

measurement at the Commission's laboratory.

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12. A new undesignated heading is added after § 2.909 and new §§ 2.971-2.979 are added to read as follows:

Notification

Sec.

- 2.971 Cross reference.
- 2.973 Limitations on notification.
- 2.975 Application for notification.
- 2.977 Changes in notified equipment.
- 2.979 Information required on identification label for notified equipment.

Authority: Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303).

Notification

§ 2.971 Cross reference.

The general provisions of this subpart, § 2.901, *et seq.*, shall apply to applications for and grants of notification.

§ 2.973 Limitations on notification.

Notification is a grant of equipment authorization issued by the Commission that signifies that the applicant has been shown to be cable of compliance with the applicable technical standards in the Commission's rules if no unauthorized change is made in the equipment and if the equipment is properly maintained and operated. Compliance with these standards shall not be construed to be a finding by the applicant with respect to matters not encompassed by the Commission's rules.

§ 2.975 Application for notification.

(a) Subsequent to the determination by the applicant that the equipment complies with the applicable standards, the applicant, who shall retain the responsibility for ensuring that the equipment continues to comply with such standards, shall file a request for the issuance of an equipment authorization on FCC Form 731 for each FCC Identifier with all questions answered. Where a form item is not applicable, it shall be stated. The application shall be filed in the name of the party to whom the grantee code is assigned (see § 2.926 concerning the assignment of identifier codes). The following information shall be included in the filing, either in answer to the questions on the form or as attachments thereto:

(1) Name of the applicant indicating whether the applicant is the manufacturer of the equipment, a vendor other than the manufacturer, a licensee or a prospective licensee. Where the applicant is not the manufacturer of the

equipment, the name of the manufacturer shall be stated;

(2) Identification of the equipment for which notification is sought;

(3) A technical description of the equipment sufficiently complete to develop all of the factors concerning compliance with the technical standards of the applicable rule part(s). The description shall include the following items:

- (i) Type or types of emission (if applicable);
- (ii) Frequency range;
- (iii) Rated frequency tolerance (if applicable); and
- (iv) Rated radio frequency power output, if applicable (if variable, give the range);

(4) A statement concerning the intended use of the device including both the type of use for which the device has been designed and the part(s) or subpart(s) of the rules governing the device;

(5) The FCC Identifier for the device and a photograph or drawing of the equipment identification plate or label showing the information to be placed thereon in accordance with § 2.925;

(6) If required under the specific rule section(s) under which the equipment is to be operated, photographs of the equipment of sufficient clarity to reveal its external appearance and size, both front and back; and

(7) A signed statement attesting to the following or its equivalent:

This equipment has been tested in accordance with the requirements contained in the appropriate Commission regulations. To the best of my knowledge, these tests were performed using measurement procedures consistent with industry or Commission standards and demonstrate that the equipment complies with the appropriate standards. Each unit manufactured, imported or marketed, as defined in the Commission's regulations, will conform to the sample(s) tested within the variations that can be expected due to quantity production and testing on a statistical basis.

(b) The statement required in paragraph (a)(7) of this section shall be signed in a manner consistent with § 2.909(c).

(c) Upon the satisfactory completion of the necessary testing to determine that the applicable standards are met, the submission of the material required in paragraph (a) of this section and the issuance by this Commission of a grant of equipment authorization, marketing, as defined in § 2.803, is permitted.

(d) The authorization of the equipment through the notification procedure may be revoked by this Commission in a manner consistent with § 2.939.

§ 2.977 Changes in notified equipment.

(a) Under the notification procedure, the grantee warrants that each unit of equipment marketed will conform to the unit(s) tested and found acceptable by the grantee and that data on file with the grantee, as required in § 2.938, continues to be representative of the equipment being produced under such notification within the variation that can be expected due to quantity production and testing on a statistical basis.

(b) Permissive changes in the design of equipment subject to notification can be performed only under the conditions detailed in §§ 2.1001(a) and 2.1001(b)(1).

§ 2.979 Information required on identification label for notified equipment.

Each equipment for which a notification application is filed shall bear an identification plate or label pursuant to §§ 2.925 and 2.926. The FCC Identifier for such equipment will be validated by the grant of notification issued by the Commission.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 16

Importation or Shipment of Injurious Wildlife; Raccoon Dog

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to amend 50 CFR Part 16—Injurious Wildlife, Subpart B—Importation or Shipment of Injurious Wildlife, by adding the raccoon dog (*Nyctereutes procyonoides*), a nonindigenous predatory mammal of the Family Canidae, to the list of injurious mammals. The best available information indicates that this action is necessary to protect existing fish and wildlife resources from potential adverse effects which may result from purposeful or accidental introduction and subsequent establishment of the raccoon dog into existing ecosystems of the United States.

DATES: Public comments must be submitted on or before July 6, 1982 to be assured consideration.

ADDRESSES: Written comments may be mailed or delivered in person to: Chief, Division of Wildlife Management, Mail Code 355, U.S. Fish and Wildlife Service, 1717 H Street, NW., Room 512, Washington, D.C. 20240. Comments and

materials received in response to this proposal will be available for public inspection at the above address during normal working hours of 7:45 a.m. to 4:15 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Gillett, Chief, Division of Wildlife Management, 202-632-7463.

SUPPLEMENTARY INFORMATION:

Background

On December 1, 1981, the Service announced in the *Federal Register* (46 FR 58348) its intention to review available information on the raccoon dog (*Nyctereutes procyonoides*) for possible addition to the list of injurious wildlife within 50 CFR Part 16 as the means to prohibit importation of live animals. The notice solicited biological, economic, or other information concerning the raccoon dog to aid in determining if a proposed rule was warranted. The 45 day comment period ended on January 15, 1982. Copies of the notice were sent to all State clearinghouses and approximately 60 individuals, organizations, and Federal agencies which were considered to have knowledge of raccoon dogs or a vested interest in the outcome of the Service's review process. The mailing included zoos currently maintaining raccoon dogs, fur industry associations, professional wildlife management associations, universities, the U.S. Department of Health and Human Services, and agencies within the U.S. Department of Agriculture and the U.S. Department of the Interior. Written comments were received from thirteen respondents as follows:

Government (State)—3
Government (Foreign)—1
Universities—3
Animal welfare organizations—1
Zoos and aquariums—2
Professional wildlife societies—3

Ten respondents recognized the potential for harm to native fauna resulting from raccoon dog introductions and expressed support for listing the species as an injurious mammal.

Of the three other respondents, one recognized that the release of large numbers of raccoon dogs would probably lead to " * * * the establishment of a population on this continent as it did in Europe," but felt it unnecessary to list raccoon dogs as injurious unless a very serious concern existed that substantial numbers of the species would be released into the environment. Another respondent opposed listing the raccoon dog as an injurious species unless the Service conclusively demonstrated " * * * that the species was posing a threat to the

ecosystems of the United States." The last respondent stated that listing the species was not in conflict with their agency plans, goals and objectives.

Service involvement with the raccoon dog occurred as the result of an exchange of letters in September 1981 between the Assistant Secretary for Fish and Wildlife and Parks of the Department of the Interior and the Canadian Ministry of the Environment. The letters constituted a cooperative arrangement requiring both Governments " * * * to use their best efforts under existing * * * legal authority to effect prohibition of the importation of raccoon dogs into the * * *" respective countries.

Raccoon dogs are indigenous to eastern Asia including Japan, Korea, parts of the eastern Soviet Union, Mongolia, mainland China, and northern Indochina. From 1929 to 1955 nearly 9,000 raccoon dogs were introduced into the western and central Soviet Union and Siberia in efforts to establish the species for fur harvest purposes. The introductions in the western region of the Soviet Union proved successful, and from these areas the species has migrated steadily northward and westward and now is reported to be established in Finland, Sweden, Romania, Hungary, Czechoslovakia, Poland, and East and West Germany. They have also been observed in Austria, Bulgaria, and Greece.

The species appears capable of adapting to a wide range of vegetational and climatic conditions. They are the only canids known to hibernate during extreme winter weather, and they readily inhabit areas occupied by humans. Studies have shown them to be highly omnivorous with their diet including small mammals, birds and bird eggs, amphibians, reptiles, fish, insects, mollusks, carrion, human garbage and vegetable matter including fruits, berries, and grains. They are known to prey on, and have been identified as important enemies of, waterfowl and upland game birds, including eggs, nestlings, and brooding adults. They are also known to be predators of muskrats (*Ondatra zibethica*), weasels (*Mustela* spp.), and other small furbearing mammals, and, in the absence of control efforts, may adversely effect populations of these species. In terms of interspecific competition, raccoon dogs are known to utilize muskrats den sites. Available biological evidence suggests that the species would compete for den sites and prey animals with native predators such as red and gray fox (*Vulpes fulva* and *Urocyon cinereoargenteus*) and raccoons (*Procyon lotor*). A number of parasites and diseases are known to

infect the species, which also presents a threat to the health of native wildlife and perhaps humans if they were introduced into the U.S.

During 1979, three pairs of raccoon dogs were imported to a mink ranch in Wisconsin Rapids, Wisconsin. Six additional animals were imported to a mink ranch in Freeport, Illinois. Available information indicates that these animals have increased through breeding to 35 (13 in Wisconsin and 22 in Illinois). No other raccoon dogs are known to exist on fur farms in the United States, and none are believed to exist in the wild.

Description of the Proposed Rule

The regulations contained in 50 CFR Part 16 implement the Lacey Act (18 U.S.C. 42), as amended. Under the terms of the Lacey Act, the Secretary of the Interior is authorized to prescribe by regulation those nonindigenous wild mammals which are deemed to be injurious or potentially injurious to the health and welfare of human beings, to the interest of forestry, agriculture, and horticulture, or to the welfare and survival of the wildlife or wildlife resources of the United States. If it is determined that the raccoon dog is injurious or potentially injurious, then, as with all injurious wildlife, its acquisition, importation into, or transportation between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any territory or possession of the United States by any means whatsoever is prohibited except by permit for zoological, educational, medical, or scientific purposes, or by Federal agencies without a permit solely for their own use, upon filing a written declaration with the district Director of Customs at the port of entry. In addition, no live raccoon dogs acquired under permit or progeny thereof may be sold, donated, traded, loaned, or transferred to any other person unless such person has a permit issued by the Director of the Service.

The need for the rule is based on currently available biological evidence which suggests that importation and introduction of the raccoon dog into the natural ecosystems of the United States or any territory or possession of the United States would pose a threat to migratory waterfowl, upland game birds, and other native wildlife species due to predation, interspecific competition for food and den sites, and introduction of exotic diseases or parasites. Adverse impacts from raccoon dog introductions would transcend State lines and become regional or national in scope.

The extent to which raccoon dogs, if introduced, could or would supplant native wildlife is not known. However, the Service has determined that importation and subsequent release of raccoon dogs into the natural ecosystems of the United States, whether accidental or intentional, would be injurious or potentially injurious to the welfare and survival of some species of native wildlife. Addition of the raccoon dog to the list of injurious mammals in 50 CFR Part 16 is the only means that has been identified which provides long-term protection to native wildlife from raccoon dog competition or predation resulting from introductions of this species.

An assessment of the environmental effects of this proposed rule has been prepared and a determination has been made that such proposal is not a major Federal action under the National Environmental Policy Act. It has also been determined that this proposal is not a major rule under Executive Order 12291. In addition, the best available information indicates that a total of 35 raccoon dogs exist on two fur farms in the U.S. Based on an average pelt price of \$80.00, the total value of these animals in the fur market should not exceed \$2,800. Adverse effects on small

entities as a result of the rule would be minimal and restricted to two fur farm operations. Pelts produced at these locations could be transported in interstate commerce within the conterminous U.S. excluding the District of Columbia without restrictions. Consequently, it has been determined that the proposed rule does not have a significant impact on a substantial number of small entities under the Regulatory Flexibility Act.

The Environmental Assessment and the Determination of Effects of Rule are available for public inspection, as are all supporting documents, during regular business hours at the Service's Division of Wildlife Management, Room 512, 1717 H Street, NW., Washington, D.C.

List of Subjects in 50 CFR Part 16

Imports, Transportation, Wildlife, Animal diseases, Freight.

PART 16—INJURIOUS WILDLIFE

In consideration of the foregoing, and under authority of the Lacey Act, 18 U.S.C. 42, it is proposed to amend 50 CFR Part 16—Injurious Wildlife, Subpart B—Importation or Shipment of Injurious Wildlife, § 16.11 paragraph (a)—Importation of live wild mammals, to read as follows:

§ 16.11 Importation of live wild mammals.

(a) The importation, transportation, or acquisition is prohibited of live specimens of (1) Any species of so-called "flying fox" or fruit bat of the genus *Pteropus*; (2) any species of mongoose or meerkat of the genera *Atilax*, *Cynictis*, *Helogale*, *Herpestes*, *Ichneumia*, *Mungos*, and *Suricata*; (3) any species of European rabbit of the genus *Oryctolagus*; (4) any species of Indian wild dog, red dog, or *dhole* of the genus *Cuon*; (5) any species of multimammate rat or mouse of the genus *Mastomys*; and (6) any raccoon dog, *Nyctereutes procyonoides*: provided, That the Director shall issue permits authorizing the importation, transportation, and possession of such mammals under the terms and conditions set forth in § 16.22.

The principal author of this proposed rule is Jeffrey L. Horwath, Wildlife biologist, Division of Wildlife Management, U.S. Fish and Wildlife Service.

Dated: May 13, 1982.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

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