3. Because of the importance of this proceeding to both manufacturers and consumers, the technical nature of the proceeding, and the Commission's desire at the most definitive responses possible, we are granting an extension of time to file comments and replies. However, in light of the comments of Cray and Denelcor, and the lack of sufficient specificity with regard to the need for the additional time requested by CBEMA, we are not persuaded that the total length of time requested is warranted. Consequently, pursuant to the authority granted by § 0.241(d) of the Commission's Rules, the deadline for filing Comments is hereby extended ordered extended to November 21, 1984, and the deadline for filing Reply Comments is extended to December 11, 1984.

Robert S. Powers,
Chief Scientist.

47 CFR Parts 15 and 90

Authorization of Spread Spectrum and Other Wideband Emissions Not Presently Provided for in the FCC Rules and Regulations; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of reply comment period.

SUMMARY: The Federal Communications Commission has extended the time limit for reply comments in Docket 81-413, concerning the authorization of spread spectrum and other wideband emissions not presently provided for in the Commission's Rules. This action is taken at the request of Del Norte Technology.

DATES: Reply comments are now due by October 26, 1984.


SUPPLEMENTARY INFORMATION:

Order Extending Time To File Reply Comments

In the matter of authorization of spread spectrum and other wideband emissions not presently provided for in the FCC rules and regulations; Gen. Docket No. 81-413 (5-24-84; 49 FR 21951).

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 13 and 17

Special Rule on the American Alligator

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes the following changes to 50 CFR 17.42(n) dealing with commercial activities with the hides, meat, and other parts of lawfully taken American alligators (Alligator mississippiensis): (1) Delete the requirements that State-licensed alligator farmers also obtain a Federal Alligator Farmer Permit; (2) allow the export of meat and other parts such as skulls and teeth; (3) improvements to the hide tagging system; and (4) deletion of a redundant requirement.

DATE: Comments on the proposal must be received by November 23, 1984.
**ADDRESSES:** Please address correspondence to: U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, Virginia 22203. Information received subsequent to this notice is available for review by appointment during regular workdays between the hours of 8:00 a.m. to 4:00 p.m., in Room 601, 100 North Glebe Road, Arlington, Virginia 703/235-1803.

**FOR FURTHER INFORMATION CONTACT:** Mr. Larry LaRochelle, Staff Biologist, U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, Virginia 22203 (703/235-1803).

**SUPPLEMENTARY INFORMATION:**

**Background**

The population density of the American alligators (Alligator mississippiensis) in the United States varies in the Southeast. Its range includes all or parts of the States of Alabama, Arkansas, Georgia, Florida, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, and Texas.

The American alligator was first classified as Endangered throughout its range in 1987 because unchecked commercial exploitation had substantially reduced its numbers. Subsequently, in response to strict Federal and State protection, the alligator recovered rapidly in many parts of its range. Its recovery then enabled the Service to undertake the following actions: (1) Reclassification to Threatened due to Similarity of Appearance [T(a)/a] in three coastal parishes of Louisiana that reflected complete recovery, and establishment of Special Rule 50 CFR 17.42(a) allowing closely regulated commercial activity with lawfully taken hides only (September 26, 1975—40 FR 44412); (2) reclassification to Threatened that reflected partial recovery in all of Florida and certain coastal areas of Georgia, Louisiana, South Carolina and Texas (January 10, 1977—42 FR 2071); (3) reclassification to Threatened due to Similarity of Appearance, again reflecting complete recovery, in nine additional parishes of Louisiana (June 25, 1979—44 FR 45349); (4) deletion of the permit requirement for fabricators of alligator leather products from lawfully taken alligators and allowing the sale of meat and parts in accordance with the laws and regulations of, (a) the State in which the taking occurs, and (b) the State in which the sale occurs (November 25, 1980—45 FR 78153); and (5) reclassification to Threatened due to Similarity of Appearance throughout the States of Louisiana (August 10, 1981—46 FR 40994) and Texas (October 12, 1983—48 FR 46332) reflecting complete recovery of the species in those states.

The purpose of this Special Rule, which first became effective on September 26, 1975 (40 FR 44412), is to allow closely regulated commercial activity in lawfully taken American alligator hides, hide products, meat and other parts. This rule allows the sale of commercially valuable products from animals that are killed because they are nuisance animals, constitute a threat to human safety or are taken on hunts managed by the various States in areas where they are listed as T(a)/a.

Alligators raised on farms are also a source of meat, hides, and parts. The two States, Florida and Louisiana, that now have producing farms, require farms to be licensed and subject to various levels of supervision and standards. In addition, killing the animals for marketing now requires a Federal Alligator Farmer Permit. This is, quite simply, a permit allowing State-licensed alligator farmers to kill their animals. Killing an American alligator is prohibited under 50 CFR 17.45(a)(2)(i), except as permitted under 50 CFR 17.45(a)(6), and requires that hides enter the closed system of holders of Federal Buyer/Tanner permits. Although called an Alligator Farmer Permit, the Service has had nothing to do with regulating alligator farming per se. Federal Alligator Farmer Permits have only been issued by the Service to parties approved by the States. Federal permittees are required, by the terms of their permits, to keep records of their activities and to provide reports to the Service yearly.

Harvesting of surplus wild animals is closely managed by each State, which requires a special license for hunters and hide and meat dealers. A serially unique, numbered tag is attached to each hide by the State and certain biological data are taken. Formerly, hides entered commerce through a "closed system" of Federal permit holders including Buyers, Tanners, and Fabricators who could only buy and sell among themselves until a finished product, marketed by a special Service label, was produced and offered for sale.

As the managing State and Federal entities, permittees, the alligator industry, and the public at large gained experience and confidence in these systems, and the biological condition of the alligator population became better known, it became apparent that certain restrictive measures were no longer necessary to provide for the conservation of the alligator. Accordingly, various prohibitions were deleted, and the biological status of several populations was further reviewed. Now, the entire State of Louisiana is under a State-managed harvest program. The State of Florida has an experimental harvest program on a small segment of its population as well as a closely managed nuisance animal control program.

Further, in recognition of its improved biological status, the alligator, which was listed on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 1975 and thereby precluded from international trade, was moved to Appendix II by consensus of the Parties in 1979 (44 FR 23540, May 1, 1979). An Appendix II listing allows controlled export from States whose biological and management programs have been approved by the Service's CITES Office of the Scientific Authority and Management Authority respectively under authority of 50 CFR Part 23. Endangered Species Convention Program requirements relative to hides are familiar to the States involved. Requirements relative to meat and parts will be developed by the Service's Scientific and Management Authorities. In the same manner that hide requirements were developed, that is, through detailed contracts with the States and notices of proposed and final rules in the Federal Register.

Beginning October 12, 1979 (44 FR 59080), the export, reexport and import of hides or hide products only (both belly and hornback hides) was allowed. Foreign parties were allowed to obtain Buyer, Tanner, or Fabricator permits. The sale of meat and other parts was allowed only within the State where the animal was taken.

On November 23, 1979 (45 FR 76153), the Service published a final rule under the Endangered Species Act (1) deleting the need for fabricators of products made from the leather of American alligators to obtain Federal Fabricator permits and (2) allowing the sale of meat and parts to take place nationwide in accordance with State laws.

On July 16, 1982 (47 FR 31024), the Service published an Advance Notice of Proposed Rule under the ESA inviting all parties to comment on (1) the need to continue the prohibition on the export of meat and parts, (2) the need for serially numbering each tag applied to hides by State conservation agencies, (3) the need for a Federal permit to kill farm-raised alligators held in accordance with State laws, (4) recordkeeping and reports required of permittees and the use of that data by State and Federal...
conservation agencies, and [5] any other pertinent comments.

Summary and Analysis of Comments and Actions Taken

The Advance Notice of Proposed Rule invited comments for 30 days ending August 18, 1982. Comments were received from the Louisiana Department of Wildlife and Fisheries, Florida Game and Freshwater Fish Commission, and the National Alligator Association.

Comments received favored allowing the export of meat and parts and requiring States to continue to apply serially numbered tags to each hide. Louisiana suggested that the requirement that “The tag number, length of skin, type of skin (whether belly or hornback) and date and place of the specimens taking are recorded by the State” (50 CFR 17.42[a][2][i][C][4]) be replaced by a requirement that “the State maintain records on individual tag numbers assigned to hunters, the place [area] where the tags are assigned and information relative to the number of tags filled by each hunter.” Another issue concerned the tags themselves. That is: (1) That tags should be strong enough not to be broken in normal use, (2) that the material be durable enough to retain the information stamped on them (a permanent material), and (3) that the tags cannot be opened, once closed, and used again. These criteria have been incorporated into this proposed rule at 50 CFR 17.42(a)[2][i][C][3]. Toward this end, the Service has extensively researched tags and materials available from various sources and is now making tags meeting its criteria available to States at cost.

Accordingly, references to “a noncorrodible, serially numbered tag which identifies the State where the taking occurs,” (50 CFR 17.42[a][2][i][C][3]) have been replaced in this proposed rule by the new criteria described above. Other comments favored deleting the requirement that State-licensed alligator farmers obtain a Federal permit to kill their alligators, and urged minimal record-keeping. There were no other comments. All comments received were in concert with the Service’s experience and intent and have been considered in this proposed rule.

Additionally, the Service proposes to remove the requirement found at § 17.42(a)[2][i][D] (1) through (5) concerning conditions upon the sale of hides, meat or parts of American alligators taken by Federal or State officials because it is redundant (identical) to that found at § 17.42(a)[2][i][C] (1) through (5) concerning conditions upon others dealing with those items, and defer to this latter requirement.

Public Comments Solicited

The Service intends that the rule finally adopted will be as accurate and effective as possible in the conservation of any endangered or threatened species. Therefore, any comments or suggestions for the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of this proposed rule are hereby solicited. Final promulgation of regulations will take into consideration the comments and any additional information received by the Service; such communications may lead it to adopt final regulations differing from those of this proposal.

National Environmental Policies Act (NEPA)

A draft Environmental Assessment under NEPA has been prepared and is available to the public at the Federal Wildlife Permit Office at the address listed above. A decision will be made prior to the issuance of a final rule on whether the preparation of an Environmental Impact Statement is required for this action. Further information on this matter is hereby solicited.

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


List of Subjects

50 CFR Part 13

Administrative practice and procedures.

50 CFR Part 17

Endangered and threatened wildlife, fish, marine mammals, plants (agriculture).
§ 17.42 [Amended]


7. Revise § 17.42(a)(2)(i)(D) to read as follows:

[D] When an American alligator is taken by State or Federal officials in accordance with paragraphs (a)(2)(i)(A) or (B) of this section, the hide, meat, and other parts may be sold or transferred by their respective agencies, subject to the conditions of paragraphs (a)(2)(i)(C)(1)-(4) of this section.

8. Revise § 17.42(a)(2)(i)(iii) to read as follows:

[iii] Import or Export. No person may import or export any American alligator, except that hides, manufactured products, meat or other parts meeting the requirements of paragraphs (a)(2)(i)(C) may be imported or exported in accordance with Part 23 of this chapter.

9. Revise § 17.42(a)(2)(iv)(B) to read as follows:

[B] Any meat or other part, except the hide, from a lawfully taken American alligator which is sold or otherwise transferred in accordance with paragraphs (a)(2)(i)(C), (3) and (4) of this section and the laws and regulations of the State of taking and the State in which the sale or transfer occurs may be delivered, received, carried, transported, or shipped in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity, and may be sold or offered for sale in interstate or foreign commerce and may be exported in accordance with Part 23 of this chapter.


J. Craig Potter,
Deputy Assistant Secretary for Fish and Wildlife and Parks.