

duties than are applicable to vessels of the United States and from the payment of light money. The authority to amend this section of the Customs Regulations has been delegated to the Chief, Regulations Branch.

Brazil was previously included in the list of exempted nations in § 4.22, Customs Regulations (19 CFR 4.22), but the U.S. Department of State informed Customs that U. S. vessels and their cargoes were being charged discriminatory duties in the form of lighthouse fees and a Merchant Marine Renewal Tax by the Government of Brazil. Accordingly, Brazil was removed from the list of exempted nations by means of a final rule published in the **Federal Register** on March 5, 1993 (58 FR 12538).

The Department of State now informs Customs that the Government of Brazil has agreed to exempt vessels of the United States from payment of lighthouse fees, effective September 15, 1994. The Government of Brazil also indicated that it has ended rebates of the Merchant Marine Renewal Tax to Brazilian-registered ships, so that duty is no longer being applied in a discriminatory manner.

Finding

On the basis of the above-mentioned information from the Department of State regarding the current absence of discriminatory duties of tonnage or impost imposed upon U.S. vessels in the ports of Brazil, the Customs Service has determined that vessels of Brazil are exempt from the payment of the special tonnage tax and light money, effective September 15, 1994. The Customs Regulations are amended accordingly.

Inapplicability of Public Notice and Delayed Date Requirements, the Regulatory Flexibility Act and Executive Order 12866

Because this amendment merely implements a statutory requirement and confers a benefit upon the public, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure are unnecessary; further, for the same reasons, good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553(d)(1) and (3). Since this document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This amendment does meet the criteria for a "significant regulatory action" as specified in Executive Order 12866.

Drafting Information

The principal author of this document was Janet L. Johnson, Regulations Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 4

Cargo vessels, Customs duties and inspection, Maritime carriers, Vessels.

Amendment to the Regulations

Part 4, Customs Regulations (19 CFR Part 4), is amended as set forth below:

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. The authority for Part 4 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1431, 1433, 1434, 1624; 46 U.S.C. App. 3, 91.
* * * * *

Section 4.22 also issued under 46 U.S.C. App. 121, 128, 141;
* * * * *

§ 4.22 [Amended]

2. Section 4.22 is amended by inserting "Brazil" in appropriate alphabetical order.

Dated: January 31, 1995.

Harold M. Singer,

Chief, Regulations Branch.

[FR Doc. 95-2842 Filed 2-3-95; 8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 91

[Docket No. R-95-1731; FR-3611-N-07]

Comprehensive Housing Affordability Strategy

AGENCY: Office of the Secretary, HUD.

ACTION: Partial waiver of rule.

SUMMARY: This notice informs the public that the Secretary is waiving three provisions of the Comprehensive Housing Affordability Strategy (CHAS) rule that is in effect until it is replaced by the Consolidated Plan rule on February 6, 1995. These three provisions are being waived to permit an orderly transition from the CHAS to the Consolidated plan.

EFFECTIVE DATE: December 31, 1994.

FOR FURTHER INFORMATION CONTACT: Joseph F. Smith, Director, Office of Executive Services, Office of Community Planning and Development, 451 7th Street, SW., Washington, DC

20410, telephone (202) 708-1283 (voice) or (202) 708-2565 (TDD). These are not toll-free numbers. Copies of this notice will be made available on tape or large print for those with impaired vision that request them. They may be obtained at the above address.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Housing and Urban Development intends to reduce the burden of administering the housing and community development programs by consolidating the planning and application requirements into a single housing and community development strategy. The new consolidated plan integrates the following submissions into one consolidated document: The Comprehensive Housing Affordability Strategy, the Community Development Plan, the Community Development Block Grant Final Statement, the HOME Program Description, the Emergency Shelter Grant application, and the Housing Opportunities for Persons With AIDS application.

The consolidated plan requirements were published in a proposed rule on August 5, 1994 (59 FR 40129). The final consolidated plan submission rule, to be codified at 24 CFR part 91, was published on January 5, 1995 (60 FR 1878), replacing the CHAS regulations. The Department did not want jurisdictions that are preparing a consolidated plan under the new rule to be burdened unnecessarily by preparing a CHAS annual plan and a CHAS annual performance report.

Some of the requirements of the CHAS rule contain provisions that create obstacles for jurisdictions in making the transition to the consolidated plan. Section 91.70 of the CHAS rule would require States and local governments to submit a CHAS annual plan for the period of October 1, 1994 through September 30, 1995 (Fiscal Year 1995) by December 31, 1994. Section 91.80(a)(2) would require them to submit certifications of consistency with the annual plan for the current fiscal year (now Fiscal Year 1995). Section 91.82(b) would require them to submit CHAS annual performance reports for the 12-month period ending September 30, 1994 by December 31, 1994. These provisions are the subject of this waiver document.

II. Waiver

Pursuant to the authority of 24 CFR 91.99, the Department hereby waives the following provisions of the CHAS regulations, 24 CFR part 91, which are in effect until February 6, 1995:

(1) Section 91.70(a), to the extent that it would require States and local governments to submit a CHAS annual plan for Fiscal Year 1995 (the period from October 1, 1994 through September 1995);

(2) Section 91.80(a)(2), to the extent that it would require a certification of consistency to apply to a new annual plan for Federal Fiscal Year 1995, rather than the annual plan submitted for Fiscal Year 1994 extended to cover the period in Fiscal Year 1995 until the beginning of the first program year under the consolidated plan;

(3) Section 91.82(b), to the extent that it would require an annual performance report to be submitted by December 31, 1994, to extend the submission deadline to 90 days following the first day of the jurisdiction's first program year under the consolidated plan regulation, in accordance with the revised 24 CFR part 91 published on January 5, 1995.

The good cause for waiver of these provisions is to avoid unnecessary duplication of effort that would otherwise be required for States and local governments developing a consolidated plan and the undue hardship that would result if jurisdictions were not able to provide required certificates of consistency for this time period from October 1, 1994 to the beginning of the Consolidated Plan program year.

III. Effect

As a result of the first waiver, jurisdictions need not submit a CHAS annual plan for the time period between the end of Fiscal Year 1994 and the beginning of the jurisdiction's consolidated program year. The jurisdiction's previously approved CHAS will remain in effect until the start date of the jurisdiction's new consolidated program year, at which point the jurisdiction's new consolidated plan will take effect. The second waiver allows jurisdictions to use their annual plan for Fiscal Year 1994 as extended by this notice for the purpose of certifications of consistency. The third waiver allows jurisdictions to submit a last performance report under the CHAS for a period longer than 12 months, to include Fiscal Year 1994 and the period between the end of Fiscal Year 1994 and the beginning of the first Consolidated Plan program year.

To the extent that a jurisdiction determines that its CHAS needs to be updated, an amendment to the Fiscal Year 1994 CHAS may be submitted to reflect any change. (Under the Consolidated Plan rule, the new consolidated plan strategy is due at least 45 days before the start of the

consolidated plan year selected by each jurisdiction.)

Dated: January 31, 1995.

Henry G. Cisneros,

Secretary.

[FR Doc. 95-2896 Filed 2-2-95; 11:43 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AC25

Endangered and Threatened Wildlife and Plants; Spruce-Fir Moss Spider Determined To Be Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) determines the spruce-fir moss spider (*Microhexura montivaga*) to be an endangered species under the Endangered Species Act of 1973, as amended (Act). This spider is currently known from four mostly small populations located in western North Carolina and eastern Tennessee. The spider's damp, high-elevation forest habitat is deteriorating rapidly due primarily to exotic insects and possibly past land use history, air pollution, and other factors not yet fully understood. The species' current low numbers also increase its vulnerability to harm from other threats. This final rule extends Federal protection under the Act to the spruce-fir moss spider.

EFFECTIVE DATE: March 8, 1995.

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 Field Office, 330 Ridgefield Court, Asheville, North Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. John Fridell at the above address (704/665-1195, Ext. 225).

SUPPLEMENTARY INFORMATION:

Background

The spruce-fir moss spider was originally described by Crosby and Bishop (1925) based on collections made from a mountain peak in western North Carolina in 1923 (Coyle 1981). Only a few specimens were taken, and little was known about the species until its rediscovery approximately 50 years later by Dr. Frederick Coyle (Western Carolina University, Cullowhee, North Carolina) and Dr. William Shear

(Hampden-Sydney College, Hampden-Sydney, Virginia) (Coyle 1981).

Microhexura montivaga is one of only two species belonging to the genus *Microhexura* in the family *Dipluridae* (Coyle 1981; Harp 1991, 1992). The other species in the genus, *M. idahoana*, occurs only in the Pacific Northwest (Coyle 1981). Diplurids belong in the primitive suborder *Mygalomorphae*, which are often popularly referred to as "tarantulas" (Harp 1991, 1992). The genus *Microhexura* is the northernmost representative of the family *Dipluridae* and is also one of the smallest of the mygalomorph spiders, with adults measuring only 2.5 to 3.8 millimeters (0.10 to 0.15 inch) (Coyle 1981). Coloration of *M. montivaga* ranges from light brown to a darker reddish brown, and there are no markings on the abdomen (Harp 1992). The carapace is generally yellowish brown (Harp 1992). The most reliable field identification characteristics for the spruce-fir moss spider are chelicerae that project forward well beyond the anterior edge of the carapace (Harp 1992; Coyle, personal communication 1994), a pair of very long posterior spinnerets, and the presence of a second pair of book lungs, which appear as light patches posterior to the genital furrow (Harp 1992).

The typical habitat of the spruce-fir moss spider is found in damp but well-drained moss (and liverwort) mats growing on rocks or boulders, in well-shaded situations in the mature, high-elevation Fraser fir (*Abies fraseri*) and red spruce (*Picea rubens*) forests (Coyle 1981, Harp 1992). The forest stands at the sites where the species has been observed are composed primarily of Fraser fir with only scattered spruce being present. The moss mats found to contain the spider have all been found under fir trees (Harp, personal communication, 1994; Coyle, personal communication, 1994). The moss mats cannot be too dry (the species is very sensitive to desiccation) or too wet (large drops of water can also pose a threat to the spider) (Harp 1992). The spider constructs its tube-shaped webs in the interface between the moss mat and rock surface (Coyle 1981, Harp 1992), though occasionally the web extends into the interior of the moss mat (Harp 1992). The tubes are thin-walled and typically broad and flatten with short side branches (Coyle 1981, Harp 1992). There is no record of prey having been found in the webs of the spruce-fir moss spider nor has the species been observed taking prey in the wild, but the abundant springtails (*Collembolans*) in the moss mats provide the most likely