

collections referenced above, E-mail your request, including your address and phone number, to [Paperwork@hcfa.gov](mailto:Paperwork@hcfa.gov), or call the Reports Clearance Office on (410) 786-1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: July 23, 1998.

**John P. Burke III,**

*HCFA Reports Clearance Officer, HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.*

[FR Doc. 98-21275 Filed 8-7-98; 8:45 am]

BILLING CODE 4120-03-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Development of Policy for the Use of Permits as Conservation Tools; Request for Public Comment

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

**ACTION:** Scoping notice.

**SUMMARY:** The Fish and Wildlife Service is responsible for the implementation of a number of wildlife laws and treaties, including the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Migratory Bird Treaty Act (MBTA), Lacey Act, Bald and Golden Eagle Protection Act (BGEPA), Wild Bird Conservation Act (WBCA), Endangered Species Act (ESA), and Marine Mammal Protection Act (MMPA). Each of these laws and treaties provides for permits to be issued for otherwise prohibited activities under specific circumstances. We are reviewing our current permitting programs and solicit information and comments from all interested parties on the development of a policy that would approach permits as a conservation tool and provide a more efficient permit process that is consistently implemented Service-wide, with a focus on scientific research and scientific and conservation institutions that meet certain standards. We will publish any draft policy developed as a result of this review in the **Federal Register** for public review and comment.

**DATES:** Send public comments on this notice by September 24, 1998. We will

consider any comments in developing a policy.

**ADDRESSES:** Send comments to the Chief, Office of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203.

**FOR FURTHER INFORMATION CONTACT:** Teiko Saito, Chief, Office of Management Authority, at the above address, telephone (703) 358-2093, extension 2; fax (703) 358-2280.

#### SUPPLEMENTARY INFORMATION:

##### Background

Permits are a means of regulating human activities that can have an impact on populations of protected wildlife and plants, thereby conserving them for future generations. Our goal in administering the permits programs is to foster conservation of protected species and their habitat, while imposing the least possible burden on the affected public.

##### Current Service Permits Programs

All of our programs follow the General Permit Procedures in the regulations at 50 CFR Part 13. These regulations lay the foundation for the uniform processing of permit applications, including application procedures, general information requirements, permit administration (i.e., issuance, renewal, amendment, and appeal procedures), and general permit conditions. In addition, we have permit regulations specific to the implementation of each law or treaty. Any person intending to conduct an activity that requires a permit must apply for a permit in accordance with the General Permit Procedure regulations and the specific regulations under the laws and treaties by which the wildlife or plant is protected. If the species is listed under more than one law or treaty, we will, to the extent practical, accept one application and issue a single permit authorizing the activity. We currently have four programs that issue wildlife permits, as briefly summarized below.

##### Office of Management Authority (OMA)

OMA issues permits for the international movement of Federally regulated animals and plants, interstate commerce or movement of exotic species, and take of marine mammals under our jurisdiction. A number of these permits involve multiple authorities (e.g., the import of an Amazonian manatee would require permitting decisions under CITES, ESA, and MMPA). OMA works closely with the Office of Scientific Authority, who

makes certain required scientific determinations. OMA coordinates with other offices to add authorizations to use nondesignated ports and to import or export MBTA-listed migratory birds that are also protected under CITES and/or the ESA. Specifically, OMA processes applications under the following laws and treaties:

**Cites:** CITES (50 CFR Part 23) is a treaty that protects many species of animals and plants to ensure that commercial demand does not threaten their survival in the wild. International shipments of CITES-listed specimens, including captive-born wildlife, artificially propagated plants, and pre-Convention and scientific exchange specimens, must be accompanied by CITES documentation. The Division of Law Enforcement also issues CITES permits for specific categories of wildlife as outlined in the following section on Law Enforcement.

**Lacey Act:** The injurious wildlife regulations (50 CFR Part 16) were promulgated under the Lacey Act to help prevent accidental or intentional introduction to the United States and its territories of any exotic species deemed injurious or potentially injurious to native species and their habitats, to the health and welfare of human beings, and to the interest of forestry, agriculture, and horticulture. OMA issues permits for import, transport, and acquisition of listed exotic species for zoological, educational, medical, or scientific purposes.

**WBCA:** Congress enacted the WBCA (implemented by regulations codified at 50 CFR Part 15) to ensure that exotic bird species are not harmed by international trade and to encourage wild bird conservation programs in countries of origin. OMA issues import permits for scientific research, zoological breeding or display, cooperative breeding when part of an approved program, and personal pet purposes. The WBCA also provides for the import of species that are placed on a list approved by us based on certain criteria or from an approved foreign captive-breeding facility or scientifically based management plan for the species.

**ESA:** The ESA (implemented by regulations codified at 50 CFR Part 17) helps prevent the extinction of endangered and threatened animals and plants by providing measures to protect those species and their habitats. OMA issues permits for all regulated activities that involve foreign species and for import, export, or foreign commerce that involves native species. Endangered species staff in the Service's Regional Offices issue permits for other activities affecting native species as outlined

below. We issue endangered species permits for scientific research and enhancement of propagation or survival of species and threatened species permits for these same activities as well as for zoological, horticultural, or botanical exhibition, educational purposes, and special purposes consistent with the purposes and policy of the ESA.

**MMPA:** The purposes of the MMPA (implemented by regulations codified at 50 CFR Part 18) are to maintain marine mammal populations at, or return them to, optimum sustainable population levels and to maintain the ecosystems upon which these species depend. We have jurisdiction for polar bears, sea otters, walrus, dugongs, marine otters, and manatees. OMA issues permits for the take and import of marine mammals for scientific research, public display, or enhancing the survival or recovery of a species or stock; take of marine mammals in the course of education or commercial photography; and the import of personal sport-hunted trophies of polar bears taken in Canada. Permits are also available for the permanent placement of beached and stranded marine mammals that are determined to be non-releasable. Permission can be granted for scientific research under a General Authorization.

#### *Division of Law Enforcement*

The Law Enforcement Offices (LE) in each of the seven Regional Offices of the Service issue Import/Export licenses and Designated Port Exception Permits. Under the authority of the ESA, any person who engages in business as an importer or exporter of wildlife must acquire an Import/Export License, with a few exceptions (see applicable regulations at 50 CFR Part 14). These regulations also require that wildlife be imported into or exported from the United States at a designated port or at a nondesignated port only under certain circumstances. Currently, we have designated 13 customs ports of entry for wildlife shipments. LE issues Designated Port Exception Permits for scientific purposes, to minimize deterioration or loss, or to alleviate undue economic hardship.

LE staff also issue two categories of CITES permits at certain regional offices and designated ports across the Nation. Such permits authorize the re-export of specimens of CITES Appendix II and III wildlife and the export of tagged skins for the following native species that have approved State management programs: American alligator, Alaskan brown bear, Alaskan gray wolf, bobcat, lynx, and river otter.

#### *Division of Endangered Species*

The Regional Endangered Species Offices (TE) issue permits for recovery actions, incidental take, and interstate commerce of native endangered and threatened species listed under the ESA and coordinate with our other offices when appropriate to address other applicable statutes.

Recovery Permits are issued for a number of activities described previously (e.g., scientific research, enhancement of propagation or survival) when the proposed activity will benefit species conservation. They are used as conservation tools to aid in conducting recovery actions and are generally coordinated with species recovery plans or outlines. Interstate Commerce Permits allow transport and sale of listed species across State lines as part of recovery actions. For example, this activity would be allowed as part of breeding programs enhancing the survival or propagation of a species.

The Service published in the **Federal Register** a proposed rule for Enhancement of Survival Permits on June 12, 1997. These permits are part of voluntary cooperative programs, which includes Safe Harbor and Candidate Conservation Agreements with Assurances developed by us for the proactive management of non-Federal lands for the benefit of species. We provide participating non-Federal property owners with technical assistance in the development of these Agreements. Under Safe Harbor Agreements, if the agreement provides a net conservation benefit to the covered listed species and the property owner meets all the terms of the Agreement, TE staff will authorize the incidental taking of the covered listed species that enables the property owner to return the enrolled property back to agreed upon baseline conditions. Under Candidate Conservation Agreements, property owners voluntarily undertake conservation measures to conserve species that are proposed for listing, candidates for listing, or species that are likely to become candidates or proposed in the near future.

Incidental Take Permits allow for the incidental take of listed, proposed, and candidate species in the course of otherwise lawful, non-Federal actions (e.g., private land development). In order for a permit to be issued, the ESA requires the development of a Habitat Conservation Plan that details anticipated incidental take, describes the proposed activities that will conserve listed species, and outlines how the effects on a listed species of the authorized project will be minimized

and mitigated. We use the HCP process to allow economic development by private interests to proceed while promoting the conservation of species and their ecosystems.

#### *Office of Migratory Bird Management*

The Migratory Bird Management Program (MB) issues permits at the regional level for the take and possession of migratory birds and eagles, and for the international movement of migratory birds. MB staff issue these permits under the MBTA (50 CFR Part 21) and the BGEPA (50 CFR Part 22), which were passed to protect migratory bird populations by prohibiting the take of birds, nests, and eggs, unless authorized by regulation. Other offices in consultation with this program add the MBTA authorization to permits issued for activities with migratory bird species listed under CITES and/or the ESA.

MB issues permits under the MBTA for a variety of purposes. Permits that authorize the direct take of birds from the wild include special purpose, depredation, scientific collecting, falconry, and raptor propagation. Bird banding permits, which also authorize the direct take of migratory birds for temporary banding purposes, are issued by the Bird Banding Laboratory, U.S. Geological Survey. Other permits issued by the regional migratory bird programs (e.g., taxidermy, waterfowl sale and disposal, and import or export) authorize only the acquisition or disposition of previously acquired, wild or captive-bred migratory birds.

Under the BGEPA, MB issues permits for similar, although fewer, purposes. Permits issued under this Act can authorize the direct take of eagles and nests from the wild for scientific and education purposes, Indian religious purposes, and depredation. In addition, permits can authorize the possession and transportation of golden eagles for falconry purposes.

#### **Permit Concerns**

Recently, we established a Permits Work Group consisting of Service staff under the direction of the Assistant Director for International Affairs and including Service and Department of Interior staff to review concerns about our permitting programs raised over the past several years by scientific and conservation organizations and to make recommendations on how to address the concerns. The concerns centered on the need for a better approach to programmatic permitting and the need to recognize scientific and conservation organizations conducting work with protected species as partners in resource

conservation. These organizations believe that our current wildlife permitting system serves as a disincentive to working with protected species, and at times even impedes scientific investigation, conservation, and endangered and threatened species recovery efforts. Specific issues raised include the apparent fragmentation of the current permits processes for CITES, endangered species, migratory birds, and other regulated taxa; slow response time and delays in permit issuance; regional inconsistencies in interpreting permit issuance criteria; the public's unfamiliarity with the multitude and complexity of the different permit application requirements and issuance criteria used by different offices and programs; and the perceived intimidation of permittees by permit processing and law enforcement personnel.

### Current Ongoing Improvements

We recognize the need to continuously improve the permit process and have over the past few years undertaken a number of initiatives designed to improve the programs and provide better customer service while ensuring species conservation. These initiatives are in various stages of development and implementation. We will be evaluating their effectiveness over time. They include efforts to:

#### *Make the Process More Efficient and User Friendly*

- A detailed review of permit application forms under the OMB approval process was completed on January 31, 1998, resulting in redesigned, simplified forms that are tailored, where possible, to a particular type of activity or species.
- Development of a new computer system, Servicewide Permit Issuance and Tracking System (SPITS), to be online nationwide for permit issuance July of this year and for species tracking by the end of the year, which will allow for more efficient tracking and issuance of permits and compilation of data on cumulative effects;
- Better access to permit information through the development of new fact sheets, a faxback system that allows application forms to be ordered using a fax machine, and the internet (our Homepage Web site—<http://www.fws.gov>).
- Increase the number of ports designated for the import and export of wildlife and the number of wildlife inspectors to clear shipments, including an increase in inspectors at the Canadian and Mexican border ports.

#### *Ensure Consistent and Fair Implementation*

- Development of permit handbooks to assist in training and ensure consistency in interpretation of laws and treaties and the processing of permit applications.
- Drafting of new policies and permit regulations.
- Sharing of data and improved coordination between offices within programs and between programs through SPITS.

#### *Foster Partnerships for Wildlife Conservation*

- Increase outreach through conferences and meetings.
- Use of program-based permits to expedite the issuance of specific import or export permits for recovery activities.
- Lessening of import and export requirements for accredited scientific institutions by eliminating the requirement to obtain an Import/Export License and allowing the use of U.S. Customs ports and international mail for shipment of most scientific specimens.

#### *Focus on Risk Management and Conservation*

- Development of SPITS to track and analyze cumulative wildlife and plant data for species management.
- Shifting of law enforcement wildlife inspectors to ports with high numbers of shipments.

### New Policy Development

Recognizing the need to make additional improvements, the Permits Work Group has recommended the development of a policy that acknowledges permits as a conservation tool and seeks to provide a more efficient permit process that is consistently implemented Service-wide, with a focus on scientific research and conservation activities by institutions that meet certain standards. We see this as an opportunity to continue to develop new approaches to permitting that foster partnerships and provide incentives for greater involvement by cooperating institutions in the conservation of protected wildlife. Any new approach must incorporate conservation risk management to ensure that our limited resources are directed toward those species considered to be at the greatest conservation risk and that can benefit from our enhanced attention. Among the approaches which we may consider, where consistent with all of the laws and treaties discussed above, are:

- Development of standardized criteria for scientific and conservation institutions which seek to become our

cooperators, focussing on evaluation of their scientific and conservation expertise and their past history of successfully implementing activities under previous permits;

- Development of standardized permit conditions for each category of activity and species or related group of species to be covered by permits;
- Pre-approval of cooperating institutions to receive permits from our designated issuing offices on a streamlined basis under all authorities for which they qualify to carry out approved conservation activities; and/or
- Issuance of general permits to cooperating institutions which would cover all appropriate authorities and conservation activities for which they qualify.

Any of these new approaches we select for further consideration would complement the ongoing initiatives discussed previously in this notice, and we would implement it using the new capability for standardization and efficiency of permits issuance provided by the Servicewide Permits Issuance and Tracking System (SPITS).

### Public Comments Solicited

We intend to complete the review and development of any necessary new policy as quickly as possible. We invite interested organizations and the public to comment on the need for a policy for wildlife permits as a conservation tool and to suggest new approaches to permitting that could make the process more efficient and user friendly; ensure consistent and fair implementation; foster partnerships for wildlife conservation; and focus on risk management and conservation of protected animals and plants. Any suggested new approach needs to be consistent with our basic statutory responsibilities for the conservation of wildlife and plants; balance the benefits to the user with the risks of potentially harmful activities affecting protected species; and be capable of being applied in a consistent and fair manner to all affected persons.

### Required Determinations

This notice is merely a scoping document seeking public input on the development of a policy that would approach permits as a conservation tool and provide a more efficient permit process. It complies with all applicable administrative requirements, and is not a significant regulatory action subject to the Office of Management and Budget review under Executive Order 12866.

**Authority:** The authority for this action is the Convention on International Trade in Endangered Species of Wild Fauna and Flora

(27 U.S.T. 1087); Migratory Bird Treaty Act (16 U.S.C. 703-712); Lacey Act (18 U.S.C. 42); Bald and Golden Eagle Protection Act (16 U.S.C. 668a); Wild Bird Conservation Act (16 U.S.C. 4901-4916); Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*); and Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: July 31, 1998.

**Jamie Rapport Clark,**

*Director.*

[FR Doc. 98-21368 Filed 8-7-98; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NV-030-5700-10; Closure Notice No. NV-030-98-003]

#### Temporary Closure of Public Lands; Washoe County, NV

**AGENCY:** Bureau of Land Management, Nevada.

**SUMMARY:** The Carson City District Manager announces the temporary closure of selected public lands under his administration. This action is being taken to provide for public safety during the 1998 Reno National Championship Air Races.

**EFFECTIVE DATES:** September 14 through September 20, 1998.

**FOR FURTHER INFORMATION CONTACT:** Charles P. Pope, Acting Assistant Manager, Nonrenewable Resources, Carson City Field Office, 5665 Morgan Mill Road, Carson City, NV 89701. Telephone (702) 885-6100.

**SUPPLEMENTARY INFORMATION:** This closure applies to all the public, on foot or in vehicles. The public lands affected by this closure are described as follows:

#### Mt. Diablo Meridian

T. 21 N., R. 19 E.,

Sec. 8, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$  and E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 16, N $\frac{1}{2}$  and SW $\frac{1}{4}$ .

Aggregating approximately 680 acres.

The above restrictions do not apply to emergency or law enforcement personnel or event officials. The authority for this closure is 43 CFR 8364.1. Persons who violate this closure order are subject to arrest and, upon conviction, may be fined not more than \$1,000 and/or imprisoned for not more than 12 months.

A map of the closed area is posted in the Carson City District Office of the Bureau of Land Management.

Dated: August 8, 1998.

**Charles P. Pope,**

*Acting Assistant Manager, Nonrenewable Resources, Carson City Field Office.*

[FR Doc. 98-21357 Filed 8-7-98; 8:45 am]

BILLING CODE 4310-HC-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[AZ-910-0777-61-241A]

#### State of Arizona Resource Advisory Council Meeting

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Arizona Resource Advisory Council Meeting, notice of meeting.

**SUMMARY:** This notice announces a meeting of the Arizona Resource Advisory Council. The meeting will be held September 10, 1998, beginning at 8:30 a.m. in the New Mexico Room at the BLM National Training Center, 9828 North 31st Avenue, Phoenix, Arizona. The agenda items to be covered at the one-day business meeting include review of previous meeting minutes; BLM State Director's Update on legislation, regulations and other statewide issues; U.S. Fish and Wildlife Service Presentation on the Endangered Species Act and Section 7 Consultation Process; General Presentation by Forest Service on rangeland management issues; BLM Presentation on the National Environmental Policy Act; Updates on the Barry Goldwater Range EIS and the Vermillion Cliffs Project; Proposed Field Office Rangeland Resource Teams; and Reports by the Standards and Guidelines, Recreation and Public Relations, Wild Horse and Burro Working Groups; Reports from BLM Field Office Managers; Reports from RAC members; and Discussion on future meetings. A public comment period will take place at 11:30 a.m. on September 10, 1998, for any interested publics who wish to address the Council.

**FOR FURTHER INFORMATION CONTACT:** Deborah E. Stevens, Bureau of Land Management, Arizona State Office, 222 North Central Avenue, Phoenix, Arizona 85004-2203, (602) 417-9215.

**John Christensen,**

*Acting State Director.*

[FR Doc. 98-21290 Filed 8-7-98; 8:45 am]

BILLING CODE 4310-32-P

## NUCLEAR REGULATORY COMMISSION

[Docket 70-7002]

#### Notice of Amendment to Certificate of Compliance GDP-2 for the U.S. Enrichment Corporation Portsmouth Gaseous Diffusion Plant Portsmouth, OH

The Director, Office of Nuclear Material Safety and Safeguards, has

made a determination that the following amendment request is not significant in accordance with 10 CFR 76.45. In making that determination, the staff concluded that: (1) there is no change in the types or significant increase in the amounts of any effluents that may be released offsite; (2) there is no significant increase in individual or cumulative occupational radiation exposure; (3) there is no significant construction impact; (4) there is no significant increase in the potential for, or radiological or chemical consequences from, previously analyzed accidents; (5) the proposed changes do not result in the possibility of a new or different kind of accident; (6) there is no significant reduction in any margin of safety; and (7) the proposed changes will not result in an overall decrease in the effectiveness of the plant's safety, safeguards, or security programs. The basis for this determination for the amendment request is described below.

The NRC staff has reviewed the certificate amendment application and concluded that it provides reasonable assurance of adequate safety, safeguards, and security and compliance with NRC requirements. Therefore, the Director, Office of Nuclear Material Safety and Safeguards, is prepared to issue an amendment to the Certificate of Compliance for the Portsmouth Gaseous Diffusion Plant (PORTS). The staff has prepared a Compliance Evaluation Report which provides details of the staff's evaluation.

The NRC staff has determined that this amendment satisfies the criteria for a categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for this amendment.

USEC or any person whose interest may be affected may file a petition, not exceeding 30 pages, requesting review of the Director's Decision. The petition must be filed with the Commission not later than 15 days after publication of this **Federal Register** Notice. A petition for review of the Director's Decision shall set forth with particularity the interest of the petitioner and how that interest may be affected by the results of the decision. The petition should specifically explain the reasons why review of the Decision should be permitted with particular reference to the following factors: (1) the interest of the petitioner; (2) how that interest may be affected by the Decision, including the reasons why the petitioner should be permitted a review of the Decision; and (3) the petitioner's areas of concern about the activity that is the subject