including small businesses. In accordance with section 605(b) of the Regulatory Flexibility Act, the agency has determined that no significant impact on a substantial number of small entities would derive from this action.

In accordance with Executive Order 12291, FDA has examined the economic effects of this final rule and has determined that the rule is not a major rule as defined by that Order.

The agency's findings of no major economic impact and no significant impact on a substantial number of small entities, and the evidence supporting these findings, are contained in a threshold assessment which is on file with the Dockets Management Branch (address above).

References

The following references have been placed on display in the Dockets Management Branch and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Memorandum dated February 14, 1985, from John E. Vanderveen, Director, Division of Nutrition, to Robert L. Martin, Division of Food and Color Additives.

2. Memorandum dated February 27, 1985, from Carl B. Johnson, Division of Toxicology, to Robert L. Martin, Division of Food and Color Additives.

3. Memorandum dated December 24, 1986, from Carl B. Johnson, Division of Toxicology, to Robert L. Martin, Division of Food and Color Additives.

List of Subjects in 21 CFR Part 184

Food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, Part 184 is amended as follows:

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

1. The authority citation for 21 CFR Part 184 continues to read as follows:

Authority: Secs. 201(s), 402, 409, 701, 52 Stat. 1046–1047 as amended, 1055–1056 as amended, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 342, 348, 371); 21 CFR 5.10 and 5.61.

2. By adding new § 184.1639 to read as follows:

§ 184.1639 Potassium lactate.

(a) Potassium lactate ($C_3H_5O_3K$, CAS Reg. No. 996–31–6) is the potassium salt of lactic acid. It is a hydroscopic, white, odorless solid and is prepared commercially by the neutralization of lactic acid with potassium hydroxide.

(b) FDA is developing food-grade specifications for potassium lactate in cooperation with the National Academy of Sciences. In the interim, this ingredient must be of a purity suitable for its intended use.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. This regulation does not authorize its use in infant foods and infant formulas. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as a flavor enhancer as defined in § 170.3(o)(11) of this chapter; a flavoring agent or adjuvant as defined in § 170.3(o)(12) of this chapter; a humectant as defined in § 170.3(o)(16) of this chapter; and a pH control agent as defined in § 170.3(o)(23) of this chapter.

(2) The ingredient is used in food at levels not to exceed current good manufacturing practice.

(d) Prior sanctions for this ingredient different from the uses established in this section do not exist or have been waived.

3. By adding new § 184.1768 to read as follows:

§ 184.1768 Sodium lactate.

(a) Sodium lactate ($C_3H_5O_3N_a$, CAS Reg. No. 72–17–3) is the sodium salt of lactic acid. It is prepared commercially by the neutralization of lactic acid with sodium hydroxide.

(b) FDA is developing food-grade specifications for sodium lactate in cooperation with the National Academy of Sciences. In the interim, this ingredient must be of a purity suitable for its intended use.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. This regulation does not authorize its use in infant foods and infant formulas. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as an emulsifier as defined in § 170.3(o)(8) of this chapter; a flavor enhancer as defined in § 170.3(o)(11) of this chapter; a flavoring agent or adjuvant as defined in § 170.3(o)(12) of this chapter; a humectant as defined in § 170.3(o)(16) of this chapter; and a pH control agent as defined in § 170.3(o)(23) of this chapter.

(2) The ingredient is used in food at levels not to exceed current good manufacturing practice.

(d) Prior sanctions for this ingredient different from the uses established in this section do not exist or have been waived.

Dated: March 24, 1987.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 87–7507 Filed 4–3–87; 8:45 am]

BILLING CODE 4160–01–M

---

21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs Not Subject to Certification; Levamisole

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Pitman-Moore, Inc., providing for use of levamisole as a pour-on liquid for treating cattle for stomach, intestinal, and lung worm infections.

EFFECTIVE DATE: April 6, 1987.

FOR FURTHER INFORMATION CONTACT: Adriano R. Gabuten, Center for Veterinary Medicine (HFV–135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4913.

SUPPLEMENTARY INFORMATION: Pitman-Moore, Inc., Washington Crossing, NJ 08560, filed NADA 139–877 which provides for safe and effective use of a 200-milligram-per-milliliter levamisole pour-on liquid (TOTALON™) for treatment of cattle for stomach worm, intestinal worm, and lung worm infections. Levamisole is currently approved as a bolus, drench, gel, and injectable to treat cattle for stomach worm, intestinal worm, and lung worm infections. Based on the data in the NADA and additional information, the

NADA is approved and new 21 CFR 524.1240 is added to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. This action was considered under FDA's final rule implementing the National Environmental Policy Act (21 CFR Part 25).

List of Subjects in 21 CFR Part 524

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 524 is amended as follows:

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR Part 524 continues to read as follows:

Authority: Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)); 21 CFR 5.10 and 5.83.

2. Part 524 is amended by adding new § 524.1240 to read as follows:

§ 524.1240 Levamisole.

(a) *Specifications.* The drug contains 200 milligrams of levamisole per milliliter of diethylene glycol monobutyl ether (DGME) solution.

(b) *Sponsor.* See 011716 in § 510.600(c) of this chapter.

(c) *Related tolerances.* See § 556.350 of this chapter.

(d) *Conditions of use. Cattle*—(1) *Amount.* 2.5 milliliters per 110 pounds (10 milligrams of levamisole per kilogram) of body weight as a single dose topically to the back of the animal.

(2) *Indications for use.* Anthelmintic effective against stomach worms (*Haemonchus, Trichostrongylus, Ostertagia*), intestinal worms (*Trichostrongylus, Cooperia, Nematodirus, Bunostomum, Oesophagostomum, Chabertia*), and lungworms (*Dictyocaulus*).

(3) *Limitations.* Conditions of constant helminth exposure may require retreatment within 2 to 4 weeks after the first treatment. Cattle must not be slaughtered within 9 days following last treatment. Do not administer to dairy animals of breeding age. Do not treat animals before dipping or prior to exposure to heavy rain. Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism, and before using in severely debilitated animals.

Dated: March 17, 1987.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 87–7510 Filed 4–3–87; 8:45 am]

BILLING CODE 4160–01–M

---

21 CFR Part 573

[Docket No. 86F–0060]

Food Additives Permitted in Feed and Drinking Water of Animals; Selenium

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for (1) an increase in the maximum supplementation level of selenium in complete feed for the major food-producing animals from 0.1 to 0.3 part per million; (2) a proportional increase in the limit feeding (feed supplements and salt-mineral mixtures) consumption rates for sheep and beef cattle to 0.7 milligram and 3 milligrams per head per day, respectively; (3) a proportional increase in the selenium fortification levels for salt-mineral mixtures for sheep and cattle to 90 and 120 parts per million, respectively; and (4) more flexibility in certain manufacturing controls. This action responds to a petition filed by the American Feed Industry Association, Inc.

DATES: Effective April 6, 1987; objections by May 6, 1987.

ADDRESS: Written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William D. Price, Center for Veterinary Medicine (HFV–221), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4438.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** on February 21, 1986 (51 FR 6321), FDA announced that FAP 2201 had been filed by the American Feed Industry Association, Inc., 1701 North Fort Myer Dr., Arlington, VA 22209. The petition proposes that 21 CFR 573.920 be amended (1) to increase the maximum use level of selenium in complete feed for chickens, swine, turkeys, sheep, cattle, and ducks to a level not to exceed 0.3 part per million; (2) to increase the animal unit consumption rate of feed supplements to a level not to exceed 0.7 milligram per head per day for sheep and not to exceed 3 milligrams per head per day for beef cattle; (3) to increase the selenium fortification levels and consumption rates for salt-mineral mixtures for beef cattle up to 120 parts per million in the mixture for feeding at a rate not to exceed 3 milligrams per head per day, and sheep up to 90 parts per million in the mixture for feeding at a rate not to exceed 0.7 milligram per head per day; (4) to make 1 pound the minimum amount of selenium premix (concentration of 90.8 milligrams of selenium per pound) that may be incorporated into each ton of complete feed or salt-mineral mixture for all approved animal species; and (5) to eliminate the requirement for premix manufacturers to analyze each production batch.

FDA has evaluated data and information submitted in the petition and other relevant material. The agency has concluded that Part 573 should be amended to provide for safe use of selenium as set forth below.

In accordance with § 571.1(h) (21 CFR 571.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Veterinary Medicine (address above) by appointment with the information contact person listed above. As provided in 21 CFR 571.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not a have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch

(address above) between 9 a.m. and 4 p.m., Monday through Friday. Under FDA's regulations implementing the National Environmental Policy Act (21 CFR Part 25), an action of this type would require an environmental assessment under 21 CFR 25.31a(a).

Any person who will be adversely affected by this regulation may at any time on or before May 6, 1987, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9. a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 573

Animal Feeds, Food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 573 is amended as follows:

PART 573—FOOD ADDITIVES PERMITTED IN FEED AND DRINKING WATER OF ANIMALS

1. The authority citation for 21 CFR Part 573 is revised to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. By revising § 573.920 to read as follows:

§ 573.920 Selenium.

The food additive selenium may be safely used in accordance with the following prescribed conditions:

(a) The additive is used in animal feed as a nutrient in the form of sodium selenite or sodium selenate.

(b) It is added to feed as follows:

(1) In complete feed for chickens, swine, turkeys, sheep, cattle, and ducks at a level not to exceed 0.3 part per million.

(2) In feed supplements for limit feeding as follows:

(i) *Sheep:* At a level not to exceed an intake of 0.7 milligram per head per day.

(ii) *Beef cattle:* At a level not to exceed an intake of 3 milligrams per head per day.

(3) In salt-mineral mixtures for free-choice feeding as follows:

(i) *Sheep:* Up to 90 parts per million in a mixture for free-choice feeding at a rate not to exceed an intake of 0.7 milligram per head per day.

(ii) *Beef cattle:* Up to 120 parts per million in a mixture for free-choice feeding at a rate not to exceed an intake of 3 milligrams per head per day.

(c) The additive shall be incorporated into feed as follows:

(1) It shall be incorporated into each ton of complete feed by adding no less than 1 pound of a premix containing no more than 90.8 milligrams of added selenium per pound.

(2) It shall be incorporated into each ton of salt-mineral mixture for sheep or beef cattle from a premix containing no more than 4.5 grams of added selenium per pound.

(d) The premix manufacturer shall follow good manufacturing practices in the production of selenium premixes. Inventory, production, and distribution records must provide a complete and accurate history of product production. Production controls must assure products to be what they are purported and labeled. Production controls shall include analysis sufficient to adequately monitor quality.

(e) The label or labeling of any selenium premix shall bear adequate directions and cautions for use including this statement: "Caution: Follow label directions. The addition to feed of higher levels of this premix containing selenium is not permitted."

Dated: March 11, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87–7505 Filed 4–3–87; 8:45 am]

BILLING CODE 4160-01-M

VETERANS ADMINISTRATION

38 CFR Part 1

Use of Offical Mail in the Location and Recovery of Missing Children

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: These new regulations authorize the Veterans Administration (VA) to use official mail to aid in the location and recovery of missing children and provide procedures under which VA official mail may be used to assist in the location and recovery of missing children.

EFFECTIVE DATE: These regulations are effective April 6, 1987.

FOR FURTHER INFORMATION CONTACT: Gordon Boone, Mail and Travel Policy Division (734), Office of Information Management and Statistics, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233–2454/5436.

SUPPLEMENTARY INFORMATION: These regulations are issued in accordance with 39 U.S.C. 3220(a)(2) which requires Federal agencies to prescribe regulations under which official mail may be used to assist in the location and recovery of missing children. These regulations are published in conformance with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) guidelines published in the November 8, 1985, **Federal Register** (50 FR 46622) and pursuant to Pub. L. 99–87, 99 Stat. 290, August 9, 1985.

Enactment of Pub. L. 99–87 reflects an increasing public concern with the problem of missing and exploited children. These regulations are intended to comply with the regulation requirement set forth in section 1(a) of Pub. L. 99–87, which adds a new Section 3220 to Title 39, United States Code. These regulations implement the OJJDP guidelines promulgated under authority of 39 U.S.C. 3220(a)(1), and are intended to assist in the location and recovery of missing children through the use of official mail.

The VA has determined that compliance with 5 U.S.C. 553(b) as to prior publication for notice and public comment is, pursuant to 5 U.S.C. 553(b)(B), impracticable and contrary to the public interest. There exists good cause for making these regulations effective without further delay. Any postponement in the implementation of the procedures described in these regulations would be contrary to the public's interest in the location and recovery of missing children.

Executive Order 12291

These regulations do not constitute a major rule as that term is defined in Executive Order 12291 because they will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in any costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Administrator hereby certifies that these regulations will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601 through 612, because it only concerns agency procedures for dissemination of information pertaining to missing children which is obtained solely from the National Center for Missing and Exploited Children.

Paperwork Reduction Act

There are no collection of information requirements contained in these regulations. Therefore, approval of the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 through 3520, is not required.

List of Subjects in 38 CFR Part 1

Administrative practice and procedure, Child welfare, Missing and exploited children, Official mail.

Approved: February 3, 1987.

Thomas K. Turnage,

Administrator.

PART 1—[AMENDED]

38 CFR Part 1, General Provisions, is amended by adding a new center heading and §§ 1.700 through 1.705 to read as follows:

Use of Official Mail in the Location and Recovery of Missing Children

Sec.

1.700 Purpose.
1.701 Contact person for missing children official mail program.
1.702 Policy.
1.703 Cost and percentage estimates.
1.704 Report to the Office of Juvenile Justice and Delinquency Prevention (OJJDP).
1.705 Restrictions on use of missing children information.

Authority: 39 U.S.C. 3220(a)(2), 5 U.S.C. 301.

§ 1.700 Purpose.

Sections 1.700 through 1.705 of this title, providing for a Missing Children Official Mail Program in the Veterans Administration, are intended to comply with the regulation requirement set forth in section 1(a) of Pub. L. 99–87, which adds a new section 3220 to Title 39, United States Code.

§ 1.701 Contact person for missing children official mail program.

The Veterans Administration contact person for the missing children official mail program is: Gordon Boone, Mail and Travel Policy Division (734), Office of Information Management and Statistics, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 Telephone number: (202) 233–2454/5436.

(39 U.S.C. 3220(a)(2), 5 U.S.C. 301)

§ 1.702 Policy.

(a) The Veterans Administration will supplement and expand the national effort to assist in the location and recovery of missing children by maximizing the economical use of missing children information in domestic official mail and publications directed to members of the public and Veterans Administration employees.

(b) If doing so would be cost effective, the Veterans Administration shall insert via automated insertion equipment pictures and biographical information related to missing children in a variety of types of official mail originating at the Veterans Administration data processing centers. In addition, pictures and biographical information may be printed in self-mailers and other Veterans Administration publications (newsletters, bulletins, etc.).

(c) The National Center for Missing and Exploited Children (National Center) will be the sole source from which the Veterans Administration will acquire the camera-ready and other photographic and biographical materials to be disseminated for use by Veterans Administration organizational units. The information will be ordered and disseminated by the Mail and Travel Policy Division.

(d) The Veterans Administration will remove all printed inserts and other materials from circulation or other use (i.e. use or destroy) within a three-month period from the date the National Center notifies the Veterans Administration that a child whose picture and biographical information have been made available to the Veterans Administration has been recovered or that permission of the parent(s) or guardian to use the child's photograph and biographical information has been withdrawn. The National Center will be responsible for immediately notifying the Veterans Administration contract person, in writing, of the need to withdraw from circulation official mail envelopes and other materials related to a particular child. Photographs which were reasonably current as to the time of the child's disappearence shall be the only acceptable form of visual medium or pictorial likeness used in official mail.

(e) The Veterans Administration will give priority to official mail that is addressed to:

(1) Members of the public that will be received in the United States, its territories and possessions; and

(2) Inter- and intra-agency publications and other media that will also be widely disseminated to Veterans Administration employees.

(f) The Veterans Administration will avoid repetitive mailings of material to the same individuals.

(g) All Veterans Administration employee suggestions and/or recommendations for additional cost-effective opportunities to use photographs and biographical data on missing children will be provided to the Veterans Administration contact person.

(h) These shall be the sole reguations for the Veterans Administration and its component organizational units.

(39 U.S.C. 3220(a)(2), 5 U.S.C. 301).

§ 1.703 Cost and percentage estimates.

It is estimated that this program will cost the Veterans Administration $40,000 per year at full implementation. This figure is based on projections of printing, inserting, and administrative costs. It is the Veterans Administration's objective that 20 percent of its first class official mail addressed to the public contain missing children photographs and information by the end of the first full year of the program.

(39 U.S.C. 3220(a)(2), 5 U.S.C. 301)

§ 1.704 Report to the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

The Veterans Administration will compile and submit to the Office of

Juvenile Justice and Delinquency Prevention (OJJDP) by June 30, 1987, a consolidated report on its experience in implementation of 39 U.S.C. 3220(a)(2), the OJJDP guidelines, and the Veterans Administration regulation. The report will consolidate information gathered from individual Veterans Administration organizational units, cover the period through March 31, 1987, and provide detail on:

(a) Veterans Administration experience in implementation, including problems encountered, successful and/or innovative methods, adopted to use missing children photographs and information on or in official mail, the estimated number of pieces of official mail containing such information, and estimates of the percentage of total agency official mail, domestic mail, and domestic official mail directed to members of the public which this number represents.

(b) The estimated total cost to implement the program, with supporting detail.

(c) Recommendations for changes in the program which would make it more effective.

(39 U.S.C. 3220(a)(2), 5 U.S.C. 301)

§ 1.705 Restrictions on use of missing children information.

Missing children pictures and biographical data shall not be:

(a) Printed on official envelopes and other materials which are ordered and/or stocked in quantities which represent more than a 90-day supply.

(b) Printed on blank pages or covers of publications that may be included in the Superintendent of Documents Sales Program or be distributed to depository libraries.

(c) Inserted in any envelope and/or publication the contents of which may be construed to be inappropriate for association with the missing children program.

(d) Inserted in any envelope where the insertion would increase the postage cost for the item being mailed.

(e) Placed on letter-size envelopes on the official indicia, the area designated for optical character readers (OCRs), bar code read area, and return, address areas in accordance with the OJJDP guidelines and U.S. Postal Service standards.

(39 U.S.C. 3220(a)(2), 5 U.S.C. 301)

[FR Doc. 87-7458 Filed 4-3-87; 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; Reclassification of the Tinian Monarch From Endangered to Threatened Status

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Tinian monarch (*Monarcha takatsukasae*) is a small bird endemic to the island of Tinian in the Mariana Archipelago. Because its numbers in 1945 were thought to be critically low due to the removal of native forests for sugarcane production and to the destruction of forest by the activities of World War II, the monarch was listed as endangered in 1970, through there had been no surveys of the bird's status in the preceding two decades. The Service proposed that this small bird be removed from the protection of the Endangered Species Act (Act) on November 1, 1985, on the basis of recovery of the species. Based on comments received the Service is now reclassifying the Tinian monarch to threatened status and continues the protection of this species under the Act.

DATE: The effective date of this rule is May 6, 1987.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Lloyd 500 Building, 500 NE., Multnomah Street, Suite 1692, Portland, Oregon 97232.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne S. White, Chief, Division of Endangered Species, at the above address (503/231-6131 or FTS 429-6131).

SUPPLEMENTARY INFORMATION:

Background

The Tinian monarch was first recognized as a species in 1931, when it was described by Y. Yamashina (Takatsukasa and Yamashina 1931). It is a small (15 centimeters; 6 inches) songbird with light rufous underparts, olive-brown upperparts, dark brown wings and tail, and white rump and undertail coverts (Baker 1951). The monarch is endemic to the island of Tinian, where it inhabits a variety of forest types from introduced second growth to well-developed native forests. Its numbers had apparently been reduced by 1945 due to the clearing of forests by the Japanese for sugarcane production and the destruction of remaining forest by military action during World War II (Coultas 1931, Owen 1974).

Since 1945, most of Tinian has been revegetated by a shrubby legume (*Leucaena leucocephala*). The monarch has adapted well to this introduced, woody shrub, and is now found abundantly throughout Tinian. Biologists who have visited Tinian over the last 10 years have commented on the general abundance of the monarch (Owen 1974, Pratt *et al.* 1979), and forest bird surveys conducted by the Service in 1982 found the monarch to be the second most abundant bird on the island with a population estimate of 40,000 (Engbring *et al.* 1986). The correct number is 40,000 not 10,000 as misstated in the proposal. It is likely that the species had recovered to near itrs pre-disturbance levels by the time the Service listed it in 1970. The listing was based upon the report of Gleize (1945).

The Tinian monarch was classified as endangered June 2, 1970 (35 FR 8495). No critical habitat has been designated. Because the population of the Tinian monarch appeared health, showed no signs of reproductive irregularities or stress, and was widely distributed over Tinian Island; the Service proposed to delist species on November 1, 1985 (50 FR 45632). However, recent changes in the factors affecting the species have caused the Service to reevaluate the proposed rule. The Service now believes that removal of the Tinian monarch from the List of Engangered and Threatened Wildlife would not be prudent at this time. The reasons for this decision are discussed in the "Summary of Comments and Recommendations" and the "Summary of Factors Affecting the Species" section that follows.

The Service determines that the Tinian monarch is a threatened species and remains protected under the provisions of the Endangered Species Act of 1973, as amended, (16 U.S.C. 1531 *et seq.*) until the new threats to its continued existence can be more thoroughly evaluated and ameliorated. This change in status acknowledges the increase in suitable habitat for the bird and its increase in population size since the close of the Second World War, but also recognizes the new threat of *Leucaena* defoliation by an introduced insect and the possibility of introduction of the predatory brown tree snake (*Boiga irregularis*).

Summary of Comments and Recommendations

In the November 1, 1985, proposed rule and associated notifications, all interested parties were requested to