

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD) **Elevation in feet (MLLW)
Texas	Village of Lake Tanglewood, Randall County (FEMA-6243).	Prairie Dog Town Fork Red River	At County Road	*3,394
Maps available for inspection at Village Hall, Lake Tanglewood, Texas 79101.				
Texas	City of Point Comfort, Calhoun County (FEMA-6243)	Lavaca Bay	Along the Shore Line	*18
Maps available for inspection at City Hall, 106 Jones Street, Point Comfort, Texas 77978.				
Texas	Unincorporated Areas of Randall County (FEMA-6243).	Prairie Dog Town Fork of Red River	Just upstream of Wildwood Drive	*3,417
		Tierra Blanca Creek	Just upstream of FM 1541	*3,443
			Just upstream of Hunley Road	*3,484
			Just upstream of State Highway 217	*3,494
			Just upstream of U.S. Highway 87	*3,501
			Just upstream of FM 2590 (8th St.)	*3,516
		Palo Doro Creek	Just downstream of Topeka & Santa Fe Railway	*3,488
			Just upstream of U.S. Highways 60 and 87	*3,495
		Spring Draw	Just upstream of U.S. Highways 60 and 87 and Interstate 27	*3,511
Maps available for inspection at Randall County Judge's Office, Randall County Courthouse, Canyon, Texas 79015.				
Virginia	Leesburg, Town, Loudoun County (Docket No. FEMA-6243).	Tuscarora Creek	Downstream Corporate Limits	*273
			State Route 643 (Sycolin Road) (upstream)	*286
			Harrison Street (upstream)	*302
			State Route 621 (Evergreen Mill Road) (upstream)	*312
			U.S. Business Route 15 (King Street) (upstream)	*324
			Confluence with Tuscarora Creek	*302
			Catoctin Circle (upstream)	*304
			U.S. Business Route 15 (King Street) (upstream)	*319
			Approximately 1,950 feet upstream from U.S. Business Route 15 (King Street)	*337
Maps available for inspection at the Town Hall, Leesburg, Virginia.				
West Virginia	Follansbee, City, Brooke County (Docket No. FEMA-6243).	Ohio River	Downstream corporate limits	*668
			Upstream corporate limits	*669
Maps available for inspection at the City Building, Follansbee, West Virginia.				
Wisconsin	(V) Johnson Creek, Jefferson County (Docket No. FEMA-6224).	Johnson Creek	About 0.64 mile downstream of Union Street	*792
			About 0.64 mile upstream of the Chicago and North Western Railroad	*792
Maps available for inspection at the Office of the Village Clerk, Village Hall, 110 Milwaukee Street, Johnson Creek, Wisconsin.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: June 17, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-18768 Filed 7-14-82; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-172]

Organization and Delegation of Powers and Duties, Review of Decisions of the Maritime Subsidy Board

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Final rule.

SUMMARY: DOT delegates to the General Counsel of the Department the authority to grant or deny requests for extension

of time to file documents relating to review by the Secretary of Transportation of decisions of the Maritime Subsidy Board.

DATE: This amendment becomes effective June 30, 1982.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, (202) 426-4723.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the Federal Register.

Part 202 of Title 46, Code of Federal Regulations, sets forth procedures

relating to Secretarial review of any decision, report, order, or action of the Maritime Subsidy Board. Petitioners for review sometimes seek extension of time to file, which, under the rules, must be granted or denied by the Secretary. Since this authority relates basically to the procedural aspects of legal proceedings, it is being delegated to the General Counsel of the Department, who in turn is redelegating the authority to the Assistant General Counsel for Environmental, Civil Rights, and General Law.

List of Subjects in 49 CFR Part 1:

Authority delegations (government agencies); Organization and functions (government agencies).

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

In consideration of the foregoing, Part 1 of the Title 49, Code of Federal Regulations, is amended by, in § 1.57, adding a new paragraph (p) at the end thereof to read as follows:

§ 1.57 Delegations to General Counsel.

The General Counsel is delegated authority to—

(p) Grant or deny petitions for extension of time to file a document under Part 202 of Title 46.

(Sec. 9(e), Department of Transportation Act, 49 USC 1657(e).)

Issued in Washington, D.C., on June 30, 1982.

Andrew L. Lewis, Jr.,
Secretary of Transportation.

[FR Doc. 82-18903 Filed 7-14-82; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 13, 16 and 17

Wildlife and Plants; Permit Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service hereby revises certain portions of Title 50 CFR which address permits for wildlife and plants. The revision contains three distinct segments: (1) Consolidation and simplification of permit requirements. Unnecessary or redundant sections are deleted as part of an ongoing effort to make permit procedures more understandable to the public. (2) Codification of the schedule of permit application fees for clarity. A \$25 application fee is required for all permits, certificates, licenses and registrations except for certain nonstandard fees: import/export licenses—\$50; marine mammal permits—\$100; migratory bird and eagle permits—none. (3) Implementation of a formal appeals procedure. Permit applicants whose applications are denied and permittees whose permits are modified, suspended or revoked will be able to appeal a permit decision through a defined channel, enabling the Service to handle appeals consistently.

EFFECTIVE DATE: August 16, 1982.

ADDRESSES: Please address correspondence to the U.S. Fish and Wildlife Service, Federal Wildlife Permit

Office, P.O. Box 3654, Arlington, Virginia 22203. Information on this amendment is available for review during business hours of 7:45 a.m. to 4:15 p.m., Monday through Friday in Room 601, 1000 N. Glebe Road, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Mr. Larry LaRochelle, Staff Biologist, U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, Virginia 22203 (703/235-1903).

SUPPLEMENTARY INFORMATION: The Federal Wildlife Permit Office has been charged with reviewing and improving the Service's permit program. This is an ongoing project in addition to permit processing. Suggestions for improvements should be sent to the address above.

The Service published a Notice of Intent in the April 16, 1981 *Federal Register* (46 FR 22243) and a Proposed Rule on September 18, 1981 (46 FR 46361) in which it solicited comments on the proposal to consolidate and simplify permit requirements. Eight commenters responded: seven associated with zoological parks and aquariums, and a representative of the American Fur Industry. All supported the proposal to reduce unnecessary regulations and encouraged the Service to continue its efforts. However, several expressed concern about relaxing the requirements to the point where the resource is not adequately protected. The Service believes that these changes in fact enhance the protection of the resource by allowing the Service to focus its manpower on significant resource problems. After considering the comments offered, the Service, by this rulemaking, eliminates certain application and report requirements, codifies the permit application fee schedule and implements a formal appeal procedure.

Elimination of Unnecessary Requirements

Some of the regulatory requirements for permits have proved inadequate, unnecessary or unwieldy. Their modification will improve the permit system. These regulations are found in Parts 10 through 23 of 50 CFR.

Section 13.11 is revised to indicate that the application must be submitted in writing on a Federal Fish and Wildlife License/Permit Application (Form 3-200) or as otherwise specifically directed by the Service, updates Service addresses where applications should be forwarded and provides a realistic notice of the processing time for applications. Almost all applications now received by the Service are on the standard permit application (Form 3-

200). The ones which are not are usually incomplete. This results in processing delays for the applicant and creates work for reviewers because the applicant must be contacted to provide the additional information. This extra effort lengthens processing time for all applications in the system. Much of this effort will be eliminated by requiring standard information in a standard format.

Current regulations require that applications must be submitted at least 30 days prior to the date the applicant wishes to begin the activity. Few applications submitted to the Federal Wildlife Permit Office meet this requirement. The regulation is revised to provide that most types of applications *should* be received at least 30 days prior to the desired effective date of the permit. Since there are statutory requirements that notice of receipt of applications for marine mammal and endangered species permits be published in the *Federal Register* and public comments invited for 30 days, applicants should allow 75 days for processing these types of applications. Novel or controversial applications almost always require more time than usual to process because they require the Service to implement new procedures to accommodate the request or assurance that complete and accurate information is available to the reviewing office.

Section 13.13 requires that applications be abandoned if incomplete after 60 days following notification of deficiencies. Applicants sometimes require more than 60 days to obtain certain information and request that their application remain active beyond that deadline. This could be accommodated under the revision.

Section 13.14 requires that any application submitted without the correct fee shall be returned. Many applications submitted with the incorrect fee are done so unknowingly. Revision of this section requires that permits not be issued until the proper fee is received, although processing may, at the discretion of the reviewing office, continue in the interim. Upon the suggestion of one commenter, this section will also contain a statement that the reviewing office must notify the applicant upon discovery that the proper fee has not been received.

Applications for injurious wildlife permits under Section 16.22 should be submitted to the Federal Wildlife Permit Office as indicated in the proposal. The name and address of the consignor or other person from whom the wildlife would be obtained has not proved to be

useful information in reviewing applications and is no longer required. Permittees who import injurious wildlife must complete a Wildlife Declaration (Form 3-177) at the port. The requirement to make a second report to the Director within 10 days is eliminated. The requirement to report the death of injurious wildlife to the Director is also eliminated because such wildlife is of concern only when alive.

Applicants for endangered and threatened species permits under Part 17 are required to provide redundant and often unnecessary information. This is eliminated by requiring them to provide details of only the activities sought to be authorized. Contracts, a statement of willingness to participate in cooperative breeding programs and a description of facilities are not always necessary to determine if a permit is justified. Such information would be included as details of the activity when relevant, but is not necessarily required of all applicants.

The requirements that reports for endangered and threatened species permits be submitted within 10 days of completion of the authorized activity and that all carcasses be preserved have proved unrealistic in many cases. Useful results are not always available within 10 days after completion of activities under scientific research permits. Permittees authorized to import or export such wildlife are required to complete a Wildlife Declaration (Form 3-177). A second report within 10 days is unnecessary. Some specimens are too large to readily preserve, or are collected under conditions which make successful preservation unlikely. Therefore this provision has been amended to require only reports of escapes of live wildlife. Other reporting requirements relevant to a particular permit will be specified in the permit.

Comments from both the Riverbanks Zoological Park and the Minnesota Zoological Garden addressed removal of a "statement of the applicant's willingness to participate in a cooperative breeding program, and to maintain or contribute data to a studbook." Both believed that requirement should remain in the regulations. There were no comments in support of removal. Since the Service and cooperating entities have a need to determine the breeding background of certain wildlife to determine its suitability for release to the wild, the provision will be retained.

Several commenters were concerned that there be access to information maintained by breeders of endangered and threatened species. The Federal Wildlife Permit Office maintains a list of

persons registered to buy and sell exotic endangered and threatened wildlife captive-bred in the United States for the purpose of enhancement of propagation. The list includes names and addresses of registrants and the type of wildlife they may buy and sell. This list is available to the public.

The commercial importation of red, eastern gray and western gray kangaroos, and their parts and products, taken in accordance with management plans of Australian States is now allowed under a Special Rule found at 50 CFR 17.40(a) (46 FR 23929). There is no longer a need for importers to obtain economic hardship permits for these species from the Service. Therefore the provision which provides for economic hardship permits for these kangaroos is eliminated.

The Service publishes notice of receipt of endangered species applications and invites public comment for 30 days, as required by law. It also publishes notice of final actions taken on endangered species permit applications on a monthly basis. One party questioned the adequacy of such notices, particularly when an objection had been received to the issuance of the permit. Consequently, the Service explored several ways to obtain meaningful public comment without undue interference with the permit program.

One of the alternatives considered was that issuance of all endangered species permits be preceded by a notice of issuance in the Federal Register. A variation of this was that, because only a small number of applications elicit substantive comments, the Service would publish prior notice of issuance only when requested to do so on specific applications. These alternatives were rejected because (1) there is a question whether such a procedure is legally required, (2) publication would delay the effective date of the permit without necessarily providing for constructive input, and (3) it is not cost-effective to undertake additional publications.

The Service decided to adopt the following provision. Anyone who indicates in writing the reasons why the applicant might not meet the criteria for permit issuance may request that he be contacted by telephone, mail or other expedient means prior to issuance and be notified of the Service's intent to issue the permit over his objection. The Service will offer the commenter opportunity to provide additional information to substantiate his objection. The commenter will be allowed an additional ten days to respond except in those cases where the

delay would jeopardize the specimen or purpose of the permit.

Fee Schedule

General statutory authority to charge fees for permits and certificates is found in 31 U.S.C. 483(a) which provides that any Federal agency may charge fees for services including permits and certificates to make these services "self-sustaining to the full extent possible." The Endangered Species Act of 1973, as amended (16 U.S.C. 1540(f)) authorizes the Secretary to "charge reasonable fees for expenses to the government connected with permits or certificates authorized by the Act including processing applications and reasonable inspection * * *". The Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(g)) provides that the "Secretary shall establish and charge a reasonable fee for permits" issued pursuant to the Act.

The total cost of processing each application is not expected to be borne by the applicant. In many cases, this cost would be prohibitive and might have a negative effect on the resource. However, the Service believes a reasonable fee should be charged for most permit applications to help defray processing costs. Therefore, the revised fee schedule reflects a portion of the expenses incurred in processing an application. The fees are \$25 for most applications, \$50 for import/export licenses and \$100 for marine mammal permit applications. Some permits do not require fees.

For convenience, required fees are shown below:

Type of permit and regulations	Fee
Importation at Non-designated Ports:	
Scientific (14.31).....	\$25
Deterioration prevention (14.32).....	25
Economic hardship (14.33).....	25
Import/Export License (14.93).....	50
Feather Import Quota:	
Allocation (15.21).....	25
Reallocation (15.24).....	25
Injurious Wildlife (16.22).....	25
Endangered Species:	
Captive-Bred Wildlife Registration (17.21).....	25
Scientific or enhancement of propagation or survival (17.22).....	25
Economic hardship (17.23).....	25
Threatened Species:	
Scientific, enhancement of propagation or survival, education, zoological exhibition, economic hardship or special purpose, except as noted otherwise (17.32).....	25
Special rules—mammals (17.40).....	25
Special rules—birds (17.41).....	25
Special rules—reptiles (17.42).....	25
Special rules—fishes (17.44).....	25
Special rules—insects (17.47).....	25
Marine Mammal:	
Registered agent (18.23).....	25
Scientific research and public display (18.31).....	100
Convention on International Trade in Endangered Species (CITES) Permits and Certificates (23.15).....	25

Sometimes an application for a particular transaction or series of

transactions requires more than one type of permit from the same issuing office. If the transaction can reasonably be accommodated under one consolidated permit, only one application fee will be charged. The issuing office will determine if such consolidation is feasible, and will charge the largest individual fee applicable.

Applications for renewal or substantive amendment of permits must be accompanied by the same fee that is charged for applications for new permits. The review process and incurred costs for renewals and substantive amendments are similar to those for new permits.

Since the application fee is charged to offset the costs of processing the application, it will not be returned in cases where the permit is issued or the application is denied or abandoned. However, the fee may be returned if an application is withdrawn prior to significant processing by the issuing office.

The only exception to the fee schedule is that any Federal, State or local government agency or an individual or institution under contract to such agency for the proposed activity is exempt.

The Riverbanks Zoological Park and the American Association of Zoological Parks and Aquariums commented that county agencies should be exempted from application fees as are Federal, State and local government agencies. The Service considers a county agency as a "local" government agency and therefore county agencies are exempt.

The Service recently instituted a procedure designed to simplify the issuance of CITES export and reexport permits to persons who make several shipments of this type over a given period of time. This procedure also makes it possible to issue permits at the point of export and in a much shorter time (often one day) than was previously the case. The applicant submits a request for a Letter of Authorization (LOA) to the Wildlife Permit Office and undergoes a form of "pre-clearance." There is no fee for the LOA, which is valid for two years and is renewable. Permits are issued at the time of export to cover each specific shipment and a processing fee is assessed for each permit at that time. This procedure is not mandatory, but most users have found it to be highly advantageous.

The American Fur Industry suggested that rather than pay a fee for each permit issued under the LOA system, that a single fee accompany the application for the LOA. The Service had considered this alternative during

development of the LOA system, but decided that this alternative did not take into account a permittee's level of use and the subsequent cost of government services. It was not equitable on a nation-wide basis because of a great difference in numbers of shipments among exporters. This procedure might also be contrary to the Regulatory Flexibility Act in that it would impose a greater cost per shipment to small businesses, those which make one or two exports a year, than to the more frequent exporters. Therefore the Service did not adopt this suggestion. However the Service is considering allowing permittees to establish standing accounts for permits obtained under LOAs or to be periodically billed to save the cost of processing checks for each shipment.

Appeals Procedure

In this rulemaking, the Service establishes a clear and concise method for applicants or permittees to appeal actions taken by the Service in field offices, as well as in the Federal Wildlife Permit Office. This rule provides for an appeal to be submitted by the applicant or permittee to the office which issued the denial, modification, amendment or other action. Appeals will be decided by a Regional Director, in the case of actions taken by field offices, or by the Director, in the case of actions taken by the Federal Wildlife Permit Office. This action will be the final administrative decision of the Department.

Comments received on the proposed procedure were favorable and emphasized that the process be kept simple. The final rule differs somewhat from the proposal in that references to an Appeals Board have been deleted. The Service felt that the possible inconsistent use of appeals boards might constitute unequal treatment of appellants. The Regional Directors or the Director are free to utilize such staff assistance as necessary to consider any appeal, and may delegate the appeal decision as authorized, provided it is not delegated to the issuing office.

Experience in the Federal Wildlife Permit Office has shown that most appeals can be processed within the time frames described in the proposed rulemaking. On occasion, there are appeals which require additional time to obtain information critical to reaching a decision on the appeal. To make a decision without necessary information might not be fair to the person submitting the appeal.

The purpose of the appeals procedure is to establish a defined mechanism whereby an applicant or permittee may

quickly get a fair review of a decision on his application or permit. The Service does not want to make time the controlling factor in reaching a decision, but does expect that the time frames described in this rulemaking will be adhered to. Therefore, the time frames described may be extended by the Service in special situations, but the person submitting the appeal must be informed in writing of the reasons for doing so. The final rule also differs editorially from the proposed rule in that the OMB clearance number for the information collection requirements has been inserted where appropriate.

This rulemaking was written by Larry LaRoche, Staff Biologist, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1903).

Note.—The Department of the Interior has determined that this is not a major rule and does not require preparation of a regulatory analysis under Executive Order 12291. Further, the Department of the Interior has determined that the rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act. This determination is based upon the fact that the rulemaking will involve only minimal costs, i.e. the cost of permits, for small entities, while providing for less reporting requirements and simplifying permit processing. The information collection requirements associated with fish and wildlife permits covered by this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned Clearance Number 1018-0022.

Regulations Revised

List of Subjects 50 CFR

Part 13

Administrative practices and procedures, Exports, Imports, Fish, Wildlife, Reporting requirements.

Part 16

Animal disease, Fish, Wildlife, Import, Freight, Transportation.

Part 17

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

Parts 13, 16 and 17 of Title 50 Code of Federal Regulations are amended as follows:

PART 13—GENERAL PERMIT PROCEDURES

1. Add to Subpart A—Introduction, in the Table of Contents the following new section titles:

Subpart A—Introduction

* * * * *

13.5 Information collection requirements.

13.32 Appeal procedure.

2. In Subpart A—Introduction, revise the "authority" list following the Table of Contents to read as follows:

Authority: 18 U.S.C. 42; sec. 4, Pub. L. 97-79, 95 Stat. 1074 (16 U.S.C. 3373); sec. 7, Pub. L. 97-79, 95 Stat. 1078 (16 U.S.C. 3376); sec. 3, Pub. L. 65-186, 40 Stat. 755 (16 U.S.C. 704); sec. 3(h)(3), Pub. L. 95-616, 92 Stat. 3112 (16 U.S.C. 712); sec. 2, 54 Stat. 251, as amended by sec. 9, Pub. L. 95-616, 92 Stat. 3114 (16 U.S.C. 668a); sec. 102, 76 Stat. 73 (19 U.S.C. 1202, "Schedule 1, Part 15D, Headnote 2(d), Tariff Schedules of the United States"; sec. 9(d), Pub. L. 93-205, 87 Stat. 893 (16 U.S.C. 1538(d); sec. 6(a)(1), Pub. L. 96-159, 93 Stat. 1228 (16 U.S.C. 1537a); E.O. 11911, 41 FR 15683, 3 CFR, 1976 Comp., p. 112; sec. 10, Pub. L. 93-205, 87 Stat. 896, as amended by secs. 2 and 3, Pub. L. 94-359, 90 Stat. 3760; sec. 7, Pub. L. 96-359, 90 Stat. 911 and 912; sec. 5, Pub. L. 95-632, 92 Stat. 3760; sec. 7, Pub. L. 96-159, 93 Stat. 1230 (16 U.S.C. 1539); sec. 11, Pub. L. 93-205, 87 Stat. 897, as amended by sec. 6(4), Pub. L. 95-632, 92 Stat. 3761 (16 U.S.C. 1540(b)(2)(f)); sec. 13(d), 86 Stat. 905, amending 85 Stat. 480 (16 U.S.C. 742j-1); Title I, sec. 112, Pub. L. 92-522, 86 Stat. 1042, as amended by Title II, sec. 201(e), Pub. L. 96-470, 94 Stat. 2241 (16 U.S.C. 1382); 65 Stat. 290 (31 U.S.C. 483(a)).

3. Add a new § 13.5 to read as follows:

§ 13.5 Information collection requirements.

The information collection requirements contained within this Part 13 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned Clearance Number 1018-0022. This information is being collected to provide information necessary to evaluate permit applications. This information will be used to review permit applications and make decisions, according to criteria established in various Federal wildlife conservation statutes and regulations, on the issuance, suspension, revocation or denial of permits. The obligation to respond is required to obtain or retain a permit.

Subpart B—Application for Permits

4. In § 13.11, paragraphs (a), (b), (c), and (d) are revised to read as follows:

§ 13.11 Procedure for obtaining a permit.

(a) **Forms.** Applications must be submitted in writing on a Federal Fish and Wildlife License/Permit Application (Form 3-200) or as otherwise specifically directed by the Service.

(b) **Forwarding instructions.** Applications for permits in the following categories should be forwarded to the issuing office indicated below.

(1) Migratory bird banding permits (50 CFR 21.22)—Bird Banding Laboratory,

Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Laurel, Maryland 20708. (Special application forms must be used for bird banding permits. They may be obtained by writing to the Bird Banding Laboratory).

(2) Exception to designated port (50 CFR Part 14), import/export license (50 CFR 14.93), migratory bird permit, other than banding (50 CFR Part 21) and Bald or Golden eagle permits (50 CFR Part 22)—Special Agent in Charge of the Law Enforcement District in which the applicant resides (see 50 CFR 10.22 for addresses and boundaries of the Law Enforcement Districts).

(3) Feather quota (50 CFR Part 15), injurious wildlife (50 CFR Part 16), endangered and threatened species (50 CFR Part 17), marine mammal (50 CFR Part 18) and permits and certificates for the Convention on International Trade in Endangered Species (CITES) (50 CFR Part 23)—U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, Virginia 22203.

(c) **Time notice.** Applications for endangered species permits and marine mammal permits should be received by the Federal Wildlife Permit Office at least 75 calendar days prior to the desired effective date of the permit. Applications for other permits should be received by the issuing office at least 30 calendar days prior to the desired effective date. Although the Service will process all applications as quickly as possible, it cannot guarantee final action within such time frames.

(d) **Permit fees.** (1) Applications for permits, certificates, licenses and registrations, and for their renewal and amendment, must be accompanied by an application fee in the form of a check or money order made payable to "U.S. Fish and Wildlife Service." Application fees shall not be refunded if the permit is issued or if the application is denied or abandoned. The fee may be returned if an application is withdrawn prior to significant processing by the issuing office.

(2) Application fees shall be \$25 unless specified in section (d)(4) as "Nonstandard." Where the regulations in this subchapter require more than one type of permit for a given transaction or series of transactions, the issuing office shall, wherever feasible, issue a single permit containing all the necessary authorizations, and charge a single application fee. In such a case the fee is the highest single permit fee applicable for the transaction. (For example, an application to import an animal which is a marine mammal and an endangered species requires permits under Parts 17 and 18 of this Subchapter. The processing of the application will be

consolidated and one permit will be issued containing the necessary authorizations under Parts 17 and 18. The fee will be \$100, which is the application fee for a marine mammal permit).

(3) A fee shall not be charged to any Federal, State or local government agency, nor to any individual or institution under contract to such agency for the proposed activities. The fee may be waived or reduced for public institutions (see 50 CFR 10.12). Proof of such status must accompany the application.

(4) **Nonstandard fees.**

Type of permit	Fee
Import/Export License (Section 14.93)	\$50
Marine Mammal (Section 18.31)	100
Migratory Bird (Part 21)	None
Bald or Golden Eagles (Part 22)	None

(5) Section 13.13 is revised to read as follows:

§ 13.13 Abandoned applications.

Upon receipt of an incomplete or improperly executed application, the applicant shall be notified of the deficiency in the application. If the applicant fails to supply the deficient information, pay the requisite fee or otherwise fails to correct the deficiency within 60 days following the date of notification, the application shall be considered abandoned.

(6) Section 13.14 is revised to read as follows:

§ 13.14 Insufficient fee.

No permit shall be issued until the proper fee is received. The reviewing office shall notify the applicant upon discovery that the proper fee has not been received.

(7) Section 13.21 is amended by revising paragraphs (b)(1) and (d) as follows:

§ 13.21 Issuance of permits.

(b) ***

(1) The applicant has been assessed a civil penalty or convicted of any criminal provision of any statute or regulation relating to the activity for which the application is filed, if such assessment or conviction evidences a lack of responsibility.

(d) The applicant shall be notified in writing of the denial of any application for a permit and the reasons therefor.

(8) Section 13.24 is revised by adding the following new sentences at the end thereof:

§ 13.24 Renewal of permit.

The Director's intent not to renew a permit or to renew it in substantially amended form shall be made known in writing to the permittee. The written notice shall contain the reasons for the Director's action and shall allow the permittee an opportunity, in writing or in person, to present reasons why the permit should be renewed or should not be substantially amended.

9. A new § 13.32 is added to read as follows:

§ 13.32 Appeal procedure.

(a) Any person in the following categories may appeal the Service's action:

(1) An applicant who has received written notice that his application has been denied;

(2) A permittee or applicant who has received written notice that a requested amendment of a term or condition of his permit has been denied;

(3) A permittee who has been notified that his permit has been recalled, amended on the Service's motion, revoked or suspended during its term;

(4) A permittee whose permit or amendment has been issued, but who has not been authorized to conduct part of the requested activity, or believes that modifications made to the requested activity are unacceptable.

(b) The appeal shall be submitted in writing to the office which took the action being appealed within 60 days of the date of notification of the action taken. It must address the reasons given for such action but may also contain new information or justification why the action in question should not be taken. Such further submissions shall not be considered a new application.

(c) A decision on the appeal shall be made within 30 days of receipt of the appeal and the issuing office shall notify the appellant in writing of its decision, and the reasons therefor.

(d) If the decision is not in favor of the appellant, the appeal file shall be forwarded by the issuing office to the Regional Director or Director as appropriate.

(e) The Regional Director or the Director may utilize such staff as necessary in assisting him to decide on the appeal. He may delegate this decision as authorized by Service procedure, provided that it may not be delegated to the issuing office. The appellant may offer arguments or additional evidence to the Regional Director or the Director, in writing or in person.

(f) The decision of the Regional Director or the Director shall be made within 60 days of receipt of appeals

pursuant to paragraph (d) of this section and promptly communicated in writing to the appellant, along with the reasons therefor, except that the Regional Director or Director may extend the 60-day period for good cause notified in writing to the appellant.

(g) The decision of the Regional Director or the Director shall constitute the final administrative decision of the department.

10. Section 13.41 is revised to read as follows:

§ 13.41 Recall and amendment of permit during its term.

Except for marine mammal permits (See Part 18), all permits are issued subject to the condition that the Service reserves the right to recall and amend the provisions of a permit for just cause at any time during its term. Such amendments take effect on the date of notification, unless otherwise specified. Permittees shall be notified in writing of such intent and the reasons therefor not less than 30 days prior to the proposed date of such action and shall be allowed an opportunity, in writing or in person, to present reasons why the permit should not be recalled or amended.

PART 16—INJURIOUS WILDLIFE**Subpart C—Permits**

11. In § 16.22, paragraphs (a) and (b)(3) are revised to read as set forth below, paragraph (b)(4) is removed and a new paragraph (d) is added.

§ 16.22 Injurious wildlife permits.

(a) *Application requirements.* Applications for permits to import or ship injurious wildlife for such purposes shall be submitted to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203. Each application must be submitted in writing on a Federal Fish and Wildlife License/Permit application (Form 3-200) provided by the Service and must include as an attachment all of the following information:

(1) The number of specimens and the common and scientific names (genus and species) of each species of live wildlife proposed to be imported or otherwise acquired, transported and possessed;

(2) The purpose of such importation or other acquisition, transportation and possession;

(3) The address of the premises where such live wildlife will be kept in captivity;

(4) A statement of the applicant's qualifications and previous experience

in caring for and handling captive wildlife.

(b) * * *

(3) Permittees shall notify the nearest Special Agent-in-Charge (see § 10.22 of this chapter) by telephone or other expedient means within 24 hours following the escape of any wildlife imported or transported under authority of a permit issued under this section, or the escape of any progeny of such wildlife, unless otherwise specifically exempted by terms of the permit.

(d) The information collection requirements contained within this section have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned Clearance Number 1018-0022. This information is being collected to provide information necessary to evaluate permit applications. This information will be used to review permit applications and make decisions, according to criteria established in various Federal wildlife conservation statutes and regulations, on the issuance or denial of permits. The obligation to respond is required to obtain or retain a permit.

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS**Subpart C—Endangered Wildlife**

12. In § 17.22, paragraphs (a) and (c) are revised to read as follows and a new paragraph (e) is added:

§ 17.22 Permits.

(a) *Application requirements.* Applications for permits under this section must be submitted to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, Virginia 22203, by the person who wishes to engage in the activity prohibited by § 17.21. Each application must be submitted on an official application (Form 3-200) provided by the Service, and must include as an attachment, all of the following information:

(6) If the applicant seeks to have live wildlife covered by the permit, a complete description, including photographs or diagrams of the facilities to house and/or care for the wildlife and a résumé of the experience of those persons who will be caring for the wildlife.

(7) A full statement of the reasons why the applicant is justified in obtaining a permit including the details of the activities sought to be authorized by the permit.

(8) If the application is for the purpose of enhancement of propagation, a statement of the applicant's willingness to participate in a cooperative breeding program, and to maintain or contribute data to a studbook.

(9) The information collection requirements contained in this Section have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned Clearance Number 1018-0022. This information is being collected to provide information necessary to evaluate permit applications. This information will be used to review permit applications and make decisions, according to criteria established in various Federal wildlife conservation statutes and regulations, on the issuance or denial of permits. The obligation to respond is required to obtain or retain a permit.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, the escape of living wildlife covered by the permit shall be immediately reported to the Service office designated in the permit.

(e) *Objection to permit issuance.* (1) In regard to any notice of a permit application published in the **Federal Register**, any interested party that objects to the issuance, in whole or in part, of a permit, may, during the comment period specified in the notice, request notification of the final action to be taken on the application. A separate written request shall be made for each permit application. Such a request shall specify the Service's permit number of the application in question and state the reasons why that party believes the applicant does not meet the issuance criteria contained in §§ 13.21 and 17.22 or 17.23 of this Subchapter or other reasons why the permit should not be issued.

(2) If the Service decides to issue a permit contrary to objections received pursuant to paragraph (e)(1) of this, then the Service shall, at least ten days prior to issuance of the permit, make reasonable efforts to contact by telephone or other expedient means, any party who has made a request pursuant to paragraph (e)(1) of this section and inform that party of the issuance of the permit. However, the Service may reduce the time period or dispense with such notice, if it determines that time is of the essence and that delay in issuance of the permit would: (i) harm the specimen or population involved; or (ii) would unduly hinder the actions authorized under the permit.

(3) The Service will notify any party filing an objection and request for notice under paragraph (e)(1) of this section of the final action taken on the application, in writing. If the Service has reduced or dispensed with the notice period referred to in paragraph (e)(2) of this section, it will include its reasons therefor in such written notice.

Subpart D—Threatened Wildlife

13. In § 17.32, paragraphs (a), and (a)(6)–(a)(8) and (c) are revised and paragraph (a)(9) is added to read as follows:

§ 17.32 Permits—general.

(a) *Application requirements.* Applications for permits under this section must be submitted to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, Virginia 22203, by the person who wishes to engage in the prohibited activity. Each application must be submitted on an official application (Form 3-200) provided by the Service, and must include, as an attachment, as much of the following information which relates to the purpose for which the applicant is requesting a permit.

(6) If the applicant seeks to have live wildlife covered by the permit, a complete description, including photographs or diagrams of the facilities to house and/or care for the wildlife and a résumé of the experience of those persons who will be caring for the wildlife.

(7) A full statement of the reasons why the applicant is justified in obtaining a permit including the details of the activities sought to be authorized by the permit.

(8) If the application is for the purpose of enhancement of propagation, a statement of the applicant's willingness to participate in a cooperative breeding program, and to maintain or contribute data to a studbook.

(9) The information collection requirements contained in this section have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned Clearance Number 1018-0022. This information is being collected to provide information necessary to evaluate permit applications and make decisions, according to criteria established in various Federal Wildlife conservation statutes and regulations, on the issuance or denial of permits. The obligation to respond is required to obtain or retain a permit.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the special condition that: (1) The escape of living wildlife covered by the permit shall be immediately reported to the Service office designated in the permit.

14. In Section 17.40, paragraph (a)(1)(i)(A) is revised and paragraph (a)(2) is removed to read as follows:

§ 17.40 Special rules—mammals.

(a) ***

(1) ***

(i) ***

(A) Except as allowed in paragraph (a)(1)(i)(B) of this section, it shall be unlawful to import any such wildlife for commercial purposes.

(2) (Removed).

Dated: June 15, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-19190 Filed 7-14-82; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 23

Export of Bobcat Taken in the 1981-82 Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of suspension of a certain rule.

SUMMARY: The Fish and Wildlife Service is suspending for 4 months the final rule published on October 24, 1981 (46 FR 50774) authorizing export, pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), of bobcat (*Lynx rufus*) taken during the 1981-82 season. This action is being taken to conform with a court injunction prohibiting the Service from authorizing the export of bobcats.

DATE: The suspension of the rule authorizing export of bobcats taken during the 1981-82 season is effective immediately upon publication. The rule will be suspended for a period of 4 months.

FOR FURTHER INFORMATION CONTACT: Dr. Richard L. Jachowski, Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (202) 653-5948.

SUPPLEMENTARY INFORMATION: On October 14, 1981, the Fish and Wildlife Service published a final rule (46 FR