

forth in the direct final rule and the accompanying technical support document. If no adverse comments are received in response to this rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by September 25, 1998.

ADDRESSES: Written comments should be addressed to David L. Arnold, Chief, Ozone and Mobile Sources Section, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224.

FOR FURTHER INFORMATION CONTACT: Kristeen Gaffney, (215) 814-2092, at the EPA Region III address above.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations Section of this **Federal Register**.

Authority: 42 U.S.C. 7401 et seq.

Dated: August 5, 1998.

Thomas C. Voltaggio

Acting Regional Administrator, Region III.

[FR Doc. 98-22796 Filed 8-25-98; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 14

RIN 1018-AD98

Humane and Healthful Transport of Wild Mammals, Birds, Reptiles and Amphibians to the United States

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Fish and Wildlife Service withdraws the June 6, 1997 proposed rule to amend 50 CFR part 14, subpart J, pertaining to the establishment of

standards for the humane and healthful transport of live reptiles and amphibians to the United States. We promulgated this proposed rule under the authority of the Lacey Act, as amended, enacted on November 16, 1981. This action is being taken in part to allow for the completion of the current revision process of the *Live Animals Regulations* (LAR) of the International Air Transport Association (IATA).

This decision was made to allow us to explore all possible opportunities to align United States humane and healthful transport regulations with the IATA LAR standards, which have generally been adopted by the international community, including the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the European Community (EC), as their required humane transport standards.

ADDRESSES: Director, U.S. Fish and Wildlife Service, c/o Office of Management Authority, either by mail 4401 N. Fairfax Drive, Room 700, Arlington, VA 22203, or by fax (703) 358-2298, or by e-mail to R9OMA_CITES@mail.fws.gov.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Weissgold, Office of Management Authority, U.S. Fish and Wildlife Service, telephone (703) 358-1917, fax (703) 358-2298, or e-mail Bruce_Weissgold@mail.fws.gov.

SUPPLEMENTARY INFORMATION: In the proposed rule of June 6, 1997 (62 FR 31044), we recognized three justifications for amending 50 CFR Part 14, subpart J. First, the Lacey Act Amendments of 1981 (U.S.C. 42(c)) prohibit the transportation of all classes of species into the United States under inhumane or unhealthful conditions, and require that the United States Government promulgate regulations governing the transportation of wildlife. We established rules for the humane and healthful transport of wild mammals and birds to the United States on June 17, 1992 (57 FR 27094) in 50 CFR Part 14 subpart J.

Therefore, we proposed to extend 50 CFR Part 14, subpart J to include rules for the transport of reptiles and amphibians in order to more fully comply with the Lacey Act, which requires the humane transport of all animals and the promulgation of necessary regulations. Furthermore, many reptiles and amphibians are species included in the Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES requires that all species listed on the CITES

Appendices be packed and shipped in accordance with the IATA LAR.

Our second justification for the proposed amendment to the rule is the need to protect the well-being of reptiles and amphibians during transport. The proposed amendment to 50 CFR Part 14, subpart J responded to this problem by providing the Division of Law Enforcement with the authority to cite shippers for failure to comply with specific regulatory requirements even where, by chance, high mortality has not resulted. This additional authority would help us ensure increased compliance with humane and healthful shipping standards, and thus reduce mortality and injury for transported reptiles and amphibians.

Finally, the proposed amendments to 50 CFR Part 14 subpart J would enable us to process the high and increasing volume of reptiles and amphibians entering the United States, and provide a mechanism for adequate data capture and recording or inhumane and unhealthful transport conditions. Specifically, the proposed regulations would equip us with rules that address the particular biological requirements of reptiles and amphibians, and enable us to respond better to the problems associated with transporting these species, and to record instances of mortality of animals in transit and/or substandard shipping conditions.

IATA intends to convene a meeting of its Live Animals and Perishables Board (LAPB) in Montreal, Canada, in October 1998. One component of this meeting would be the introduction, consideration, and debate of amendments to its LAR for reptiles and amphibians. We would like to reevaluate our rule-making effort following the outcome of the IATA revision process, which may include modifications to the packing standards associated with the IATA LAR Container Requirements, specifically regulating the shipping of live reptiles and amphibians.

After proposing amendments to 50 CFR part 14, subpart J, we received a large number of comments from the general public, both in writing, and verbally at public meetings in New York City (January 17, 1998) and Los Angeles (January 27, 1998). Substantial information was received during the comment periods to warrant changes to our proposed rule. The comments that we received covered a broad array of positions, including biological, technical, legal, and animal welfare issues associated with the proposed rule. Some commenters considered our proposals harmful to live reptiles and amphibians in commerce by being

overly regulatory and not based on the biological requirements of the animals. Other commenters indicated that we had favored the commercial reptile and amphibian industry in our proposal and had not proposed sufficiently stringent standards to ensure humane and healthful transport conditions for these animals. We are continuing to evaluate the comments we received to determine their applicability to our rulemaking process, and whether they could apply to our anticipated discussion with IATA on amending their regulations. Once the IATA revision process is complete, we will determine whether it is applicable to our rulemaking efforts in this area and whether another proposed rule is warranted.

Author: The author of this notice is Bruce Weissgold (see **FOR FURTHER INFORMATION CONTACT** section).

Authority: The authority for this action is the Lacey Act, as amended (18 U.S.C. 42(c)).

Dated: August 20, 1998.

Donald Barry,

Assistant Secretary, Fish and Wildlife and Parks.

[FR Doc. 98-22889 Filed 8-21-98; 3:19 pm]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AF03

Endangered and Threatened Wildlife and Plants; Notice of Additional Public Hearing on the Proposal To List the Contiguous United States Distinct Population Segment of the Canada Lynx as a Threatened Species; and the Captive Population of Canada Lynx Within the Coterminous United States (lower 48 States) as Threatened Due to Similarity of Appearance, With a Special Rule

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of additional public hearing.

SUMMARY: The Fish and Wildlife Service (Service), pursuant to the Endangered Species Act of 1973, as amended (Act), provides notice of one additional public hearing on the proposed threatened status of the contiguous United States population of the Canada lynx.

DATES: The comment period closes on September 30, 1998. There will be eleven public hearings, including one additional public hearing in Idaho on September 17, 1998 from 2 p.m. until 4 p.m. and from 6 p.m. until 8 p.m.

ADDRESSES: Written comments and materials concerning this proposal may be submitted at the hearings or sent directly to Field Supervisor, U.S. Fish and Wildlife Service, Montana Field Office, 100 N. Park Ave., Suite 320, Helena, Montana 59601. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

The additional hearing will be held at the Rodeway Inn, 1115 North Custis Rd., Boise, ID.

FOR FURTHER INFORMATION CONTACT: Kemper McMaster at 406/449-5225; or by fax at 406/449-5339 (see **ADDRESSES** section).

SUPPLEMENTARY INFORMATION: Public hearings on this proposal will be held in the following locations:

Western States

Colorado

Wednesday, July 22, 1998 from 7 p.m. until 9 p.m. at the Ramada Inn, 124 W. 6th St., Glenwood Springs, Colorado. This public hearing will be preceded by an informational open house from 6 p.m. to 7 p.m.

Tuesday, July 28, 1998, from 7 p.m. until 9 p.m. at the Sheraton Denver West, 360 Union Boulevard, Lakewood, Colorado. This public hearing will be preceded by an informational open house from 6 p.m. to 7 p.m.

Idaho

Thursday, September 10, 1998, from 2 p.m. until 4 p.m. and from 6 p.m. until 8 p.m. at the Coeur d'Alene Inn and Conference Center, 414 West Appleway Avenue, Coeur d'Alene, Idaho.

Thursday, September 17, 1998, from 2 p.m. until 4 p.m. and from 6 p.m. until 8 p.m. at the Rodeway Inn, 1115 North Curtis Road, Boise, Idaho.

Montana

Tuesday, July 21, 1998, from 2 p.m. until 4 p.m. and from 6 p.m. until 8 p.m. at the Colonial Inn Best Western, 2301 Colonial Drive, Helena, Montana.

Wednesday, July 22, 1998, from 2 p.m. until 4 p.m. and from 6 p.m. until 8 p.m. at Cavanaugh's at Kalispell Center, 20 North Main, Kalispell, Montana.

Oregon

Tuesday September 15, 1998, from 2 p.m. until 4 p.m. and from 6 p.m. until 8 p.m. at Eastern Oregon University, Hoke University Center, 1410 L Avenue, Rooms 201-203, LaGrande, Oregon.

Washington

Tuesday, September 8, 1998, from 2 p.m. until 4 p.m. and from 6 p.m. until 8 p.m. at the Cedars Inn, 1 Appleway, Okanogan, Washington.

Wyoming

Wednesday, August 12, 1998, from 2 p.m. until 4 p.m. and from 6 p.m. until 8 p.m. at the Cody Auditorium, Cody Club Room, 1234 Beck Avenue, Cody, Wyoming.

Eastern States

Maine

Tuesday, September 15, 1998 from 7 p.m. until 9 p.m. at the Old Town High School, 240 Stillwater Avenue, Old Town, Maine.

Great Lakes States

Wisconsin

Tuesday, September 15, 1998 from 7 p.m. to 9 p.m. at the Northern Great Lakes Center on County Road G near Hwy 2, west of Ashland, Wisconsin. This public hearing will be preceded by an informational open house from 6 p.m. to 7 p.m.

Background

On July 8, 1998, the Service proposed to list the contiguous United States population segment of the Canada lynx (*Lynx canadensis*) as threatened, pursuant to the Endangered Species Act of 1973, as amended (Act) (63 FR 36994). This population segment includes the States of Washington, Oregon, Idaho, Montana, Utah, Wyoming, Colorado, Minnesota, Wisconsin, Michigan, Maine, New Hampshire, Vermont, New York, Pennsylvania and Massachusetts. The contiguous United States population segment of the Canada lynx is threatened by human alteration of forests, low numbers as a result of past overexploitation, expansion of the range of competitors (bobcats (*Felix rufus*) and coyotes (*Canis latrans*)), and elevated levels of human access into lynx habitat. The proposal lists the captive population of Canada lynx within the coterminous United States (lower 48 States) as threatened due to similarity of appearance with a special rule.

Section 4(b)(5)(E) of the Act (16 U.S.C. 1531 *et seq.*) requires that a public hearing be held if it is requested within 45 days of the publication of the proposed rule. An additional public hearing was requested by the Governor of Idaho within the allotted time period. The Service has scheduled an additional public hearing in Boise, Idaho (See above Supplemental Information).