

Resources will monitor this process to assure adherence to applicable rules and regulations.

(e) Those rated "Highly Qualified" may be required to obtain a Class I or Class II physical. Only medically qualified applicants will be referred for final evaluation and possible interview and selection. Those who are not medically qualified will be so informed and will not be eligible for further consideration.

§ 1214.1103 Application cutoff date.

(a) The JSC Director, or designee, is responsible for identifying the need for additional astronaut candidates and for obtaining necessary approval to make selections.

(b) Once such approval has been obtained, the JSC Director will establish a cutoff date for the acceptance of applications. Applications received after the date of the request will be maintained and processed for the next selection. The cutoff date will normally occur every 2 years on or about July 1.

§ 1214.1104 Evaluation and ranking of highly qualified candidates.

(a) The JSC Director will appoint a selection board consisting of discipline experts and such other persons as appropriate to further evaluate and rank the "Highly Qualified" applicants.

(b) Efforts will be made to assure that minorities and females are included on this board.

(c) The "Highly Qualified" applicants who are determined to be the "Best Qualified" will be invited to the Johnson Space Center for an interview, orientation, and detailed medical evaluation.

(d) Background investigations will normally be initiated on those applicants rated "Best Qualified."

§ 1214.1105 Final ranking.

Final rankings will be based on a combination of the selection board's initial evaluations and the results of the interview process. Veteran's preference will be included in this final ranking in accordance with applicable regulations.

§ 1214.1106 Selection of astronaut candidates.

The selection board will recommend to the JSC Director its selection of candidates from among those finalists who are medically qualified. The number and names of candidates selected to be added to the corps will be approved, as required, by JSC/ NASA management and the Associate Administrator for Space Flight, prior to notifying the individuals or the public.

§ 1214.1107 Notification.

Selectees and the appropriate military services will be notified and the public informed. All unsuccessful qualified applicants will be notified of nonselection and given the opportunity to update their applications and indicate their desire to receive consideration for future selections.

Dated: August 31, 1989.

Richard H. Truly,
Administrator.

[FR Doc. 89-21515 Filed 9-13-89; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Delisting of *Astragalus Perianus* (Rydberg Milk-Vetch)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service (Service) removes *Astragalus perianus* (Rydberg milk-vetch) from the List of Endangered and Threatened Plants. This action is based on a review of all available data, which indicate the species is not threatened. When the species was federally listed in 1978 it was known only from the type location in Bullion Canyon, Piute County, Utah, and one population on top of Mt. Dutton, Garfield County, Utah. Extensive studies have been conducted for the last 9 years resulting in the discovery of 11 additional populations and current estimates of well over 300,000 plants.

EFFECTIVE DATE: October 16, 1989.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Fish and Wildlife Enhancement Office, U.S. Fish and Wildlife Service, 1745 West 1700 South, Salt Lake City, Utah 84104.

FOR FURTHER INFORMATION CONTACT: John L. England at the above address, telephone number (801) 524-4430 or (FTS) 588-4430.

SUPPLEMENTARY INFORMATION:

Background

Rydberg and Carlton were the first to collect this milk-vetch during 1905 in the Tushar Mountains west of Marysvale, Piute County, Utah. Their collection remained obscure until 1964 when Rupert Barneby used this collection as the type specimen in describing

Astragalus perianus as a new species (Barneby 1964).

Numerous attempts were made to relocate this species in the Tushar Mountains and in 1976, specimens were collected and positively identified as *Astragalus perianus*. Prior to this collection the species was thought to be extinct at the type locality. In June 1975, Welsh and Murdock discovered the species at the top of Mt. Dutton on the Sevier Plateau, Garfield County, Utah. The species was federally listed as threatened in 1978 by the Service (43 FR 17914).

In 1981 Rupert Barneby reevaluated the specimens of *A. perianus* and *A. serpens*, a species it closely resembles, at Brigham Young University and identified a series of collections previously identified as *A. serpens* to be *A. perianus*. These collections, made in Kane, Iron, and Piute Counties from 1967 to 1977, greatly expanded the known distribution of *A. perianus*.

In 1982 the U.S. Forest Service developed a management plan for the Rydberg milk-vetch (U.S. Forest Service 1982). In August 1983 this plan was approved and implemented. As a consequence of this management plan, inventories were intensified and monitoring studies were established to determine use, condition and trends for the species and its habitat. From 1984 through 1987 the majority of potential habitat was inventoried. Twelve major population centers were located and mapped. These populations cover over 2,000 acres in six counties on six major physiographic areas in south central Utah: the Tushar Mountains, Sevier Plateau, Markagunt Plateau, Fish Lake Plateau, Mount Dutton, and Thousand Lake Mountain (Atwood 1987).

The majority of habitat occurs on Federal lands administered by the Dixie and Fish Lake National Forests. The remaining habitat occurs on private lands. Conservative estimates for the 13 currently known populations indicate population numbers at well over 300,000 individuals (J.L. England, U.S. Fish and Wildlife Service, pers. obs., 1988). All age classes are represented in the 13 populations. All populations are healthy with most having adequate protection from potential threats. The Service proposed delisting *Astragalus perianus* (53 FR 39626) on October 11, 1988, based on the above discussed changes in the knowledge of the status of the species.

Summary of Comments and Recommendations

In the October 11, 1988, 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. Newspaper notices were published in the Deseret News and The Salt Lake Tribune (both newspapers have general circulation throughout Utah, including the counties which have populations of *A. perianus*) on November 11, 1988, which invited general public comment. Six comments were received and are discussed below.

Four comments—two from university botanists, one from the U.S. Forest Service and one from the Utah Natural Heritage Program—supported the Service's proposal to delist *A. perianus* as a threatened species. Two comments—one from the State of Utah and one from an international conservation organization—acknowledged the Service's proposed action, but took no position on the proposal.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Astragalus perianus* should be removed from the List of Endangered and Threatened Plants found at 50 CFR 17.12. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR 424) promulgated to implement the listing provisions of the Act were followed. 50 CFR 424.11 requires that certain factors be considered before a species can be listed, reclassified, or delisted. These factors and their application to *Astragalus perianus* Barneby (Rydberg milk-vetch) are as follows:

A. The present or threatened destruction, modification, or curtailment of its habitat or range. Mining and road construction remain as localized threats to small portions of the species' overall population, but because of the increase in numbers and range of known populations, they no longer constitute a significant threat to *A. perianus*.

B. Overutilization for commercial, recreational, scientific, or educational purposes. *A. perianus* is not collected for commercial purposes and the other factors have not and are not expected to impact the species' viability.

C. Disease or predation. All populations are healthy and viable with little or no disease or predation. The numbers of wildlife and livestock have decreased since 1950 with subsequent improvement in the overall vegetative

condition of the species' habitat. No evidence of livestock or wildlife use was observed over the last 9 years of study.

The recent introduction of mountain goats (*Oreamnos americanus*) into the Tushar Mountains may pose a latent threat to that population. The Service, however, concurred with a "no effect" conclusion in the biological assessment the Forest Service prepared for the introduction of mountain goats in 1985. This concurrence was based in large part on the Forest Service's determination that the transplanted herd would not intrude into occupied habitat of *A. perianus*. In any event, even a significant impact on that one population would not affect the overall status of the species.

D. The inadequacy of existing regulatory mechanisms. No regulatory mechanism would exist to protect *A. perianus* following delisting. However, the U.S. Forest Service Manual (section 2670) administratively requires protection and maintenance of viable populations of rare species which may be sensitive to environmental degradation. Since the majority of habitat for the Rydberg milk-vetch occurs on Federal lands administered by the Forest Service, this administrative mechanism has great potential for protecting the species.

E. Other natural or manmade factors affecting its continued existence. No other natural or manmade factors affecting *A. perianus* are known.

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 remove *Astragalus perianus* from the List of Endangered and Threatened Plants in 50 CFR 17.12 and remove the species from the protection of the Endangered Species Act of 1973, as amended.

The regulations at 50 CFR 424.11(d) state that a species may be delisted if: (1) It becomes extinct, (2) it recovers, or (3) the original classification data were in error. Sufficient new information exists to show the original classification as threatened was in error and the additional populations discovered through recovery efforts demonstrate a lack of significant threat to the Rydberg milk-vetch.

Effects of Rule

This action will result in the removal of *Astragalus perianus* from the List of Endangered and Threatened Plants (50 CFR 17.12) and from the protection of the Endangered Species Act of 1973, as amended. 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 Rydberg milk-vetch. There is no designated critical habitat for this species. Federal regulations and statutes on taking this species no longer apply. The Service will monitor populations of *A. perianus* for five years as required by the 1988 amendments to the Endangered Species Act. The Forest Service has stated that they will maintain the species on their sensitive species list and provide protection under the Forest Service administrative manual requirements to ensure the continued viability of the 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

- Atwood, N.D. 1987. Rydberg milkvetch, *Astragalus perianus* Barneby. Technical Report, U.S. Forest Service, Ogden, Utah. 18 pp.
- Baneby, R.C. 1964. Atlas of North American *Astragalus*. Memoirs of the New York Botanical Garden. 13(II):597-1188.
- U.S. Forest Service. 1982. Management plan for *Astragalus perianus*. U.S. Forest Service Typed Document, Ogden, Utah. 49 pp.

Author

The author of this final rule is John L. England, Botanist, U.S. Fish and Wildlife Service (see ADDRESSES section above). Dr. Duane Atwood, Regional Botanist, USDA Forest Service, Intermountain Region, Ogden, Utah 84401 (801) 625-5599 or FTS 586-5599 provided substantial information.

List of Subjects in 50 CFR Part 17

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

Regulation Promulgation

PART 17—[AMENDED]

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for part 17 continues to read as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411; Pub. L. 100-478, 102 Stat. 2306; Pub. L. 100-653, 102 Stat. 3825 (16 U.S.C. 1531 *et seq.*); Pub. L. 99-625, 100 Stat. 300, unless otherwise noted.

§ 17.12 [Amended]

2. Amend § 17.12(h) by removing the entry *Astragalus perianus* (Rydberg milk-vetch) under Fabaceae from the List of Endangered and Threatened Plants.

Dated: August 21, 1989.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.

[FR Doc. 89-21634 Filed 9-13-89; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 676

[Docket No. 90894-9194]

King Crab Fishery of the Bering Sea and Aleutian Islands Area

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

ACTION: Final rule; technical amendment.

SUMMARY: NOAA issues this final rule implementing a technical amendment to remove, in its entirety, the final rule for the King Crab Fishery of the Bering Sea and Aleutian Islands Area. This action is being taken for the following reasons: (1) The rule was never fully implemented and never took effect because the delegation of authority was not accepted by the Governor of the State of Alaska, and (2) the recent approval of the Fishery Management Plan for the King and Tanner Crab

Fisheries of the Bering Sea and Aleutian Islands Area, published July 11, 1989 (54 FR 29080), superseded the authority under which the rule was originally promulgated.

EFFECTIVE DATE: September 14, 1989.

FOR FURTHER INFORMATION CONTACT: Raymond E. Baglin, Jr., Fishery Biologist, Alaska Region, 907-586-7230.

SUPPLEMENTARY INFORMATION: The final rule, which set forth measures for managing the commercial king crab fishery in the Bering Sea and Aleutian Islands Area, was published November 14, 1984 (49 FR 44998). In adopting the rule, the North Pacific Fishery Management Council intended that, to the extent practicable, the State of Alaska should continue to play a leading role in the management of this king crab fishery. The final rule delegated management authority for the fishery to the State, and specified the procedures by which existing and future State management measures were to be evaluated for consistency with the standards and criteria of the original Fishery Management Plan for the King Crab Fishery of the Bering Sea and Aleutian Islands area (old crab FMP). The purpose and scope section of the rule contained a provision at § 676.1(c) that Part 676 would take effect upon receipt by the Secretary of Commerce (Secretary) of a statement signed by the Governor of the State of Alaska accepting the provisions of this part on behalf of the State. In 1986, the Governor rejected the rule as too restrictive on traditional methodology of Alaskan king crab management, especially inseason management actions, thereby declining the offer to delegate to the State of Alaska federal management authority to implement the rule.

On June 2, 1989, the Secretary approved the Fishery Management Plan for the Commercial King and Tanner Crab Fisheries of the Bering Sea and Aleutian Islands (new crab FMP), and

issued a notice of approval that was published July 11, 1989 (54 FR 29080). This approval superseded the old crab FMP and, therefore, the old crab FMP is being withdrawn; likewise, since Part 676 was promulgated under the old crab FMP, the authority for this rule no longer exists.

Therefore, NOAA issues this technical amendment to remove Part 676 and to withdraw the old crab FMP. The old crab FMP and Part 676 were never operational, never had any legal effect, and now have been superseded.

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator) finds for good cause that because this rule will have no substantive effect, it is unnecessary to provide notice or to seek prior public comment under 5 U.S.C. 553 (b) and (c); likewise, and for the same reason the Assistant Administrator finds good cause for not delaying the effective date of this rule under 5 U.S.C. 553(d). As no notice of proposed rulemaking is required, this rule is exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 603).

This rule has no substantive effect and therefore is not a major rule under Executive Order 12291.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 6, 1989.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

List of Subjects in 50 CFR Part 676

Administrative practice and procedure, Fisheries, Fishing, Reporting and recordkeeping requirements.

PART 676—[REMOVED]

For the reasons set forth in the preamble, 50 CFR Part 676 is removed.

[FR Doc. 89-21418 Filed 9-13-89; 8:45 am]

BILLING CODE 3510-22-M