FOR FURTHER INFORMATION CONTACT: Nancy M. Zaczek, Attorney-Advisor for Legislation and Rulemakings, Office of the Chief Counsel, FTA, 400 7th Street S.W., Washington, D.C. 20590. (202)366–4011. Information may also be obtained from Roy Field of the Office of Safety and Security (202) 366–2896. Electronic access to this and other rules may be obtained through FTA's Transit Safety and Security Bulletin Board at 1–800–231–2061 or through the FTA World Wide Web home page at http://www.fta.bt.gov; both services are available seven days a week.

SUPPLEMENTARY INFORMATION: FTA is making the following technical amendments to its State Safety Oversight rule.

I. System Safety Program Plans

Section 659.33(a) is amended by adding a dash after the word ''must,'' moving the phrase ''require the transit agency to'' to paragraph (a)(1), and removing the dash after the word ''to.'' Section 659.33(a) now reads ''[e]xcept as provided in § 659.33(b), the oversight agency must—(1)[r]equire the transit agency to implement, beginning on January 1, 1997, a system safety program plan conforming to the oversight agency's system safety program standard; and [2] [a]pprove in writing before January 1, 1997, the transit agency's system safety program plan.''

Section 659.33(b) is amended by adding a dash after the word ''must'' and moving the phrase ''require the transit agency to'' to paragraph (b)(1), and removing the dash after the word ''to.'' Section 659.33(b) now reads ''[t]he oversight agency must—(1) [r]equire the transit agency to implement beginning on January 1, 1998, the security portions of its system safety program plan; and (2) [a]pprove in writing before January 1, 1998, the security portions of the transit agency's system safety program plan.''

II. Annual Audits

Section 659.35(a) states that ''the oversight agency must require that the transit agency submit, annually, a copy of the annual safety audit report prepared by the transit agency as a result of the Internal Safety Audit Process (APTA [American Public Transit Association] Guidelines, checklist number 9) * * *.'' FTA has learned through public meetings with State and transit agency officials that there is much confusion concerning this requirement. Many have interpreted this provision to mean that a transit agency must conduct, annually, an audit that complies with checklist #9, which is a very detailed audit that generally is not conducted annually. This interpretation is incorrect. In this section, FTA is requiring the oversight agency to require the transit agency to audit itself, as check list #9 states, on an on-going basis. Of course, a transit agency will not conduct a complete audit every year; but, it would be appropriate to phase-in a complete audit during the three-year time-period between safety reviews. This section requires that reports be written annually to reflect the kind of audit the transit agency conducted for that year; those reports must be submitted to the oversight agency. In short, the oversight agency in conjunction with the transit agency should decide on the areas that should be audited in a given year and on the content of the audit report. In making these decisions, however, the oversight and transit agencies are required to use the American Public Transit Association's checklist # 9 process.

III. Annual Submissions

In this section FTA has changed the date the annual submissions are due from the oversight agency from January 1 of each year to March 15 of each year; this gives the oversight agency time to collect data and it corresponds to the date that MIS (Management Information Systems) forms are due from recipients, including States, under FTA's drug and alcohol rules.

IV. Regulatory Analyses and Notices

This is not a significant rule under Executive Order 12866 or under the Department's Regulatory Policies and Procedures. There are no significant Federalism implications to warrant the preparation of a Federalism Assessment. The Department certifies that this rule will not have a significant economic impact on a substantial number of small entities; this rule merely corrects minor errors that occurred in the December 27, 1995, publication and is unlikely to significantly increase the costs for employers.

List of Subjects in 49 CFR Part 659

Grant programs—transportation, Incorporation by reference, Reporting and recordkeeping requirements, Safety, Security, and Transportation.

For the reasons set forth in the preamble, FTA amends title 49, Code of Federal Regulations, part 659 as follows:

PART 659—RAIL FIXED GUIDEWAY SYSTEMS; STATE SAFETY OVERSIGHT

1. The authority for part 659 continues to read as follows:

Authority: 49 U.S.C. 5330; 49 CFR 1.51.

2. § 659.33 (a) and (b) are revised to read as follows:

§ 659.33 Specimen system safety program plans.

(a) Except as provided in § 659.33(b), the oversight agency must—

(1) Require the transit agency to implement, beginning on January 1, 1997, a system safety program plan conforming to the oversight agency's system safety program standard; and

(2) Approve in writing before January 1, 1997, the transit agency's system safety program plan.

(b) The oversight agency must—

(1) Require the transit agency to implement beginning on January 1, 1998, the security portion of its system safety program plan; and

(2) Approve in writing before January 1, 1998, the security portions of the transit agency's system safety program plan.

* * * * *

§ 659.45(b) [Amended]

3. In § 659(b) the words ''March 15'' are substituted for the words ''January 1''.

Issued: December 16, 1996.

Gordon J. Linton,

Administrator.

[FR Doc. 96–32306 Filed 12–20–96; 8:45 am]

BILLING CODE 4910–57–U

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AC42

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Lesquerella Perforata (Spring Creek Bladderpod)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) determines endangered status for Spring Creek bladderpod pursuant to the Endangered Species Act of 1973, as amended (Act). This rare plant is presently known from only a limited area within Tennessee's Central Basin. It is threatened by habitat alteration; residential, commercial, or industrial development; livestock-grazing; conversion of its limited habitat to pasture; and habitat encroachment by woody vegetation and herbaceous perennials.

DATES: This rule is effective January 22, 1997.

ADDRESSES: The complete administrative file of this rule is available for inspection, by appointment, during normal business hours at the Asheville Field Office, U.S. Fish and Wildlife Service, 160 Zillicoa Street, Asheville, North Carolina 28801.

FOR FURTHER INFORMATION CONTACT: Mr. Robert R. Currie at the above address (704/258–3939, Ext. 224).

SUPPLEMENTARY INFORMATION:

Background

Lesquerella perforata (Spring Creek bladderpod), described by R. C. Rollins (Rollins 1952), occurs within a small area in Wilson County in the vicinity of Lebanon, Tennessee. This winter annual is 2 to 4 decimeters (8 to 16 inches) tall. Its auriculate leaves are oblong to ovate in shape. The flowers have petals that are 7 to 10 millimeters (0.3 to 0.4 inch) long and are white to lavender in color. It has a broadly ovoid-shaped fruit that is hairless on the outside and densely pubescent on the inside. An internal partition between the two halves of the fruit is ''perforated'' or missing.

Lesquerella perforata is a winter annual that germinates in early fall, over-winters as small rosettes of leaves, and flowers the following spring. Flowering usually occurs in March and April. Soon after the flowers wither, the fruits mature and the plants die. The fruits split open and the enclosed seeds fall to the ground and lay dormant until the fall, when the cycle starts over again. If conditions are not suitable for germination the following fall, the seeds can remain dormant (but viable) for several years (Kral 1983, Rollins 1952, Rollins 1955, Baskin and Baskin 1990).

This species is typically found growing on flood plains. It requires annual disturbance in order to complete its life cycle. Historically, this disturbance was probably provided by periodic flooding of the streams along which it occurs. This flooding is thought to have removed the perennial grasses and woody plants that quickly invade the flood plains without regular natural or artificial disturbance. Cultivation of annual crops, such as corn, provides an excellent means of artificially maintaining the habitat, provided there is no fall plowing and herbicide use is limited. No-till farming techniques are believed to adversely affect the species because of the extensive use of herbicides required to successfully implement the technique. Row-crop cultivation, which avoids the use of fall plowing and delays spring plowing until the majority of the plants have set fruit, does not seem to adversely affect the species (Somers *et al.* 1993; Somers, Massachusetts Natural Heritage and Endangered Species Program, personal communication, 1992).

Lesquerella perforata is known from four populations consisting of 13 extant sites in Wilson County, Tennessee. Three additional sites no longer support the species. One of the extant populations occurs along Spring Creek and consists of five groups of plants. Another, consisting of four groups of plants, is found along Lower Bartons Creek. Two sites are located farther upstream and are designated the Middle Bartons Creek population. The fourth population consists of two sites and is located along a tributary of Bartons Creek. All of the known sites for the species are found within a few miles of each other; with only one exception, sites are within the flood plains of Spring and Bartons Creeks or within the floodplain of a Bartons Creek tributary. The only non-floodplain location is within a gladey area slightly above the floodplain of Spring Creek (Somers *et al.* 1993). All of the known sites supporting *L. perforata* are privately owned, and none are protected through cooperative management agreements with the State or the Service.

The following site specific information is from Somers *et al.* (1993).

Spring Creek Population—Site 1 is the largest known site for the species and is also the *L. perforata* type locality. In 1992, the site supported over 100,000 individuals. Although this is a significant population, plants were much denser and the area supporting them was larger in 1980. Site 2 is a field that supported about 500 plants in 1992. Site 3 supported 25,000 to 50,000 plants in 1992. Site 4 is a small area, about 90 feet long and 43 feet wide, supporting between 1,000 and 5,000 plants in 1992. Site 5 is the only non-floodplain site for the species and was discovered during the 1992 field work to update the status of *L. perforata.* The area is a triangular-shaped glade that is about 150 feet long and about 100 feet wide at its widest point. The site was estimated to support between 500 and 1,000 plants in 1992.

Lower Bartons Creek Population—Site 6 is a small site that supported about 1,000 plants in 1992. Site 7 is a small site that supported two small clumps (30 feet by 5 feet) of the species in 1992. Site 8 is a small site that supported only a few plants in 1992. Site 9 is a medium-sized site that supported about 10,000 plants in 1992.

Middle Bartons Creek Population—Site 10 is a small tract in an industrialized area near Lebanon that supported about 600 plants in 1992. Site 11 is near Site 10 but supports a larger colony of about 5,000 plants.

Bartons Creek Tributary Population—Site 12 is located along 1,000 feet of the floodplain of an ephemeral tributary of Bartons Creek. In 1992, it supported about 450 plants. Site 13 is a small area located near Site 12; it contains only a few individuals. In 1992, the area was overgrown with dense herbaceous growth.

Previous Federal Action

Federal government actions on this species began with section 12 of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice (40 FR 27823) that formally accepted the Smithsonian report as a petition within the context of section 4(c)(2) (now section 4(b)(3)) of the Act. By accepting this report as a petition, the Service also acknowledged its intention to review the status of those plant taxa named within the report. *Lesquerella perforata* was included in the Smithsonian report and the July 1, 1975, notice of review. On June 16, 1976, the Service published a proposed rule (41 FR 24523) to determine approximately 1,700 vascular plant taxa to be endangered species pursuant to Section 4 of the Act; *L. perforata* was included in this proposal.

The 1978 amendments to the Act required that all proposals over 2 years old be withdrawn. On December 10, 1979, (44 FR 70796), the Service published a notice withdrawing plants proposed on June 16, 1976. *Lesquerella perforata* was included as a Candidate species in the revised notice of review for native plants published on December 15, 1980 (45 FR 82480). Candidate species are those for which the Service has sufficient information on biological vulnerability and threat(s) to support issuance of a proposed rule to list. This species was maintained as a Candidate when the notice of review for native plants was revised in 1983 (48 FR 53640) and again in 1985 (50 FR 39526), 1990 (55 FR 6184), and 1993 (58 FR 51144).

The Service funded a survey in 1992 to update the status information on *L. perforata.* A final report was received in February 1993. During the 1992 and 1993 field seasons, personnel with the Tennessee Department of Environment and Conservation conducted extensive inventories of all the known and

potential sites for this species. Based upon this final report, the Service developed a proposed rule to list the species as endangered. The proposal was published in the Federal Register on August 23, 1994 (59 FR 43322).

The processing of this final rule conforms with the Service's final listing priority guidance published in the Federal Register on May 16, 1996 (61 FR 24722). The guidance clarifies the order in which the Service will process rulemakings following two related events—(1) the lifting, April 26, 1996, of the moratorium on final listings imposed on April 10, 1995 (Public Law 104–6); and (2) the restoration of significant funding for listing through the passage of the omnibus budget reconciliation law on April 26, 1996, following severe funding constraints imposed by a number of continuing resolutions between November 1995 and April 1996. The guidance calls for giving highest priority to handling emergency situations (Tier 1) and second highest priority (Tier 2) to resolving the listing status of the outstanding proposed listings. This final rule falls under Tier 2. At this time there are no pending Tier 1 actions. In the development of this final rule, the Service has conducted an internal review of available Service-generated information. Based on this review, the Service has determined that there is no new information that would substantively affect this listing decision and that additional public comment is not warranted.

Summary of Comments and Recommendations

In the August 23, 1994, 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 State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. A newspaper notice announcing the Federal Register publication of the proposed rule was published in the *Lebanon Democrat,* Lebanon, Tennessee, on September 12, 1994.

No written responses to the proposed rule were received during the comment period. The Tennessee Department of Environment and Conservation reiterated their support for the addition of Spring Creek bladderpod to the Federal list (Milo Pyne, Botanist, personal communication, 1994).

The Service also solicited the expert opinions of 21 appropriate and independent experts in this species or in rare plant conservation regarding the pertinent scientific or commercial data and assumptions relating to taxonomy, population status, and biological and ecological information on this species. No responses were received.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that Spring Creek bladderpod should be classified as an endangered species. Procedures found at Section 4(a)(1) of the Act and regulations (50 CFR Part 424) issued to implement these listing provisions 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 *Lesquerella perforata* Rollins (Spring Creek bladderpod) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Most of the known locations for this species are threatened by the encroachment of more competitive herbaceous vegetation and/or woody plants. Active management is required to ensure that the species continues to survive at all sites. Direct destruction of habitat for commercial, residential, or industrial development is the most significant threat to the species at this time. *Lesquerella perforata* is threatened by the loss of habitat through conversion of land to uses other than cultivation of annual crops. Historically, its habitat was maintained by natural events, such as flooding. Annual crop production is apparently the primary mechanism by which essential habitat is now maintained. Residential, business, or industrial construction removes the species' preferred habitat directly or creates an environment where succession is allowed to proceed or more competitive plant species are intentionally established or are allowed to invade the area. Conversion of sites to pasture or other uses that maintain a perennial cover crop are a significant threat. In order for this annual plant to complete its life cycle each year, it is essential that the sites not be plowed or disked after the seeds have germinated in the fall and that spring plowing and planting be delayed until the plants have matured in the spring. This requirement is easily met through the production of crops such as corn, provided that traditional cultivation methods are used. Use of no-till cultivation techniques does not appear to maintain the species' habitat. This is probably because of the lack of physical disturbance of the soil and the dependence upon herbicides that characterize the technique (Somers *et al.* 1993).

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* There is little or no commercial trade in *Lesquerella perforata* at this time. Many of the populations are very small and cannot support the collection of plants for scientific or other purposes. Inappropriate collecting for scientific purposes or as a novelty is a threat to the species.

C. *Disease or predation.* Disease and predation are not known to be factors affecting the continued existence of this species at this time.

D. *The inadequacy of existing regulatory mechanisms. Lesquerella perforata* is listed as an endangered plant in Tennessee under that State's Rare Plant Protection and Conservation Act. This law regulates the sale of endangered plants and prohibits anyone from knowingly taking an endangered plant without the permission of the landowner or land manager.

Federal listing will provide additional protection from taking when the taking is in violation of any State law, including State trespass laws. Protection from inappropriate commercial trade would also be provided.

E. *Other natural or manmade factors affecting its continued existence.* None are known at this time.

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 *Lesquerella perforata* as an endangered species. This species is faced with imminent threats from loss of habitat to development and other uses incompatible with the species' survival, and by competing vegetation that is no longer controlled by natural flood regimes. These threats are compounded due to the species' restricted range and limited number of populations. In accordance with the definitions for endangered and threatened species found in section 3(6) and (19) of the Act, endangered is the most appropriate classification for *L. perforata.*

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary designate any habitat of a species, which is considered to be

critical habitat, at the time the species is determined to be endangered or threatened. Title 50, Part 424 of the Code of Federal Regulations, Section 424.12(1) states that designation of critical habitat is not prudent when one or both of the following situations exist: (i) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of such threat to the species, or (ii) Such designation of critical habitat would not be beneficial to the species. Both situations apply to *L. perforata.*

Publication of critical habitat maps would increase public interest and possibly lead to additional threats for the species from collecting and vandalism. This species occurs at a limited number of sites, and most are fairly accessible. Publication of critical habitat descriptions and maps would make *Lesquerella perforata* more vulnerable and would increase enforcement problems.

Critical habitat also would not be beneficial in terms of adding additional protection for this species under section 7 of the Act. Regulations promulgated for the implementation of section 7 provide for both a ''jeopardy'' standard and a ''destruction or adverse modification'' of critical habitat standard. Because of the highly limited distribution of this species, any Federal action that would destroy or have any significant adverse affect on its habitat would likely result in a jeopardy biological opinion under section 7. Under these conditions, no additional benefits would accrue from designation of critical habitat that would not be available through listing alone.

The owners and managers of all the known populations of this species will be made aware of the plants' locations and of the importance of protecting the species and its habitat. Should Federal involvement occur, habitat protection will be addressed through the section 7 consultation process, utilizing the jeopardy standard. Protection of the species' habitat will also be addressed through the recovery process. No additional benefits would result from a determination of critical habitat. Therefore, the Service concludes that it is not prudent to designate critical habitat for *Lesquerella perforata.*

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Act provides for 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. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants 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)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in the destruction or adverse modification of proposed critical habitat. If a species is subsequently listed, 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 such a species or to destroy or adversely modify its critical habitat. If a Federal action may adversely affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. All of the known *Lesquerella perforata* populations are on privately owned land where there is no known or anticipated Federal involvement at the present time.

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. All prohibitions of Section 9 (a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale this species in interstate or foreign commerce, or to remove and reduce to possession the species from areas under Federal jurisdiction. In addition, for endangered plants, the Act prohibits the malicious damage or destruction on Federal lands and the removal, cutting, digging up, or damaging or destroying of endangered plants in knowing violation of any State law or regulation, including State criminal trespass law. Certain exceptions apply to agents of the Service and State 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 threatened species under certain circumstances. It is anticipated that few trade permits would ever be sought or issued because the species is not common in cultivation or in the wild.

It is the policy of the Service, published in the Federal Register on July 1, 1994, (59 FR 34272), to identify to the maximum extent practicable at the time of listing those activities that would constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of the listing on proposed and ongoing activities whithin a species' range. Prohibitions relating to Federal lands and to trade are not of concern at present, as none of the *Lesquerella perforata* populations are known to occur on Federal lands, and there is no known current trade in this species. Collection, damage or destruction on non-Federal lands is prohibited if in knowing violation of State law, or in violation of State criminal trespass law. In Tennessee, *L. perforata* is protected under the Rare Plant Protection and Conservation Act of 1985, which controls the removal of plants from State properties for scientific, educational, or propagative purposes, and the disturbance of the species on private lands without the landowner's consent. The Service is not aware of any otherwise lawful activities being conducted or proposed by the public that will be affected by this listing and result in a violation of section 9.

Questions regarding whether specific activities will constitute a violation of section 9 should be directed to the Field Supervisor of the Service's Asheville Field Office (see ADDRESSES section). Requests for copies of the regulations on listed plants and inquiries regarding prohibitions and permits should be addressed to the Regional Director, Southeast Regional Office, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Atlanta, Georgia 30345 (404/679–7313).

National Environmental Policy Act

The 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 Act. A notice outlining the Service's reasons for this determination was published in the Federal Register on October 25, 1983 (48 FR 49244).

Required Determinations

The Service has examined this regulation under the Paperwork Reduction Act of 1995 and found it to contain no information collection requirements. This rulemaking was not subject to review by the Office of Management and Budget under Executive Order 12866.

References Cited

Baskin, J.M., and C.C. Baskin. 1990. Seed Germination Biology of the Narrowly Endemic Species *Lesquerella stonensis* (Brassicaceae). Plant Species Biol. 5:205–213.

Kral, R. 1983. A Report on Some Rare, Threatened, or Endangered Forest-related Vascular Plants of the South. USDA, Forest Service Tech. Pub. R8–TP2, Vol. 1. 718 pp.

Rollins, R. C. 1952. Some Crucifers of the Nashville Basin, Tennessee. Rhodora 54:182–192.

Rollins, R.C. 1955. The Auriculate-leaved Species of *Lesquerella* (Cruciferae). Rhodora 57:241–264.

Somers, P., A. Shea, and A. McKerrow. 1993. Status Survey Report on *Lesquerella perforata* Rollins (Spring Creek Bladderpod). Unpublished report to the Asheville Field Office, U.S. Fish and Wildlife Service, Asheville, NC. 81 pp.

Author

The primary author of this document is Mr. Robert R. Currie, Asheville Field Office, U.S. Fish and Wildlife Service, 160 Zillicoa Street, Asheville, North Carolina 28801 (704/258–3939, Ext. 224).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

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: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. Section 17.12(h) is amended by adding the following, in alphabetical order under FLOWERING PLANTS, to the List of Endangered and Threatened Plants to read as follows:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
FLOWERING PLANTS							
*	*	*	*	*	*		*
Lesquerella perforata	Spring Creek bladderpod.	U.S.A. (TN)	Brassicaceae	E	599	NA	NA
*	*	*	*	*	*		*

Dated: November 12, 1996.

John G. Rogers,

Acting Director, Fish and Wildlife Service.

[FR Doc. 96–32541 Filed 12–20–96; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 951116270–5308–02; I.D. 121396A]

Fisheries of the Northeastern United States; Summer Flounder Fishery; Adjustments to the 1996 Delaware State Quota

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Commercial quota adjustment.

SUMMARY: NMFS announces an adjustment to the commercial quota for the Delaware 1996 summer flounder fishery. This action complies with regulations implementing the Fishery Management Plan for the Summer Flounder Fishery (FMP), which require that annual quota overages landed in any state be deducted from that state's quota for the following year. The public is advised that a quota adjustment has been made and is informed of the revised quota for the State of Delaware.

EFFECTIVE DATE: December 18, 1996, through December 31, 1996.

FOR FURTHER INFORMATION CONTACT: Dana Hartley, Fishery Management Specialist, 508–281–9226.

SUPPLEMENTARY INFORMATION: Regulations implementing the FMP are found at 50 CFR part 648 Subparts A and G. The regulations require annual specification of a coastwide commercial quota that is apportioned among the Atlantic coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.100. The commercial summer flounder quota for the 1996 calendar year, adopted to ensure achievement of the appropriate fishing mortality rate of 0.41 for 1996, was set equal to 11,111,298 lb (5.0 million kg) (January 4, 1996, 61 FR 291).

Section 648.100(d)(2) provides that all landings for sale in a state shall be applied against that state's annual commercial quota. Any landings in excess of the state's quota will be deducted from that state's annual quota for the following year. Based on dealer reports and other available information, NMFS published final landings for 1995 and associated commercial quota adjustments for 1996 on April 5, 1996 (61 FR 15199). At that time, available data indicated that Delaware had landings for 1995 that exceeded the 1995 quota by 458 lb (208 kg). Since that notification was published, 1,241 lb (563 kg) of additional 1995 landings have been reported for Delaware, meaning that Delaware now has an overage for 1995 of 1,699 lb (771 kg). These landings data for Delaware that were recently obtained by NMFS, necessitate this publication of an adjustment. This adjustment reduces the 1996 Delaware quota allocation from 1,977 lb (897 kg) to 278 lb (126 kg). Landings in Delaware's 1996 commercial fishery will be applied against the adjusted 278-lb (126-kg) state quota, and any overage will be subtracted from the state's 1997 initial quota. Estimated 1996 summer flounder landings for the State of Delaware are 7,153 lb (3,245 kg).