

appropriate construction benchmarks set forth in § 95.833.

15. Section 95.831 would be revised to read as follows:

**§ 95.831 Service requirements.**

Subject to the initial construction requirements of § 95.833 of this subpart, each 218–219 MHz Service system licensee must either demonstrate that it provides substantial service, or make service available to at least 20 percent of the population or land area located within the service area. “Substantial service” means service that is sound, favorable, and substantially above a level of mediocre service that would barely warrant renewal.

16. Section 95.833 would be revised to read as follows:

**§ 95.833 Construction requirements.**

(a) Each 218–219 MHz Service system licensee must demonstrate that it provides substantial service to its service area within five years of license grant.

**Note to paragraph (a):** Each 218–219 MHz Service system licensed as of the effective date of these rules must demonstrate that it provides substantial service to its service area within five years of the effective date of these rules.

(b) Each 218–219 MHz Service system licensee must make service available to at least 20 percent of the population or land area within the service area within ten years of grant of the 218–219 MHz Service system license. As an alternative to the coverage requirement of this paragraph, the 218–219 MHz Service system licensee may demonstrate that it provides substantial service to its service area within ten years of license grant.

(c) In demonstrating compliance with the construction requirements set forth in this section, licensees must base their calculations on signal field strengths that ensure reliable service for the technology utilized. Licensees may use any service radius contour formula developed or generally used by industry, provided that such formula is based on the technical characteristics of their system.

(d) Failure to meet the construction requirements set forth in this section will result in automatic cancellation of the 218–219 MHz Service system license, and will result in the licensee’s ineligibility to apply for 218–219 MHz Service licenses for three years from the date the Commission takes final action affirming that the 218–219 MHz Service license has been canceled. See 47 CFR § 95.813(b). For the purposes of this section, a CTS is not considered as providing service unless that CTS and

two associated RTUs are placed in operation.

(e) Each 218–219 MHz Service system licensee must file a progress report at the conclusion of each of the two benchmark periods to inform the Commission of the construction status of the system. The report must include:

(1) A showing of how the system meets the benchmark; and

(2) A list, including addresses, of all component CTSs constructed.

17. Section 95.853 would be amended by adding a new first sentence to paragraph (a) to read as follows:

**§ 95.853 Frequency segments.**

(a) There are two frequency segments available for assignment to the 218–219 MHz Service in each service area. \* \* \*

\* \* \* \* \*

[FR Doc. 98–26168 Filed 9–29–98; 8:45 am]

BILLING CODE 6712–01–P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 23

RIN 1018–AF23

#### Export of River Otters Taken in Missouri in the 1998–1999 and Subsequent Seasons

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is a treaty that regulates international trade in certain species of animals and plants. Exports of specimens (live, dead, or parts and products thereof) of animals and plants listed in Appendix II of CITES require an export permit from the country of origin. Export permits for specimens of species listed in CITES Appendix II are issued by a country’s CITES Management Authority after two conditions are met: the country’s CITES Scientific Authority must determine that the exports will not be detrimental to the survival of the species. This is known as a “non-detriment finding”; the CITES Management Authority must determine that the specimens were not obtained in violation of laws for their protection. Live animals or plants require additional findings. For exports from the United States, the U.S. Fish and Wildlife Service’s Office of Management Authority and Office of Scientific Authority make these findings.

The purpose of this proposed rule is to announce proposed findings by the CITES Scientific and Management Authorities of the United States on the export of river otters taken in the State of Missouri, and to propose the addition of Missouri to the list of States and Indian Nations approved for export of river otter skins. This approval is on a multi-year basis. The Service proposes to apply these findings to river otters taken in Missouri during the 1998–1999 season and subsequent seasons, subject to the conditions applying to other approved States. We appreciate your comments on this proposed rule.

**DATES:** The Service will consider comments received on or before October 30, 1998 in making its final determination on this proposed rule.

**ADDRESSES:** Please send your correspondence concerning this proposed rule to: Office of Scientific Authority; U.S. Fish and Wildlife Service; Mail Stop ARLSQ 750; 1849 C Street, NW; Washington, DC 20240; or via E-mail to: r9osa@mail.fws.gov. Comments and materials received will be available for public inspection, by appointment, from 8:00 am to 4:00 pm, Monday through Friday, at the same address.

**FOR FURTHER INFORMATION CONTACT:** Scientific Authority finding: Dr. Susan Lieberman, Chief, Office of Scientific Authority; phone: 703–358–1708; fax: 703–358–2276; E-mail: r9osa@mail.fws.gov. Management Authority finding: Ms. Teiko Saito, Chief, Office of Management Authority; U.S. Fish and Wildlife Service; Mail Stop ARLSQ 700; 1849 C Street, NW, Washington, DC 20240; phone: 703–358–2095; fax: 703–358–2280.

**SUPPLEMENTARY INFORMATION:** On January 5, 1984 (49 FR 590), we published a rule granting approval for the export of pelts of North American river otters (*Lontra canadensis*) and certain other CITES-listed Appendix-II species of furbearing mammals from specified States and Indian Nations, Tribes, and Reservations (hereafter referred to as Indian Nations). That rule covered the 1983–1984 season as well as subsequent seasons. In succeeding years, we have approved the export of pelts of one or more species of furbearing mammals listed in CITES Appendix II from other States and Indian Nations, through the rule-making process. These approvals were and continue to be subject to certain population monitoring and export requirements. The purposes of this proposed rule are to: (1) Announce proposed findings by the Scientific and Management Authorities of the United

States for the export of river otter pelts (*Lontra canadensis*) taken in the State of Missouri; and (2) to add Missouri to the list of States and Indian Nations approved for the export of river otter skins. We propose these findings for the export of the pelts of river otters taken in the State of Missouri during the 1998–1999 and subsequent seasons, subject to the conditions applying to other approved States and Tribes.

CITES regulates the import, export, re-export, and introduction from the sea of animal and plant species listed in the three CITES Appendices for the purpose of controlling trade in those species.

According to CITES (and the Endangered Species Act, which implements CITES in the United States):

1. Appendix I includes species threatened with extinction that are or may be affected by trade.

2. Appendix II includes species that, although not necessarily threatened with extinction now, may become so unless their trade is strictly controlled. Appendix II also includes species that must be subject to regulation in order that trade in other currently or potentially threatened species (those in Appendix I or II) may be brought under effective control (e.g., because of difficulty in distinguishing specimens of threatened species from those of other non-threatened species).

3. Appendix III includes species that any Party country identifies as being subject to regulation within its jurisdiction for purposes of preventing or restricting exploitation, and for which it needs the cooperation of other Party countries to control trade.

CITES Appendix II includes the American river otter pursuant to CITES Article II, paragraph 2(b). You may obtain a copy of the CITES Treaty from the Office of Scientific Authority at the above address or from the Service's web page at <http://www.fws.gov>. CITES Article II, paragraph 2 states: "Appendix II shall include: (a) all species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and (b) other species which must be subject to regulation in order that trade in specimens of certain species referred to in sub-paragraph (a) of this paragraph may be brought under effective control." In the January 5, 1984 **Federal Register** (49 FR 590), we announced the results of a review of the species listed at the fourth meeting of the CITES Conference of the Parties (COP4, held in 1983 in Botswana) regarding U.S. species of furbearing mammals, including the river otter.

Specifically, we determined that the river otter is included in Appendix II of CITES because of the similarity in appearance of its pelts (and of products manufactured from those pelts) to other species listed in Appendix I or II. The Service determined at that time that the American river otter did not qualify for CITES Appendix II based on its own conservation status, but rather due to its similarity to other listed species. The January 5, 1985, Notice in the **Federal Register** described how our Office of Scientific Authority planned to monitor, on an annual basis, the population and trade status of the native furbearer species listed pursuant to CITES Article II.2(b). We stated then that we could institute restrictive export controls for a given species, for one or more States or Indian Nations, if export levels appeared to be contributing to long-term population declines. In that document we also described how our Office of Management Authority would require States and Indian Nations to assure the legal acquisition of specimens entering international trade, as evidenced by marking with approved, serially unique tags.

#### Scientific Authority Findings

Article IV (paragraph 2) of CITES requires that, before the Management Authority issues a permit to export a specimen of a species included in Appendix II, the Scientific Authority must advise "that such export will not be detrimental to the survival of that species." Our Office of Scientific Authority must develop such advice (known as a "non-detriment finding") for the export of Appendix-II animals, in accordance with Section 8A(c)(2) of the Endangered Species Act of 1973, as amended. For native U.S. species such as the river otter, the Act requires the Secretary of the Interior to base export determinations and advice "upon the best available biological information derived from professionally accepted wildlife management practices; but is not required to make, or require any State to make, estimates of population size in making such determinations or giving such advice."

The wildlife agencies of individual States and Indian Nations manage the river otter. We identified in the January 5, 1984, **Federal Register**, and listed in 50 CFR § 23.53 most of States and Indian Nations approved for the export of river otters. We granted administrative approval to the State of Tennessee for the 1994–1995 season and multi-year approval through a rule-making for 1995–1996 and subsequent seasons (61 FR 2454, January 26, 1996). We granted administrative approval to

the State of Missouri for the 1996–1997 and 1997–1998 seasons. Each State or Indian Nation approved by the Service for the export of river otters has a program to regulate the trapping and take of the species.

The Service's Office of Scientific Authority therefore has two primary obligations regarding exports of river otters taken in the United States:

(1) We must find that any U.S. exports of river otter pelts are not detrimental to the population status in the wild of any other similar furbearer species listed in Appendix I or II.

(2) We must determine that the status of river otters in the United States (based on information provided by the States and based on our own monitoring of trade) does not decline to the point where the species itself could qualify for inclusion in CITES Appendix II in its own right, pursuant to Article II.2(a). The CITES Parties adopted new, improved criteria for inclusion of species in Appendix II, pursuant to Article II.2(a), at the ninth meeting of the Conference of the Parties, held in the United States in November 1994 (Resolution Conf. 9.24).

Since listing of the river otter in Appendix II was due to its similarity of appearance to other listed species in need of trade controls, an important component of our non-detriment finding is consideration of the impact of river otter trade on the status of these other species. The Office of Scientific Authority has determined that the CITES requirement of issuing export permits naming the species being traded, coupled with the marking of pelts with tags bearing the name of the species, State of origin, year of take, and a unique serial number, is sufficient to eliminate potential problems of confusion with, and therefore risk to, other listed species. The requirement to tag all river otter pelts with unique, tamper-proof tags is a U.S. requirement that goes beyond any CITES requirement (see Management Authority Findings, below, for tag specifications).

In addition to considering the effect of trade on species or populations other than those being exported from the United States, we will regularly examine information on river otters in the State of Missouri to determine if there is a population decline that might warrant more restrictive export controls. The Service also will continue to work closely with the State of Missouri, which has primary management responsibility for river otters. The monitoring and assessment for Missouri will follow the same approach used for other States and Indian Nations. As part of this monitoring, we annually request

that the States and Indian Nations already approved for export of river otters certify to the Service that the best available biological information derived from professionally accepted wildlife management practices indicates that take of river otters during the forthcoming season will not be detrimental to the survival of the species.

Whenever available information from the States or other sources indicates a possible problem in a particular State, the Scientific Authority will conduct a comprehensive review of accumulated information to determine whether conclusions about the treatment of these species as listed for similarity of appearance (Article II.2.b) continue to be true for the particular State.

Originally a common resident of the State of Missouri, river otters were nearly extirpated from the State between 1860 and 1910. An estimated 70 animals survived in the southeastern part of the State by the mid-1930s. Because most significant habitat changes occurred more recently, this early population decline is believed to be a consequence of unregulated trapping and other killing of the species. Legal protection for the species occurred in 1936, but the species did not begin to recover until the State initiated a restoration and reintroduction program. The Missouri Department of Conservation (MDC) initiated a river otter reintroduction program in 1982, whereby it released 845 river otters at 43 locations in the State. The MDC considers that restoration program to have been completed in 1992; during those 10 years it studied the status and distribution of river otters in the State. Based on information provided by the State of Missouri and other States, the Service believes that the status of river otters in the Midwest of the United States has improved, and populations in virtually all States where the species is native are either stable or increasing. We published a discussion of this release program and our previous findings on river otters in Missouri in the **Federal Register** on April 2, 1996 (61 FR 14543) and October 7, 1996 (61 FR 52403).

According to the MDC, Missouri has in place several different methods to monitor and assess the status of river otters in the State: (1) A three-year study began in 1996, in cooperation with the University of Missouri, to develop population monitoring methods, including a stream survey for otter sign, a capture-per-unit-effort index based on trappers' records, and a refined population model based on age-specific reproduction data and age-distribution data from a sample of Missouri river

otters; (2) the State uses aerial surveys of winter tracks to monitor populations, along with Archer's Index to Furbearer Populations, as an index of population trends; and (3) the State has in place a mandatory pelt registration and tagging program during annual trapping seasons, in order to provide a harvest accounting system.

In 1995, the Missouri Conservation Commission approved an otter trapping season for the 1996–1997 season. After further deliberation we approved export authorization for pelts of Missouri river otters taken during the 1996–1997 season. Subsequently, in July 1997, the MDC requested export authority for the 1997–1998 season and subsequent trapping seasons. We granted export authorization for the 1997–1998 season only, based on our evaluation of information provided by Missouri. On June 22, 1998, our Office of Scientific Authority received a detailed request from the State of Missouri for approval of exports of river otter pelts for 1998–1999 and subsequent seasons. The June 22, 1998, request from the State of Missouri Department of Conservation contained detailed analyses of data from the 1997–1998 season as well as previous seasons. This information is available on request from the Office of Scientific Authority.

According to the State of Missouri, trappers took 1,146 otters in the 1997–1998 trapping season. The State believes that trapping pressure and the number of otters taken per licensed trapper (an index of population status) remained basically the same from previous years. Of those otters taken, the State tagged 1,128 with CITES tags provided by the Service. The State also analyzed and necropsied 260 river otters taken in the State as an important component of its assessment of river otter populations. The submission of June 22, 1998, from the State elaborates on these assessments. Using a number of indices and measurements, the State of Missouri has determined that reproductive rates are higher than previously predicted for river otters and that a healthy proportion of the river otter population in the State consists of juveniles and yearlings (both males and females), which reinforces the State's assertion that the population is increasing. The State also used population demographic data from otter necropsies and survival data from radio-telemetry studies to model otter population growth. The MDC has concluded that there is a pre-season estimated population of 6,736 river otters in the State of Missouri, and that this population continues to increase.

Ongoing river otter population surveys in Missouri have taken place both prior to and after the trapping season. Preliminary results indicate a stable or increasing population. The State also calculates indices of capture-per-unit-effort based on trapper diaries, but analysis of these data for the 1997–1998 season is not yet completed. The MDC has also used Archer's Index to Furbearer Populations to detect changes in furbearer populations; those results are consistent with an increase in river otter populations.

The State of Missouri believes that its data support a conclusion that river otter populations are widely distributed and secure in Missouri. The Service notes that whether or not export approval is granted under CITES, the State of Missouri has primary responsibility for managing its river otter populations and will continue its trapping program. The State of Missouri is committed to continue its surveys, population monitoring, and population modeling. Based on: (1) The biological and other information provided by the Missouri Department of Conservation; (2) the existence of a management infrastructure in the State for managing and enforcing trapping regulations; and (3) the determination that permitting and tagging requirements will virtually eliminate the possibility that exporters will misrepresent other similar-appearing CITES-listed species in trade as river otters, the Service's Office of Scientific Authority proposes to issue advice to the Office of Management Authority that exports of river otter pelts of animals legally taken in the State of Missouri will not be detrimental to the population of other similar furbearer species listed in CITES Appendix I or II. Furthermore, the Office of Scientific Authority also believes that river otters in the United States do not qualify for inclusion in CITES Appendix II pursuant to Article II.2(a). Therefore, the Service proposes to add the State of Missouri to the list of States and Indian Nations approved for export of river otters.

#### Management Authority Findings

Exports of Appendix-II species are allowed under CITES only if the Management Authority is satisfied that the specimens were not obtained in violation of laws for their protection. Therefore, to allow an export, we must be satisfied that applicants wishing to export river otter pelts, hides, or products obtained them in compliance with State, Indian, and Federal law. State or Tribal tagging programs provide evidence of legal take for the following native U.S. species: Alaskan gray wolf,

Alaska brown or grizzly bear, American alligator, bobcat, lynx, and river otter. The States and Tribes have responsibility for management of these species, and we assure ourselves that pelts are taken in accordance with State and Tribal law through a tagging program. The Service annually contracts for the manufacture and delivery of specific CITES animal-hide tags for States and Indian Nations that qualify. We note that, although the United States instituted this tagging requirement independently of CITES, the CITES Parties adopted it for all crocodilian species. The Office of Management Authority is responsible for ordering the tags for all approved States and Indian Nations and provides them at no charge. We have adopted the following export requirements for the 1983–1984 and subsequent seasons:

(1) Current State or Indian Nation, Tribe, or Reservation hunting, trapping, and tagging regulations and sample tags must be on file with our Office of Management Authority;

(2) The tags must be durable and permanently locking, and must show the U.S.–CITES logo, the name of the State or Indian Nation, Tribe, or Reservation of origin, the year of take, the species, and a unique serial number;

(3) Trappers or other persons taking otters must attach tags to all pelts taken within a minimum time after take, as specified by the State or Indian regulation, and must do so as soon as possible to minimize movement of untagged pelts (even pelts not intended for export must be tagged);

(4) Trappers or other persons taking otters must attach tags permanently as authorized and prescribed by the State or Indian regulation;

(5) Takers/trappers/dealers who are licensed or registered by the State or Indian Nation must account for all tags received and must return unused tags to the State or Indian Nation within a specified time after the season closes; and

(6) We will allow the export of fully manufactured fur or hide products from the United States only when the CITES export tags removed from the hides prior to manufacture are surrendered to us prior to export.

#### **Proposed Export Decision**

We propose approval of exports of Missouri river otters taken during the 1998–1999 and subsequent seasons on the grounds that such exports meet the criteria for both the Scientific Authority and Management Authority under CITES.

#### **Comments Solicited**

We invite your comments on these proposed findings and the proposed rule-making to add Missouri to the list of States approved for export of river otters. We particularly welcome any biological or other scientific information you may have or any analysis of the information provided by the State of Missouri Department of Conservation. In our final decision on this proposed rule, we will consider all comments received, as well as any additional information we may receive. Such consideration could lead to findings different from those presented in this proposal.

Executive Order 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make this notice easier to understand, including answers to questions such as the following: (1) Are the requirements in the proposed rule clearly stated? (2) Does the proposed rule contain technical language or jargon that interferes with its clarity? (3) Does the format of the proposed rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Would the proposed rule be easier to understand if it were divided into more (but shorter) sections? (5) Is the description of the proposed rule in the SUPPLEMENTARY INFORMATION section of the preamble helpful in understanding the proposed rule? What else could we do to make the proposed rule easier to understand?

Send a copy of any comments that concern how we could make this notice easier to understand to: Office of Regulatory Affairs, Department of the Interior, room 7229, 1849 C Street, NW, Washington, DC 20240. You may also e-mail the comments to this address: [Exsec@ios.doi.gov](mailto:Exsec@ios.doi.gov).

#### **Effects of the Rule and Required Determinations**

As a preface to this portion of the notice, we note that the issuance of Management Authority and Scientific Authority findings under CITES does not constitute rulemaking under the Administrative Procedures Act (APA). Nevertheless, we have used the rulemaking procedure to enhance involvement by the states and the public.

The Department of the Interior previously determined (48 FR 37494, August 18, 1983) that the export of river otters from various States and Indian Tribes or Nations, taken in the 1983–1984 and subsequent seasons, is not a major Federal action that would

significantly affect the quality of the human environment under the National Environmental Policy Act (NEPA) (42 U.S.C. 4321–4347). Before a final decision is made on this proposed rule, the Fish and Wildlife Service will determine whether a finding of no significant impact is appropriate under regulations implementing NEPA.

This proposed rule was not subject to Office of Management and Budget review under Executive Order 12866 and would not pose significant economic effects to a substantial number of small entities as outlined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because the existing rule treats exports on a State-by-State and Indian Nation-by-Indian Nation basis and proposes to approve export in accordance with an already existing State or Indian Nation management program, the proposed rule would have little effect on small entities in and of itself. The proposed rule would allow continued international trade in river otters from the United States in accordance with CITES and does not contain any Federalism impacts as described in Executive Order 12612. This action is not expected to have significant taking implications for U.S. citizens, as per Executive Order No. 12630.

#### **Information Collection Requirements**

We have examined this proposed regulation under the Paperwork Reduction Act of 1995 and found it to contain no new information collection requirements for which Office of Management and Budget (OMB) approval is required. Persons exporting river otter skins from the United States may obtain permits which are already authorized under 50 CFR part 23 as approved by OMB and assigned clearance number 1018–0093. No new information collection or permit requirements are contained in this proposed regulation. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule does not have an annual effect on the economy of \$100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability

of U.S.-based enterprises to compete with foreign-based enterprises.

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501, *et seq.*), this rule will not significantly or uniquely affect small governments, nor will it produce a Federal mandate of \$100 million or greater in any year (i.e., it is not a significant regulatory action under the Unfunded Mandates Reform Act).

In accordance with the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951) and 512 DM 2, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects. Individual tribal members are subject to the same regulatory requirements as other individuals who export American river otters.

In accordance with Executive Order 12988, the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order. Specifically, this rule has been reviewed to eliminate errors and ambiguity, has been written to minimize litigation, provides a clear legal standard for affected conduct, and specifies in clear language the effect on existing Federal law or regulation.

This proposed rule is issued under the authority of the Endangered Species Act of 1973 as amended (16 U.S.C. 1531 *et seq.*).

#### List of Subjects in 50 CFR Part 23

Endangered and threatened species, Exports, Imports, Treaties.

#### PART 23—ENDANGERED SPECIES CONVENTION

Accordingly, the Service proposes to amend Part 23 of Title 50, Code of Federal Regulations, as set forth below:

1. The authority citation for Part 23 continues to read as follows:

**Authority:** Convention on International Trade in Endangered Species of Wild Fauna and Flora, 27 U.S.T. 1087; and Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.*

2. In Subpart F—Export of Certain Species, revise § 23.53 to read as follows:

#### § 23.53 River otter (*Lontra canadensis*).

States for which we permit the export of the indicated season's take under § 23.15 of this part:

(a) States and Seasons Approved for Export of River Otter From the United States:

	1977–78 <sup>1</sup>	1978–79 <sup>2</sup>	1979–80 <sup>3</sup>	1980–81	1981–82	1982–83	1983–84 and future	1995–96 and future	1998–99 and future
Alabama .....	Q	+	+	+	+	+	+	+	+
Alaska .....	+	+	+	+	+	+	+	+	+
Arkansas .....	Q	+	+	+	+	+	+	+	+
Connecticut .....	Q	+	+	+	+	+	+	+	+
Delaware .....	Q	+	+	+	+	+	+	+	+
Florida .....	Q	+	+	+	+	+	+	+	+
Georgia .....	Q	+	+	+	+	+	+	+	+
Louisiana .....	Q	+	+	+	+	+	+	+	+
Maine .....	Q	+	+	+	+	+	+	+	+
Maryland .....	Q	+	+	+	+	+	+	+	+
Massachusetts .....	Q	+	+	+	+	+	+	+	+
Michigan .....	Q	+	+	+	+	+	+	+	+
Minnesota .....	Q	+	+	+	+	+	+	+	+
Mississippi .....	Q	+	+	+	+	+	+	+	+
Missouri .....	—	—	—	—	—	—	—	—	+ <sup>5</sup>
Montana .....	Q	+	+	+	+	+	+	+	+
New Hampshire .....	Q	+	+	+	+	+	+	+	+
New Jersey .....	—	—	—	—	—	+	+	+	+
New York .....	Q	+	+	+	+	+	+	+	+
North Carolina .....	Q	+	+	+	+	+	+	+	+
Oregon .....	Q	+	+	+	+	+	+	+	+
Penobscot Nation .....	—	—	—	—	—	—	+	+	+
Rhode Island .....	Q	+	—	—	—	—	—	—	—
South Carolina .....	Q	+	+	+	+	+	+	+	+
Tennessee .....	—	—	—	—	—	—	—	+ <sup>4</sup>	+
Vermont .....	Q	+	+	+	+	+	+	+	+
Virginia .....	Q	+	+	+	+	+	+	+	+
Washington .....	Q	+	+	+	+	+	+	+	+
Wisconsin .....	Q	+	+	+	+	+	+	+	+

<sup>1</sup> For further information, see 42 FR 43729, Aug. 30, 1977; 43 FR 11081, Mar. 16, 1978; and 43 FR 29469, July 7, 1978.

<sup>2</sup> For further information, see 43 FR 11096, Mar. 16, 1978; 43 FR 13913, Apr. 3, 1978; 43 FR 15097, Apr. 10, 1978; 43 FR 29469, July 7, 1978; 43 FR 35013, Aug. 7, 1978; 43 FR 36293, Aug. 16, 1978; and 43 FR 39305, Sept. 1, 1978.

<sup>3</sup> For further information, see 44 FR 25383, Apr. 30, 1979; 44 FR 31583, May 31, 1979; 44 FR 40842, July 12, 1979; 44 FR 52289, Sept. 7, 1979; and 44 FR 55540, Sept. 26, 1979.

<sup>4</sup> Export for 1994–95 approved administratively (for Tennessee).

<sup>5</sup> Export for 1996–97 and 1997–98 approved administratively (for Missouri).

Q: Export approved with quota.

+: Export approved.

—: Export not approved.

(b) *Condition on export:* Exporters must clearly identify each pelt as to species, State, or Indian Nation of

origin, and season of taking, by permanently attaching a serially numbered tag of a type approved by the

Service and attached under conditions established by the Service. Exception to the tagging requirement: We will allow

the export of fully manufactured fur or hide products from the United States only when the CITES export tags removed from the hides prior to manufacture are surrendered to us prior

to export. Such tags must be removed by cutting the tag straps on the side next to the locking socket of the tag, so that the locking socket and locking tip remain joined.

Dated: September 22, 1998.

**Stephen C. Saunders,**

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 98-25987 Filed 9-29-98; 8:45 am]

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