

CPT/HCPS ²	MOD	Status	Description	Physician work RVUs ³	Non-facility practice expense RVUs	Facility practice expense RVUs	Malpractice RVUs	Non-facility total	Facility total	Global
*	*		*	*	*		*		*	
R0070		A	Transport portable x-ray	0.00	1.65	1.65	0.01	1.66	1.66	XXX
R0075		A	Transport port x-ray multipl	0.00	0.69	0.69	0.01	0.70	0.70	XXX
*	*		*	*	*		*		*	

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³ +Indicates RVUs are not used for Medicare payment.

(Section 1848 of the Social Security Act (42 U.S.C. 1395w-4))

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: September 11, 1998.

Thomas F. Joyce,

Acting Deputy Assistant Secretary for Information Resources Management.

[FR Doc. 98-24992 Filed 9-21-98; 8:45 am]

BILLING CODE 4120-21-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 18

[ET Docket No. 91-313, DA 98-1808]

International Standards for ISM Equipment

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; termination.

SUMMARY: This action terminates the "International Standards for ISM Equipment" proceeding. The Commission initiated this proceeding to solicit information from interested parties to assist the Commission in shaping its position on international standards to control radio noise generated by Industrial, Scientific, and Medical (ISM) equipment.

EFFECTIVE DATE: September 22, 1998.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Office of Engineering and Technology, (202) 418-2454.

SUPPLEMENTARY INFORMATION: In ET Docket 91-313, DA 98-1808, the Commission adopted and released an Order on September 15, 1998, terminating this proceeding. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's duplication contractor,

International Transcription Service, (202) 857-3800, 1231 20th Street, N.W., Washington, D.C. 20036.

Summary of the Order

1. On October 22, 1991, the Commission issued a *Notice of Inquiry* ("NOI"), 56 FR 58863, (November 22, 1991), 6 FCC Rcd 6501 (1991), to solicit information from interested parties to assist the Commission in shaping its position on international standards to control radio noise generated by Industrial, Scientific, and Medical (ISM) equipment. We also sought information about the desirability and feasibility of harmonizing part 18 of the FCC rules with the international standards for ISM equipment.

2. Comments received in response to the NOI overwhelmingly opposed any changes to the ISM rules. We do not contemplate any general changes to the ISM rules at this time. Therefore, we are terminating this proceeding. Specific issues concerning the ISM rules are being addressed in separate proceedings.

3. Accordingly, it is ordered, that this proceeding, ET Docket No. 91-313, is terminated. This action is taken pursuant to authority in sections 4(i), 302 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 302, 303; and pursuant to §§ 0.31 and 0.241 of the Commission's Rules, 47 CFR 0.31, 0.241.

List of Subjects in 47 CFR Part 18

Medical devices, Scientific equipment.

Federal Communications Commission.

Dale N. Hatfield,

Chief, Office of Engineering and Technology.

[FR Doc. 98-25221 Filed 9-21-98; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AE43

Endangered and Threatened Wildlife and Plants; Proposed Determination of Threatened Status for the Koala

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule and notice of petition finding.

SUMMARY: The Service proposes to determine threatened status for the Australian koala. The eucalyptus forest and woodland ecosystem, on which this arboreal marsupial depends, has been reduced by more than half and is continuing to deteriorate. The species also is threatened by habitat fragmentation and consequent potential loss of genetic viability, disease, and various other factors. The Service seeks relevant data and comments from the public. This proposal incorporates a finding that a petition requesting the listing of the koala is warranted. This proposal, if made final, would extend the Act's protection to this species.

DATES: Comments must be received by December 21, 1998. Public hearing requests must be received by November 6, 1998.

ADDRESSES: Comments, information, and questions should be submitted to the Chief, Office of Scientific Authority; Room 750, 4401 North Fairfax Drive; Arlington, Virginia 22203 (fax 703-358-2276). Comments and materials received will be available for public inspection, by appointment, from 8:00 a.m. to 4:00 p.m., Monday through Friday, at this address.

FOR FURTHER INFORMATION CONTACT: Dr. Susan S. Lieberman, Chief, Office of Scientific Authority, at the above address (phone 703-358-1708).

SUPPLEMENTARY INFORMATION:

Background

The koala (*Phascolarctos cinereus*) is a bearlike arboreal mammal of Australia. It has a compact body, large head and nose, large and furry ears, powerful limbs, and no significant tail; weight is about 4–15 kilograms (10–35 pounds). The koala is a marsupial, being more closely related to kangaroos and possums than to true bears and other placental mammals; its young is carried in a pouch for about 6 months. It occurs mainly in the forests and woodlands of central and eastern Queensland, eastern New South Wales, Victoria, and southeastern South Australia.

In a petition dated May 3, 1994, and received by the U.S. Fish and Wildlife Service (Service) on May 5, 1994, Australians for Animals (in Australia) and the Fund for Animals (in the United States) requested that the koala be classified as endangered in New South Wales and Victoria, and as threatened in Queensland. About 40 organizations in the United States and Australia were named as supporting the petition. The document was accompanied by extensive data indicating that the koala has declined dramatically since European settlement of Australia began about 200 years ago and has lost more than half of its natural habitat because of human activity. Once numbering in the millions, it was intensively hunted for its fur up through the 1920s. It is totally dependent for food and shelter on certain types of trees within forests and woodlands. The destruction or degradation of this habitat would reduce the viability of populations, even if the animals were otherwise protected.

In the **Federal Register** of October 4, 1994 (59 FR 50557–50558), the Service announced the 90-day finding that the petition had presented substantial information indicating that the requested action may be warranted. That notice also initiated a status review of the koala. In the **Federal Register** of February 15, 1995 (60 FR 8620), the comment period on the status review was reopened until April 1, 1995. A telegram was sent to the U.S. embassy in Australia, asking that appropriate authorities be notified and asked to comment. Notice of the review also was provided directly to numerous concerned organizations and authorities. Of the approximately 400 responses received, the great majority were brief messages in support of listing, but there also were several from persons or organizations providing substantive comments based on first-hand familiarity with the situation.

Mr. Peter Bridgewater, Chief Executive Officer of the Australian

Nature Conservation Agency (this government entity, formerly the Australian National Parks and Wildlife Service, is now referred to as Biodiversity Group within Environment Australia), expressed opposition to the addition of the koala to the U.S. List of Endangered and Threatened Wildlife. He noted that the species had not been classified pursuant to Australia's own Federal Endangered Species Protection Act, that it is protected by the legislation of the states in which it occurs, that it is not involved in trade and its exportation is strictly limited, and that a task force is being established to review progress of koala management programs and promote greater national coordination of koala conservation. He did not think that a U.S. listing would be of any benefit to the species. He did not discuss the issue of long-term habitat loss and fragmentation, but did submit a document (Phillips 1990) from his agency covering that and other problems.

Mr. Allan Holmes, Director, Natural Resources Group, South Australia Department of Environment and Natural Resources, also opposed U.S. listing. He indicated that, while there has been some adverse habitat modification, introduction programs have actually resulted in a greater range for the koala in South Australia now than prior to European settlement.

Ms. Joan M. Dixon, a member of the Australasian Marsupial and Monotreme Specialist Group of the World Conservation Union Species Survival Commission (IUCN/SSC), stated that while various koala populations are experiencing problems, the species in general does not warrant U.S. classification.

Dr. Roger Martin of Monash University, a wildlife biologist with extensive field experience on the koala, urged rejection of the petition. He considered that strenuous conservation efforts have led to a recovery of the species in Victoria, with populations far more abundant than suggested by the petition. Large and thriving colonies were reported to exist at several closely monitored study sites in Victoria. Some observations also suggested much larger populations in Queensland than had been previously indicated.

Dr. Kath Handasyde of the University of Melbourne, another biologist with considerable field and writing experience regarding the koala, essentially supported the comments of Dr. Martin and opposed listing of the species.

Dr. Greg Gordon, a zoologist who has long been involved in koala research and conservation in Queensland,

commented that the koala is still relatively numerous in some areas and probably would not qualify at present for classification as endangered or vulnerable by the World Conservation Union (IUCN), but is declining slowly because of habitat deterioration and, if suitable conservation measures are not undertaken, probably would become vulnerable in the future.

The original petitioners, Australians for Animals and the U.S. Fund for Animals, submitted extensive new comments concentrating on long-term environmental problems. There was emphasis on the international woodchip market, which was said to target the eucalyptus forests that are the primary habitat of the koala. Logging for that purpose, together with clearance for agriculture and development, evidently is proceeding throughout the general range of the koala and is even intensifying in some areas.

Ms. Deborah Tabart, Executive Director of the Australian Koala Foundation, which has funded koala research and conservation for the past decade, supported the petition and provided some rather low population estimates for the species.

Mr. Michael Kennedy, Director of the Humane Society International (Australia) and also Secretary of the IUCN/SSC Australasian Marsupial and Monotreme Specialist Group and Compiler of the Groups's *Action Plan* (Kennedy 1992), provided a summary of authoritative assessments of the status of the koala over the years suggesting that conditions are steadily deteriorating, especially because of habitat loss. He considered the requested action to be fully justified on biological grounds and that it may contribute significantly to the conservation of the species.

Dr. Carmi G. Penny, Curator of Mammals for the Zoological Society of San Diego, which keeps a captive koala colony and maintains the North American regional studbook for the species, and which also has participated in associated field work in Australia, supported the petition, but indicated that listing may not have a strong influence in Australia. Dr. Penny noted that the range states must protect suitable habitat if the species is to remain viable in the wild.

Ms. Celia Karp of the Logan City Council, Queensland, supported the petition, as based on the perspective of rapid urban growth in her area.

Dr. Miles Roberts and Dr. Michael Hutchins, Co-Chairs of the Marsupial and Monotreme Advisory Group of the American Zoo and Aquarium Association, supported listing because

of numerous problems confronting the koala. They expressed the belief that koala populations have been decimated and fractionated to the point where the long-term survival of the species in the wild would be in question even if the problems were removed immediately.

Section 4(b)(3) of the Endangered Species Act of 1973 (Act), as amended, requires that, within 12 months of receipt of a petition to list, delist, or reclassify a species, or to revise a critical habitat designation, a finding be made on whether the requested action is warranted, not warranted, or warranted but precluded from immediate proposal by other pending listing measures of higher priority. Such finding is to be promptly published.

The Service has examined the data submitted by the petitioners and has consulted other authorities and available information. This review leads the Service to make the finding, hereby incorporated and published in this proposal, that the requested action is warranted, though the Service proposes to implement the action in a somewhat modified manner. Rather than divide the classification of the koala by state, as called for in the petition, the Service is proposing simply to classify the entire species as threatened. Other than the likelihood that Queensland still has a substantially larger area of koala habitat than do New South Wales and Victoria, there seems little substantive difference in the kinds of problems confronting the species. The Service's proposed approach also would avoid omitting coverage of the koala in South Australia, as well as of captive and introduced populations. However, it is emphasized that this issue remains open, that pertinent new information received during the comment period will be carefully reviewed, and that any final rule resulting from this proposal may classify the koala, or certain populations thereof, as endangered, may exclude certain populations from any classification, or may result in withdrawal of the proposal.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be endangered or threatened due to one or more of the following five factors described in section 4(a)(1). These factors and their application to the koala (*Phascolarctos cinereus*) are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range

The known historical range of the koala covered an extensive band of forest and woodland in eastern and central Queensland, eastern New South Wales, most of Victoria, and extreme southeastern South Australia. Within this zone, the species evidently depended mainly on suitable tracts of certain kinds of medium-to-large eucalyptus trees for food and shelter. There is a high degree of specialization for feeding on particular species of eucalyptus, and populations tend to be concentrated at certain favorable sites. The reproductive rate is relatively low, not more than one young being produced annually per female. Maturity may require several years and many of the young then are forced to disperse.

With human disruption of suitable eucalyptus forests and woodlands, there now seems little doubt that the koala has disappeared from much of its original range. In designating the koala as "potentially vulnerable," the IUCN/SSC Australasian Marsupial and Monotreme Specialist Group noted that the geographic range of the species had declined by 50 to 90 percent (Kennedy 1992).

A publication of the Australian Nature Conservation Agency (Phillips 1990), submitted both by the petitioners and Mr. Bridgewater, contains the following statement: "The expansive forests where koalas once lived * * * have largely gone and those which remain are rapidly disappearing to make way for the needs of human society." The publication cited a 1984 report by the Australian Commonwealth Scientific and Industrial Research Organization (CSIRO) indicating that the total area of medium-to-tall trees in the four states inhabited by the koala is estimated to originally have been just over 1,230,000 square kilometers (km²) (475,000 square miles (mi²)), but that just over half of those forests, 670,000 km² (259,000 mi²), had been removed or severely modified.

The petitioners provided additional details on the extent of habitat loss and modification. This problem, as caused mainly by commercial logging, clearing for agriculture and urbanization, and disease and extensive dieback (of the trees on which the koala depends) associated with direct modification, was considered to be the greatest threat to the species. The problem involves not only removal of the large eucalyptus trees used for food and shelter, but also elimination of vegetated dispersal routes, erosion, siltation of water

sources, fragmentation through development of road networks, and other factors detrimental to maintenance of viable koala populations. Based on data compiled in the same 1984 CSIRO report cited above, the petitioners calculated the loss of forest during the past 200 years at 43–52 percent in Queensland, 60–80 percent in New South Wales, 59–75 percent in Victoria, and 79–100 percent in South Australia. An additional government report in 1992 estimated that 60 percent of the remaining forests in Australia are composed of eucalyptus, but that only 18 percent of these areas are unmodified by logging.

Subsequent to receipt of the petition, two new pertinent reports were issued by the Australian Department of the Environment, Sport and Territories (Glanz 1995; Graetz, Wilson, and Campbell 1995). These documents indicate that the primary kinds of habitat utilized by the koala originally covered as much as 1,400,000 km² (540,000 mi²), but that about 890,000 km² (340,000 mi²), or approximately 63 percent, now has been cleared or thinned. Those figures, as well as others of original and remaining habitat, are probably excessive, as the koala was not uniformly distributed throughout the involved region and tended to concentrate in certain favorable areas.

In any case, the new reports support the percentages of forest loss cited above for each of the states involved. Perhaps most significantly, such land clearance is not a phenomenon of the past but is continuing and even intensifying. The estimated annual average amount of land cleared in Queensland, New South Wales, and Victoria from 1983 to 1993 was approximately 4,600 km² (1,800 mi²). Estimates for some recent years are approximately twice as great. As an illustration of the intensity of this process in Australia, Glanz (1995) pointed out that, in 1990, the amount of native vegetation cleared in the country was more than half that cleared in Brazilian Amazonia.

Not all of the clearing in Queensland, New South Wales, and Victoria is in koala habitat and some of it involves reclearing of secondary growth; nonetheless, a 1993 estimate cited by the petitioners indicates that if the current rate of deforestation continues, Australia's forests would be eliminated in less than 250 years. Much of the forest loss is associated with the production of woodchips, mainly for exportation to paper mills in Japan.

The actual number of koalas, or of any potentially endangered species, that may have been present at various times in the past and that may still exist, is of

much interest and helps to give some perspective, but may not be a critical factor in the over-all issue. A low figure may reflect natural rarity of a population in marginal habitat. A very high figure may be meaningless if the entire habitat of the involved population faces imminent destruction. In any event, there is much uncertainty about both historical and current koala numbers. Based on the sources cited, populations may have fluctuated considerably down through the 19th century in association with such factors as disease and the intensity of aboriginal hunting. It does seem evident, however, that in the early 20th century the number of koalas in Australia was well into the millions. Such a figure is based on koalas killed for the commercial fur market during that period. In some years, the number of koalas taken may have exceeded 2,000,000 and as late as 1927, 600,000 to 1,000,000 were killed in Queensland alone. This destruction, possibly along with an epidemic (Phillips 1990), may have reduced koala numbers to just a few thousand. Subsequent conservation efforts, termination of the fur trade, and reintroduction apparently led to a partial recovery in range and numbers by the mid-20th century.

Neither the petitioners nor the Australian Nature Conservation Agency (Phillips 1990) attempted to provide a total estimate of current koala numbers in Australia. Other parties have suggested over-all numbers ranging from about 40,000 to 400,000, with the Australian Koala Foundation supporting the lower figure. In their comments on the petition, Drs. Martin and Handasyde indicated that there probably are tens of thousands of koalas at each of several study sites in Victoria alone. Dr. Martin and Ms. Tabart of the Australian Koala Foundation were able to review some of the information submitted by each other and neither accepts the other's conclusions. In his comments, Dr. Gordon developed what he considers to be a very conservative estimate of about 300,000, though he also noted that a slow decline is in progress.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes.

As indicated above, koalas were devastated by the commercial fur trade in the early 20th century. This problem is no longer of immediate concern. Although some koalas reportedly are illegally hunted, overutilization is not considered as a factor threatening the survival of the species.

C. Disease or Predation.

There has been much recent concern about the effects of the bacterium *Chlamydia* on the koala. This disease-causing organism may manifest itself in several ways, but especially through infections of the eyes and urinary tract. It apparently has long been associated with the koala and may have been responsible for devastating epidemics in the late 19th and early 20th centuries (Phillips 1990). Information from both the petitioners and the Australian Nature Conservation Agency (Phillips 1990) indicates that the adverse effects of the disease are intensified through the stress caused by habitat loss and fragmentation. *Chlamydia* is widespread in mainland koala populations and evidently has been responsible for recent declines at some localities, but is not claimed to be an immediate threat to the over-all survival of the species. The koala is also subject to various other diseases and to predation and harassment by domestic dogs and other introduced animals.

D. The Inadequacy of Existing Regulatory Mechanisms.

Although State laws generally protect the koala from direct taking and commercial utilization, much of the petitioners' argument is based on a lack of regulatory mechanisms that adequately protect the habitat of the species. Much of the koala's remaining habitat is on government land, but such ownership does not preclude logging and other modification. There is particular concern that deforestation for the woodchip market is proceeding without proper assessment of environmental impacts. Even if such impacts were taken into account, the petitioners argue the welfare of the koala would not be given adequate attention because the species, as noted in the comment from Mr. Bridgewater, is not listed pursuant to Australia's Federal Endangered Species Protection Act. The koala, however, is classified as a "vulnerable and rare species" on "Schedule 12—Endangered Fauna," issued pursuant to the National Parks and Wildlife Act of New South Wales.

E. Other Natural or Manmade Factors Affecting its Continued Existence.

The petition and other sources indicate a number of additional problems confronting the koala. Perhaps most importantly from a long-term perspective is a loss of genetic viability resulting both from fragmentation of habitat, which leads to inbreeding of the isolated animals remaining therein, and descent of many of the existing

populations from colonies that were maintained in a semi-natural environment on offshore islands. Lack of genetic variability could increase susceptibility to disease and other problems. This point also was discussed above relative to the comment by Drs. Roberts and Hutchins.

Other reported problems include fires (notably the destruction in 1994 of 8,000 square kilometers (3,000 square miles) of New South Wales, much of which was koala habitat), droughts, harassment by dogs, and killing along the roads now penetrating habitat. The petition indicated that the largest population remaining in Queensland was immediately jeopardized by a major highway project that would bisect its habitat (efforts by the petitioners and other conservation organizations reportedly have since resulted in reconsideration of this project).

The decision to propose threatened status for the koala is based on an assessment of the best available scientific information, and of past, present, and probable future threats to the species. The Service has examined the petition and supporting data, other available literature and information, and the comments received following the 90-day finding. In now arriving at the required 1-year finding and consequent proposed rule, a key factor in consideration is the apparent continued, and possibly accelerating, destruction of key koala habitat and the likelihood of further reduction and fragmentation of koala populations, with no remedy imminent.

The koala is part of a unique ecosystem that by all accounts has been drastically reduced by human activity over the past 200 years and that is continuing to be adversely affected to such extent that the species that it supports could potentially be confronted with extinction. In addition to the substantial information presented by the petitioners, the Service is impressed by the authoritative consensus regarding the past and continuing extent of this habitat deterioration. Telling points include—the IUCN/SSC assessment (Kennedy 1992) that a 50–90 percent decline in range already has occurred; Dr. Gordon's suggestion that continuation of present trends would jeopardize the species; the statement by the Australian Nature Conservation Agency (Phillips 1990) that the forests once supporting the koala are largely gone and those remaining are rapidly disappearing; and the recent reports by the Australian Department of the Environment, Sport and Territories (Glanznig 1995; Graetz, Wilson, and Campbell 1995) showing

that nearly two-thirds of koala habitat has been lost and that the destructive process is continuing unabated. Of those comments that responded negatively to the petition, none included significant discussion refuting the case for a long-term threat to the ecosystem of the koala.

Irrespective of other factors that may indicate that certain populations are endangered, the above reasoning seems applicable to the Act's definition of a threatened species as one "likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." Nonetheless, the Service will seek to obtain and evaluate new information during the comment period. It is possible that such review would lead to withdrawal of all or part of this proposal or to a final rule classifying the koala, or certain populations thereof, as endangered. Critical habitat is not being proposed, as its designation is not applicable to foreign species.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages conservation measures by Federal, international, and private agencies, groups, and individuals.

Section 7(a) of the Act, as amended, and as implemented by regulations at 50 CFR part 402, requires Federal agencies to evaluate their actions that are to be conducted within the United States or on the high seas, with respect to any species that is proposed or listed as endangered or threatened and with respect to its proposed or designated critical habitat (if any). Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a proposed Federal action may affect a listed species, the responsible Federal agency must enter into formal consultation with the Service. No such actions are currently known with respect to the species covered by this proposal, except as may apply to importation permit procedures.

Section 8(a) of the Act authorizes the provision of limited financial assistance for the development and management of programs that the Secretary of the Interior determines to be necessary or useful for the conservation of endangered and threatened species in foreign countries. Sections 8(b) and 8(c)

of the Act authorize the Secretary to encourage conservation programs for foreign endangered and threatened species and to provide assistance for such programs in the form of personnel and the training of personnel.

Section 9 of the Act, and implementing regulations found at 50 CFR 17.21 and 17.31, set forth a series of general prohibitions and exceptions that apply to all threatened wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any threatened wildlife. It also is illegal to possess, sell, deliver, transport, or ship any such wildlife that has been taken in violation of the Act. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered and threatened wildlife under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22, 17.23, and 17.32. Such permits are available for scientific purposes, to enhance propagation or survival, or for incidental take in connection with otherwise lawful activities. All such permits must also be consistent with the purposes and policy of the Act as required by Section 10(d). For threatened species, there are also permits for zoological exhibition, educational purposes, or special purposes consistent with the purposes of the Act.

It is the policy of the Service, published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable at the time a species is listed those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effects of this listing on proposed or ongoing activities involving the species. Should the koala be listed as a threatened species, importations into and exportations from the United States, and interstate and foreign commerce, of koala (including parts and products) without a threatened species permit would be prohibited. Koala removed from the wild or born in captivity prior to the date the species is listed under the Act would be considered "pre-Act" and would not require permits unless they enter commerce. When a specimen is sold or offered for sale, it loses its pre-Act status. Currently 10 zoological institutions in the United States hold

koalas. Questions regarding permit requirements for U.S. activities should be directed to the Office of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203 (1-800-358-2104).

Processing of this proposed rule conforms with the Service's Listing Priority Guidance for Fiscal Years 1998 and 1999, published on May 8, 1998 (63 FR 25502). The guidance clarifies the order in which the Service will process rulemakings giving highest priority (Tier 1) to processing emergency rules to add species to the Lists of Endangered and Threatened Wildlife and Plants (Lists); second priority (Tier 2) to processing final determinations on proposals to add species to the Lists; processing new proposals to add species to the Lists; processing administrative findings on petitions (to add species to the Lists, delist species, or reclassify listed species), and processing a limited number of proposed or final rules to delist or reclassify species; and third priority (Tier 3) to processing proposed or final rules designating critical habitat. Processing of this proposed rule is a Tier 2 action.

Public Comments Solicited

The Service intends that any final rule adopted will be accurate and as effective as possible in the conservation of endangered or threatened species. Therefore, comments and suggestions concerning any aspect of this proposed rule are hereby solicited from the public, concerned governmental agencies, the scientific community, industry, private interests, and other parties. Comments particularly are sought concerning the following:

- (1) Biological, commercial, or other relevant data concerning any threat (or lack thereof) to the subject species;
- (2) Information concerning the distribution of this species;
- (3) Current or planned activities in the involved areas, and their possible effect on the subject species; and
- (4) Details on the laws, regulations, and management programs covering each of the affected populations of this species.

Final promulgation of the regulation on the koala will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of final regulations that differ substantially from this proposal. It is particularly emphasized that further evaluation could lead to withdrawal of all or part of this proposal, or to classification of the koala, or any population thereof, as endangered. Interested parties are urged to consider

such alternatives when examining the proposal and preparing their comments. The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal, must be in writing, and should be directed to the party named in the above "ADDRESSES" section.

National Environmental Policy Act

The Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act, as amended. A notice outlining the Service's reasons for this determination was published in the Federal Register of October 25, 1983 (48 FR 49244).

Required Determinations

This rule does not require collection of information that requires approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

References Cited

Glanznig, Andreas. 1995. Native Vegetation Clearance, Habitat Loss and Biodiversity Decline. An Overview of Recent Native Vegetation Clearance in Australia and Its Implications for Biodiversity. Australian Department of the Environment, Sport and Territories, Biodiversity Series, Paper No. 6, 46 pp.

Graetz, R.D., M.A. Wilson, and S.K. Campbell. 1995. Landcover Disturbance Over the Australian Continent. A Contemporary Assessment. Australian Department of the Environment, Sport and Territories, Biodiversity Series, Paper No. 7, 86 pp.

Kennedy, Michael. 1992. Australian Marsupials and Monotremes. An Action Plan for their Conservation. World Conservation Union, Species Survival Commission, Australasian Marsupial and Monotreme Specialist Group, Gland, Switzerland, 103 pp.

Phillips, Bill. 1990. Koalas. The Little Australians We'd All Hate to Lose. Australian National Parks and Wildlife Service (now Australian Nature Conservation Agency), Australian Government Publishing Service, Canberra, 104 pp.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, the Service proposes to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

- 1. The authority citation for part 17 continues to read as follows:
Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.
- 2. Amend section 17.11(h) by adding the following, in alphabetical order under MAMMALS, to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.
* * * * *
(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
MAMMALS							
*	*	*	*	*	*		*
Koala	<i>Phascolarctos cinereus.</i>	Australia	Entire	T		NA	NA
*	*	*	*	*	*		*

Dated: September 9, 1998.
Jamie Rappaport Clark,
Director.
[FR Doc. 98–25267 Filed 9–21–98; 8:45 am]
BILLING CODE 4310–55–P