

Subsequently, Congress addressed the issue of exemptions more completely in the Transportation Equity Act for the 21st Century, P.L. 105-178 (TEA 21). To resolve any lingering uncertainties about the validity of exemptions issued under Part 580, Section 7105(b) of TEA 21 amended Section 32705(a) of title 49, United States Code, by adding the following new paragraph:

(5) The Secretary may exempt such classes or categories of vehicles as the Secretary deems appropriate from these requirements. Until such time as the Secretary amends or modifies the regulations set forth in 49 CFR 580.6, such regulations shall have full force and effect.

In making final the transition from section 580.6 to section 580.17, which was initiated by the interim final rule, the agency's repromulgation of the exemptions implements the provisions of paragraph 32705(a)(5). The amendments relating to "model years," and to the method for calculating the most recent model year to which an exemption applies, are made under the authority provided by the paragraph to amend or modify exemptions.

#### Federalism Assessment

The agency has analyzed this rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The final rule merely clarifies the scope of the existing exemption from the odometer disclosure requirements, and does not alter the effect on the states of existing statutory or regulatory requirements.

#### Rulemaking Analyses

##### A. Executive Order 12886 and DOT Regulatory Policies and Procedures

NHTSA has analyzed this rule and determined that it is neither "major" nor "significant" within the meaning of Executive Order 12866 or of Department of Transportation regulatory policies and procedures. Because the agency estimates that this rule would not have a significant impact, it has not prepared a regulatory evaluation.

##### B. Regulatory Flexibility Act

The agency has also considered the effects of this action under the Regulatory Flexibility Act. I certify that this action will not have substantial economic impact on a substantial number of small entities. Because it merely clarifies an existing exemption from agency regulations, it does not affect the impact of those regulations on small businesses.

##### C. National Environmental Policy Act

The agency has analyzed this rule under the National Environmental Policy Act and determined that it will not have a significant impact on the human environment. Accordingly, it has not prepared an environmental impact statement.

##### D. Paperwork Reduction Act

The final rule is not a collection of information as that term is defined by OMB in 5 CFR part 1320. It clarifies one of the existing exemptions to the odometer disclosure requirements in 49 CFR part 580. That exemption does not require the collection of any information. The information collection requirements established by part 580 have been approved by OMB (OMB 2127-0047).

##### E. Civil Justice Reform Act

This rule will not have any retroactive effect. States may not adopt laws on disconnecting, altering or tampering with an odometer with intent to defraud that are inconsistent with 49 U.S.C. Chapter 327. 49 U.S.C. Chapter 327 does not exempt persons from complying with disconnecting, altering or tampering with an odometer with an intent to defraud. Agency regulations issued under 49 U.S.C. Chapter 327 are subject to judicial review pursuant to 5 U.S.C. 704. There is no requirement for a petition for reconsideration or other administrative proceeding before a party may file a suit in court challenging regulations promulgated under Chapter 327.

#### List of Subjects in 49 CFR Part 580

Consumer protection, Motor vehicles, Odometers.

In consideration of the foregoing, the interim rule amending 49 CFR part 580 that was published at 62 FR 47763 on September 11, 1998, is adopted as a final rule with the following change:

#### PART 580—ODOMETER DISCLOSURE REQUIREMENTS

1. Revise the authority citation for Part 580 to read as follows:

**Authority:** 49 U.S.C. 32705; delegation of authority at 49 CFR 1.50(f) and 501.8(e)(1).

2. Amend § 580.17 to revise paragraph (a)(3) to read as follows:

##### § 580.17 Exemptions.

\* \* \* \* \*

(a) \* \* \*

(3) A vehicle that was manufactured in a model year beginning at least ten years before January 1 of the calendar year in which the transfer occurs; or

Example to paragraph (a)(3): For vehicle transfers occurring during calendar year 1998, model year 1988 or older vehicles are exempt.

\* \* \* \* \*

Issued on: September 24, 1998.

**Ricardo Martinez,**

*Administrator.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**50 CFR Parts 2, 10, 13, 14, 15, 16, 17, 21, 22, and 23**

**RIN 1080-AF07**

#### An Update of Addresses and OMB Information Collection Numbers for Fish and Wildlife Service Permit Applications

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

**ACTION:** Final rule.

**SUMMARY:** The Fish and Wildlife Service (Service or we) amends the regulations for wildlife and plant permits to update the addresses for submission of permit applications. Recently revised Office of Management and Budget information collection numbers also are provided.

**DATES:** This rule is effective October 1, 1998.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine Enright, Division of Endangered Species, (703) 358-2106.

**SUPPLEMENTARY INFORMATION:** The purpose of this rule is to update the addresses to send wildlife and plant permit applications for processing by the Service. The Service has variously moved office locations, transferred program responsibility to other Service offices, or delegated authority from the Washington office to its regional offices. We have delegated some permits for native species listed under the Endangered Species Act to the Regional Directors. Regional offices handle migratory bird permits, bald and golden eagle permits, import/export licenses, and permits for exception to designated ports. Permits for international movement of all endangered and threatened species and all activities affecting nonnative endangered and threatened species, permits under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), injurious wildlife permits, and permits under the Wild Bird Conservation Act remain with the Office of Management Authority in Washington.

This document was not subject to Office of Management and Budget review under Executive Order 12866. This rule itself does not contain any information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* However, this rule documents revised control numbers assigned by OMB for the information collected pursuant to the rules in 50 CFR parts 13–23.

For those rules promulgated before OMB clearance was required, language has been added to advise the public that such clearance has been obtained. Since this rule merely reflects changes made to addresses used to receive wildlife and plant permit applications, impacts on small business entities are minimal. Therefore, this rule will not have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). We have determined and certify pursuant to the Unfunded Mandates Act, 2 U.S.C. 1502 *et seq.*, that this rule will not impose a cost of \$100 million or more in any given year on local or State governments or private entities. In accordance with Executive Order 12630, this rule does not have significant takings implications. In accordance with Executive Order 12612, this rule does not have significant Federalism effects. The Department has determined that these final regulations meet the applicable requirements provided in Section 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform). We have reviewed this rule under E.O. 12372 (Intergovernmental Review of Federal Programs) and the Presidential Memorandum of April 29, 1994 (Government-to-Government Relations with Native American and Tribal Governments), and find such consultations unnecessary as this rule only updates mailing addresses and OMB control numbers for information collection. This action is categorically excluded from NEPA documentation by 516 DM 2, Appendix 1.10 in the Department of the Interior Manual. This action is not likely to adversely affect species listed under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

This is an agency organization matter that reflects the physical and mailing addresses of Service administrative offices for different classes of permits, therefore, the Service, for good cause, finds that notice and public comment are unnecessary and for similar reason is waiving the 30-day effective date under 5 U.S.C. 553(d).

## List of Subjects

### 50 CFR Part 2

Organization and functions (Government agencies).

### 50 CFR Part 10

Exports, Fish, Imports, Law enforcement, Plants, Transportation, Wildlife.

### 50 CFR Part 13

Administrative practice and procedure, Exports, Fish, Imports, Plants, Reporting and recordkeeping requirements, Transportation, Wildlife.

### 50 CFR Part 14

Animal welfare, Exports, Fish, Imports, Labeling, Reporting and recordkeeping requirements, Transportation, Wildlife.

### 50 CFR Part 15

Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

### 50 CFR Part 16

Fish, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

### 50 CFR Part 17

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

### 50 CFR Part 21

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

### 50 CFR Part 22

Exports, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

### 50 CFR Part 23

Endangered and threatened species, Exports, Imports, Treaties.

## Regulation Promulgation

For the reasons set out in the preamble, the Service amends title 50, chapter 1, subchapters A and B of the Code of Federal Regulations as set forth below:

## SUBCHAPTER A—GENERAL PROVISIONS

### PART 2—FIELD ORGANIZATION

1. The authority citation for part 2 continues to read as follows:

**Authority:** 5 U.S.C. 301.

2. Section 2.2 is amended by revising paragraphs (a), (c), (d), and (e) to read as follows:

### § 2.2 Locations of regional offices.

\* \* \* \* \*

(a) Portland Regional Office (Region 1—comprising the States of California, Hawaii, Idaho, Nevada, Oregon, and Washington; the Commonwealth of the Northern Mariana Islands; and American Samoa, Guam and other Pacific possessions), Eastside Federal Complex, 911 N.E. 11th Avenue, Portland, Oregon 97232.

\* \* \* \* \*

(c) Twin Cities Regional Office (Region 3—comprising the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin), One Federal Drive, Bishop Henry Whipple Federal Building, Fort Snelling, MN 55111.

(d) Atlanta Regional Office (Region 4—comprising the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee; the Commonwealth of Puerto Rico; and the Virgin Islands and Caribbean possessions), 1875 Century Center Boulevard, Suite 200, Atlanta, Georgia 30345.

(e) Hadley Regional Office (Region 5—comprising the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; and the District of Columbia), 300 Westgate Center Drive, Hadley, Massachusetts 01035.

\* \* \* \* \*

## SUBCHAPTER B—TAKING POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION AND IMPORTATION OF WILDLIFE AND PLANTS

### PART 10—GENERAL PROVISIONS

3. The authority citation for part 10 continues to read as follows:

**Authority:** 18 U.S.C. 42; 16 U.S.C. 703–712; 16 U.S.C. 668a–d; 19 U.S.C. 1202; 16 U.S.C. 1531–1543; 16 U.S.C. 1361–1384, 1401–1407; 16 U.S.C. 742a–742j–l; 16 U.S.C. 3371–3378.

4. Section 10.21 is amended by revising paragraph (b) to read as follows:

### § 10.21 Director.

\* \* \* \* \*

(b) Mail sent to the Director regarding permits for the Convention on International Trade in Endangered Species of Wild Fauna and Fauna (CITES), injurious wildlife, Wild Bird Conservation Act species, international movement of all ESA-listed endangered or threatened species, and scientific research on, exhibition of, or interstate commerce in nonnative ESA-listed

endangered and threatened species should be addressed to: Director, U.S. Fish and Wildlife Service, (Attention: Office of Management Authority), 4401 N. Fairfax Drive, Room 700, Arlington, VA 22203. Address mail for the following permits to the Regional Director. In the address include one of the following: for import/export licenses and exception to designated port permits (Attention: Import/export license); for native endangered and threatened species (Attention: Endangered/threatened species permit); and for migratory birds and eagles (Attention: Migratory bird permit office). You can find addresses for regional offices at 50 CFR 2.2.

### **PART 13—GENERAL PERMIT PROCEDURES**

5. The authority citation for part 13 continues to read as follows:

**Authority:** 16 U.S.C. 668a, 704, 712, 742j-1, 1382, 1538(d), 1539, 1540(f), 3374, 4901-4916; 18 U.S.C. 42; 19 U.S.C. 1202; E.O. 11911, 41 FR 15683, 31 U.S.C. 9701.

6. Section 13.5 is revised to read as follows:

#### **§ 13.5 Information collection requirements.**

(a) The Office of Management and Budget approved the information collection requirements contained in this part 13 under 44 U.S.C. and assigned OMB Control Number 1018-0092. The Service may not conduct or sponsor, and you are not required to respond, to a collection of information unless it displays a currently valid OMB control number. We are collecting this information to provide information necessary to evaluate permit applications. We will use this information to review permit applications and make decisions, according to criteria established in various Federal wildlife conservation statutes and regulations, on the issuance, suspension, revocation, or denial permits. You must respond to obtain or retain a permit.

(b) We estimate the public reporting burden for these reporting requirements to vary from 15 minutes to 4 hours per response, with an average of 0.803 hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the forms. Direct comments regarding the burden estimate or any other aspect of these reporting requirements to the Service Information Collection Control Officer, MS-222 ARLSQ, U.S. Fish and Wildlife Service, Washington, D.C. 20240, or the Office of Management and Budget, Paperwork

Reduction Project (1018-0092), Washington, D.C. 20603.

### **PART 14—IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE**

7. The authority citation for part 14 is amended to read as follows:

**Authority:** 16 U.S.C. 704, 712, 1382, 1538(d)-(f), 1539, 1540(f), 3371-3378, 4223-4244, and 4901-4916; 18 U.S.C. 42; 31 U.S.C. 9701.

8. Section 14.3 is revised to read as follows:

#### **§ 14.3 Information collection requirements.**

The Office of Management and Budget approved the information collection requirements contained in this part 14 under 44 U.S.C. 3507 and assigned OMB Control Number 1018-0092. The Service may not conduct or sponsor, and you are not required to respond, to a collection of information unless it displays a currently valid OMB control number. We are collecting this information to provide information about wildlife imports or exports, including product and parts, and to facilitate enforcement of the Endangered Species Act of 1973 as amended (16 U.S.C. 1531 *et seq.*) and to carry out the provisions of the convention on International Trade in Endangered Species of Wild Fauna and Flora. We estimate the public reporting burden for these reporting requirements to vary from 10 to 15 minutes per response. Direct comments regarding the burden estimate or any other aspect of these reporting requirements to the Service Information Collection Control Officer, MS-222 ARLSQ, U.S. Fish and Wildlife Service, Washington, DC 20240, or the Office of Management and Budget, Paperwork Reduction Project (1018-0092), Washington, DC 20603.

### **PART 15—WILD BIRD CONSERVATION ACT**

9. The authority citation for part 15 continues to read as follows:

**Authority:** 61 U.S.C. 4901-4916.

10. A new section 15.4 is added to subpart A to read as follows:

#### **§ 15.4 Information collection requirements.**

(a) The Office of Management and Budget approved the information collection requirements contained in this part 15 under 44 U.S.C. 3507 and assigned OMB Control Number 1018-0093. The Service may not conduct or sponsor, and you are not required to respond, to a collection of information unless it displays a currently valid OMB control number. We are collecting this

information to provide information necessary to evaluate permit applications. We will use this information to review permit applications and make decisions, according to criteria established in various Federal wildlife conservation statutes and regulations, on the issuance, suspension, revocation, or denial of permits. You must respond to obtain or retain a permit.

(b) We estimate the public reporting burden for these reporting requirements to vary from 1 to 4 hours per response, with an average of 2 hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the forms. Direct comments regarding the burden estimate or any other aspect of these reporting requirements to the Service Information Collection Control Officer, MS-222 ARLSQ, U.S. Fish and Wildlife Service, Washington, DC 20240, or the Office of Management and Budget, Paperwork Reduction Project (1018-0093), Washington, DC 20603.

11. Section 15.21 is amended by revising paragraph (c) to read as follows:

#### **§ 15.21 General application procedures.**

\* \* \* \* \*

(c) A person wishing to obtain a permit under this subpart or approval of cooperative breeding programs under this subpart submits an application to the Director, U.S. Fish and Wildlife Service (Attention: Office of Management Authority), 4401 N. Fairfax Drive, Room 700, Arlington, VA 22203. Each application must contain the general information and certification required in § 13.12(a) of this subchapter, and all of the information specified in the applicable section §§ 15.22 through 15.26.

### **PART 16—INJURIOUS WILDLIFE**

12. The authority citation for part 16 continues to read as follows:

**Authority:** 18 U.S.C. 42.

13. Section 16.22 is amended by revising paragraphs (a) and (d) to read as follows:

#### **§ 16.22 Injurious wildlife permits.**

\* \* \* \* \*

(a) *Application requirements.* Submit applications for permits to import, transport or acquire injurious wildlife for such purposes to the Director, U.S. Fish and Wildlife Service, (Attention: Office of Management Authority), 4401 N. Fairfax Drive, Room 700, Arlington, VA 22203. Submit applications in writing on a Federal Fish and Wildlife License/Permit application (Form 3-

200) and attach all of the following information:

\* \* \* \* \*

(d) The Office of Management and Budget approved the information collection requirements contained in this part 16 under 44 U.S.C. 3507 and assigned OMB Control Number 1018-0093. The Service may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. We are collecting this information to provide information necessary to evaluate permit applications. We will use this information to review permit applications and make decisions, according to criteria established in various Federal wildlife conservation statutes and regulations, on the issuance, suspension, revocation, or denial of permits. You must respond to obtain or retain a permit. We estimate the public reporting burden for these reporting requirements to average 2 hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the forms. Direct comments regarding the burden estimate or any other aspect of these reporting requirements to the Service Information Collection Control Officer, MS-222 ARLSQ, U.S. Fish and Wildlife Service, Washington, D.C. 20240, or the Office of Management and Budget, Paperwork Reduction Project (1018-0093), Washington, D.C. 20603.

## PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

14. 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.

15. Subpart A is amended by adding a new section 17.8 to read as follows:

### § 17.8 Permit applications and information collection requirements.

(a) Address permit applications for activities affecting species listed under the Endangered Species Act, as amended, as follows:

(1) Address activities affecting endangered and threatened species that are native to the United States to the Regional Director for the Region in which the activity is to take place. You can find addresses for the Regional Directors in 50 CFR 2.2. Send applications for interstate commerce in native endangered and threatened species to the Regional Director with lead responsibility for the species. To

determine the appropriate region, call the nearest Regional Office:

Region 1 (Portland, OR): 503-231-6241  
Region 2 (Albuquerque, NM): 505-248-6920

Region 3 (Twin Cities, MN): 612-713-5343

Region 4 (Atlanta, GA): 404-679-7313  
Region 5 (Hadley, MA): 413-253-8628  
Region 6 (Denver, CO): 303-236-8155, ext 263

Region 7 (Anchorage, AK): 907-786-3620

Headquarters (Washington, D.C.): 703-358-2106

(2) Submit permit applications for activities affecting native endangered and threatened species in international movement or commerce, and all activities affecting nonnative endangered and threatened species to the Director, U.S. Fish and Wildlife Service, (Attention Office of Management Authority), 4401 N. Fairfax Drive, Room 700, Arlington, VA 22203.

(b) The Office of Management and Budget approved the information collection requirements contained in this part 17 under 44 U.S.C. 3507 and assigned OMB Control Numbers 1018-0093 and 1018-0094. The Service may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. We are collecting this information to provide information necessary to evaluate permit applications. We will use this information to review permit applications and make decisions, according to criteria established in various Federal wildlife conservation statutes and regulations, on the issuance, suspension, revocation, or denial of permits. You must respond to obtain or retain a permit. We estimate the public reporting burden for these reporting requirements to vary from 2 to 2½ hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the forms. Direct comments regarding the burden estimate or any other aspect of these reporting requirements to the Service Information Collection Control Officer, MS-222 ARLSQ, U.S. Fish and Wildlife Service, Washington, D.C. 20240, or the Office of Management and Budget, Paperwork Reduction Project (1018-0093/0094), Washington, D.C. 20603.

16. Section 17.22 is amended by removing paragraphs (a)(1)(ix) and (b)(1)(iv), and revising the introductory texts of paragraphs (a)(1) and (b)(1) to read as follows:

### § 17.22 Permits for scientific purposes, enhancement of propagation or survival, or for incidental taking.

\* \* \* \* \*

(a)(1) *Application requirements for permits for scientific purposes or for the enhancement of propagation or survival.* A person wishing to get a permit for an activity prohibited by § 17.21 submits an application for activities under this paragraph. The Service provides Form 3-200 for the application to which all of the following must be attained:

\* \* \* \* \*

(b)(1) *Application requirements for permits for incidental taking.* A person wishing to get a permit for an activity prohibited by § 17.21(c) submits an application for activities under this paragraph. The Service provides Form 3-200 for the application to which all of the following must be attached:

\* \* \* \* \*

17. Section 17.32 is amended by removing paragraphs (a)(1)(ix) and (b)(1)(iv), and by revising paragraphs (a)(1) introductory text and (b)(1)(i) to read as follows:

### § 17.32 Permits—general.

\* \* \* \* \*

(a)(1) *Application requirements for permits for scientific purposes, or the enhancement of propagation or survival, or economic hardship, or zoological exhibition, or educational purposes, or special purposes consistent with the purposes of the Act.* A person wishing to get a permit for an activity prohibited by § 17.31 submits an application for activities under this paragraph. The Service provides Form 3-200 for the application to which as much of the following information relating to the purpose of the permit must be attached:

\* \* \* \* \*

(b)(1) *Application requirements for permits for incidental taking.* (i) A person wishing to get a permit for an activity prohibited by § 17.31 submits an application for activities under this paragraph.

\* \* \* \* \*

18. Section 17.62 is amended by removing paragraph (a)(3)(iii), and by revising paragraphs (a) introductory text and (a)(4) to read as follows:

### § 17.62 Permits for scientific purposes or for the enhancement of propagation or survival.

\* \* \* \* \*

(a) *Application requirements.* A person wishing to get a permit for an activity prohibited by § 17.61 submits an application to conduct activities under this paragraph. For interstate

commerce activities the seller gets the permit for plants coming from cultivated stock and the buyer gets the permit if the plants are taken from the wild. The Service provides application Form 3-200, or you may submit the general information and certification required by § 13.12(a) of this subchapter. Application requirements differ for permits issued for plants taken from the wild (excluding seeds), seeds and cultivated plants, or herbarium specimens. You must attach the following information and any other information requested by the Director.

\* \* \* \* \*

(4) When the activity applied for involves a species also regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, additional requirements of § 23.15(c) of this subchapter must be met. For your convenience, § 23.15(c) is repeated here.

Application requirements for permits or certificates to import, export or re-export wildlife or plants listed in appendix I, II or III that are not subject to the regulations in part 17 or part 18 of this subchapter. Any person subject to the jurisdiction of the United States who wishes to get such a permit or certificate submits an application under this section to the Director, U.S. Fish and Wildlife Service, (Attention: Office of Management Authority), 4401 N. Fairfax Drive, Room 700, Arlington, VA 22203. The Service provides Form 3-200 for the application to which as much of the following information relating to the purpose of the permit or certificate must be attached.

(1) The scientific and common names of the species (or taxa to the rank listed in Appendix I, II, or III) sought to be covered by the permit, the number of wildlife or plants, and the activity sought to be authorized (such as importing, exporting, re-exporting, etc.);

(2) A statement as to whether the wildlife or plant, at the time of application, (i) is living in the wild, (ii) is living, but not in the wild, or (iii) is dead;

(3) A description of the wildlife or plant, including (i) size, (ii) sex (if known), and (iii) type of goods, if it is a part or derivative;

(4) In the case of living wildlife or plants, (i) a description of the type, size, and construction of any container the wildlife or plant will be placed in during transportation, and (ii) the arrangements for watering and otherwise caring for the wildlife or plant during transportation;

(5) The name and address of the person in a foreign country to whom the wildlife or plant is to be exported from the United States, or from whom the wildlife or plant is to be imported into the United States;

(6) The country and place where the wildlife or plant was or is to be taken from the wild;

(7) In the case of wildlife or plants listed in Appendix I to be imported into the United States, (i) a statement of the purposes and details of the activities for which the wildlife

or plant is to be imported; (ii) a brief resume of the technical expertise of the applicant or other persons who will care for the wildlife or plant; (iii) the name, address, and description, including diagrams or photographs, of the facility where the wildlife or plant will be maintained; and (iv) a description of all mortalities, in the two years preceding the date of this application, including any wildlife species covered in the application (or any species of the same genus or family) held by the applicant, including the causes and steps taken to avoid such mortalities; and

(8) Copies of documents, sworn affidavits, or other evidence showing that either (i) the wildlife or plant was acquired prior to the date the Convention applied to it, or (ii) the wildlife or plant was bred in captivity, or artificially propagated, or was part of or derived therefrom, or (iii) the wildlife or plant is an herbarium specimen, or live plant material to be imported, exported, or re-exported as a noncommercial loan, donation, or exchange between scientists or scientific institutions.

\* \* \* \* \*

19. Section 17.72 is amended by removing paragraph (a)(3)(iii), and by revising paragraphs (a) introductory text and (a)(4) to read as follows:

**§ 17.72 Permits—general.**

\* \* \* \* \*

(a) *Application requirements.* A person wishing to get a permit for an activity prohibited by § 17.71 submits an application to conduct activities under this paragraph. For interstate commerce activities the seller gets the permit for plants coming from cultivated stock and the buyer gets the permit if the plants are taken from the wild. The Service provides Form 3-200 for the application or you may submit the general information and certification required by § 13.12(a) of this subchapter. Application requirements differ for permits issued for plants taken from the wild (excluding seeds), seeds and cultivated plants, or herbarium specimens. You must attach the following information and any other information requested by the Director.

\* \* \* \* \*

(4) When the activity applied for involves a species also regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, additional requirements of § 23.15(c) of this subchapter must be met. For your convenience, § 23.15(c) is repeated here.

Application requirements for permits or certificates to import, export or re-export wildlife or plants listed in Appendix I, II or III that are not subject to the regulations in part 17 or part 18 of this subchapter. Any person subject to the jurisdiction of the United States

who wishes to get such a permit or certificate submits an application under this section to the Director, Fish and Wildlife Service (Attention: Office of Management Authority), 4401 N. Fairfax Drive, Room 700, Arlington, VA 22203. The Service provides Form 3-200 for the application to which as much of the following information relating to the purpose of the permit or certificate must be attached:

(1) The scientific and common names of the species (or taxa to the rank listed in Appendix I, II, or III) sought to be covered by the permit, the number of wildlife or plants, and the activity sought to be authorized (such as importing, exporting, re-exporting, etc.);

(2) A statement as to whether the wildlife or plant, at the time of application, (i) is living in the wild, (ii) is living, but not in the wild, or (iii) is dead;

(3) A description of the wildlife or plant, including (i) size, (ii) sex (if known), and (iii) type of goods, if it is a part or derivative;

(4) In the case of living wildlife or plants, (i) a description of the type, size, and construction of any container the wildlife or plant will be placed in during transportation, and (ii) the arrangements for watering and otherwise caring for the wildlife or plant during transportation;

(5) The name and address of the person in a foreign country to whom the wildlife or plant is to be exported from the United States, or from whom the wildlife or plant is to be imported into the United States;

(6) The country and place where the wildlife or plant was or is to be taken from the wild;

(7) In the case of wildlife or plants listed in Appendix I to be imported into the United States, (i) a statement of the purposes and details of the activities for which the wildlife or plant is to be imported; (ii) a brief resume of the technical expertise of the applicant or other persons who will care for the wildlife or plant; (iii) the name, address, and description, including diagrams or photographs, of the facility where the wildlife or plant will be maintained; and (iv) a description of all mortalities, in the two years preceding the date of this application, including any wildlife species covered in the application (or any species of the same genus or family) held by the applicant, including the causes and steps taken to avoid such mortalities; and

(8) Copies of documents, sworn affidavits, or other evidence showing that either (i) the wildlife or plant was acquired prior to the date the Convention applied to it, or (ii) the

wildlife or plant was bred in captivity, or artificially propagated, or was part of or derived therefrom, or (iii) the wildlife or plant is an herbarium specimen, or live plant material to be imported, exported, or re-exported as a noncommercial loan, donation, or exchange between scientists or scientific institutions.

\* \* \* \* \*

## PART 21—MIGRATORY BIRD PERMITS

20. The authority citation for part 21 continues to read as follows:

**Authority:** Pub. L. 95-616, 92 Stat. 3112 (16 U.S.C. 712(2)).

21. Section 21.4 is revised to read as follows:

### § 21.4 Information collection requirements.

(a) The Office of Management and Budget approved the information collection requirements contained in this part 21 under 44 U.S.C. 3507 and assigned OMB Control Number 1018-0022. The Service may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. We are collecting this information to provide information necessary to evaluate permit applications. We will use this information to review permit applications and make decisions, according to criteria established in the Migratory Bird Treaty Act, 16 U.S.C. 703-712 and its regulations, on the issuance, suspension, revocation, or denial of permits. You must respond to obtain or retain a permit.

(b) We estimate the public reporting burden for these reporting requirements to vary from 15 minutes to 4 hours per response, with an average of 0.803 hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the forms. Direct comments regarding the burden estimate or any other aspect of these reporting requirements to the Service Information Collection Control Officer, MS-222 ARLSQ, U.S. Fish and Wildlife Service, Washington, D.C. 20240, or the Office of Management and Budget, Paperwork Reduction Project (1018-0022), Washington, D.C. 20603.

22. Section 21.23 is amended by revising paragraph (b) introductory text to read as follows:

### § 21.23 Scientific collecting permits.

\* \* \* \* \*

(b) *Application procedures.* Submit applications for scientific permits to the appropriate Regional Director (Attention: Migratory bird permit

office). You can find addresses for the Regional Directors in 50 CFR 2.2. Each application must contain the general information and certification required in § 13.12(a) of this subchapter, and the following additional information:

\* \* \* \* \*

23. Section 21.24 is amended by revising paragraph (b) introductory text to read as follows:

### § 21.24 Taxidermist permits.

\* \* \* \* \*

(b) *Application procedures.* Submit application for taxidermist permits to the appropriate Regional Director (Attention: Migratory bird permit office). You can find addresses for the Regional Directors in 50 CFR 2.2. Each application must contain the general information and certification required in § 13.12(a) of this subchapter, and the following additional information:

\* \* \* \* \*

24. Section 21.25 is amended by revising paragraph (b) introductory text to read as follows:

### § 21.25 Waterfowl sale and disposal permits.

\* \* \* \* \*

(b) *Application procedures.* Submit application for waterfowl sale and disposal permits to the appropriate Regional Director (Attention: Migratory bird permit office). You can find addresses for the Regional Directors in 50 CFR 2.2. Each application must contain the general information and certification required in § 13.12(a) of this subchapter, and the following additional information:

\* \* \* \* \*

25. Section 21.27 is amended by revising paragraph (b) introductory text to read as follows:

### § 21.27 Special purpose permits.

\* \* \* \* \*

(b) *Application procedures.* Submit application for special purpose permits to the appropriate Regional Director (Attention: Migratory bird permit office). You can find addresses for the Regional Directors in 50 CFR 2.2. Each application must contain the general information and certification required in § 13.12(a) of this subchapter, and the following additional information:

\* \* \* \* \*

26. Section 21.30 is amended by revising paragraph (b) introductory text to read as follows:

### § 21.30 Raptor propagation permits.

\* \* \* \* \*

(b) *Application procedures.* Submit application for raptor propagation permits to the appropriate Regional

Director (Attention: Migratory bird permit office). You can find addresses for the Regional Directors in 50 CFR 2.2. Each application must contain the general information and certification required in § 13.12(a) of this subchapter, and the following additional information:

\* \* \* \* \*

27. Section 21.41 is amended by revising paragraph (b) introductory text to read as follows:

### § 21.41 Depredation permits.

\* \* \* \* \*

(b) *Application procedures.* Submit application for depredation permits to the appropriate Regional Director (Attention: Migratory bird permit office). You can find addresses for the Regional Directors in 50 CFR 2.2. Each application must contain the general information and certification required in § 13.12(a) of this subchapter, and the following additional information:

\* \* \* \* \*

## PART 22—EAGLE PERMITS

28. The authority citation for part 22 continues to read as follows:

**Authority:** Sec. 2, Eagle Protection Act of June 8, 1940, Chapter 278, 54 Stat. 251; Pub. L. 87-884, 76 Stat. 1246; sec. 2, Pub. L. 92-535, 86 Stat. 1065; sec. 9, Pub. L. 95-616, 92 Stat. 3114 (16 U.S.C. 668a).

29. A new section 22.4 is added to subpart A to read as follows:

### § 22.4 Information collection requirements.

(a) The Office of Management and Budget approved the information collection requirements contained in this part 22 under 44 U.S.C. 3507 and assigned OMB Control Number 1018-0022. The Service may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. We are collecting this information to provide information necessary to evaluate permit applications. We will use this information to review permit applications and make decisions, according to criteria established in the Bald and Golden Eagle Protection Act and its regulations, on the issuance, suspension, revocation, or denial of permits. You must respond to obtain or retain a permit.

(b) We estimate the public reporting burden for these reporting requirements to vary from 1 to 4 hours per response, with an average of 1 hour per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the forms. Direct comments regarding the

burden estimate or any other aspect of these reporting requirements to the Service Information Collection Control Officer, MS-222 ARLSQ, U.S. Fish and Wildlife Service, Washington, DC 20240, or the Office of Management and Budget, Paperwork Reduction Project (1018-0022), Washington, DC 20603.

30. Section 22.21 is amended by revising paragraph (a) introductory text to read as follows:

**§ 22.21 Permits for scientific or exhibition purposes.**

\* \* \* \* \*

(a) *Application procedures.* Submit applications for permits to take, possess, or transport bald or golden eagles, their parts, nests or eggs for scientific or exhibition purposes to the appropriate Regional Director (Attention: Migratory bird permit office). You can find addresses for the Regional Directors in 50 CFR 2.2. Each application must contain the general information and certification required in § 13.12(a) of this subchapter, and the following additional information:

\* \* \* \* \*

31. Section 22.22 is amended by revising paragraph (a) introductory text to read as follows:

**§ 22.22 Permits for Indian religious purposes.**

\* \* \* \* \*

(a) *Application procedures.* Submit applications for permits to take, possess, or transport bald or golden eagles, their parts, nests or eggs for the religious use of Indians to the appropriate Regional Director (Attention: Migratory bird permit office). You can find addresses for the Regional Directors in 50 CFR 2.2. Only applications from individual Indians will be accepted. Each application must contain the general information and certification required in § 13.12(a) of this subchapter, and the following additional information.

\* \* \* \* \*

32. Section 22.23 is amended by revising paragraph (a) introductory text to read as follows:

**§ 22.23 Permits to take depredating eagles.**

\* \* \* \* \*

(a) *Application procedures.* Submit applications for permits to take depredating bald or golden eagles to the appropriate Regional Director (Attention: Migratory bird permit office). You can find addresses for the Regional Directors in 50 CFR 2.2. Each application must contain the general information and certification required in

§ 13.12(a) of this subchapter, and the following additional information:

\* \* \* \* \*

33. Section 22.24 is amended by revising paragraph (a) introductory text to read as follows:

**§ 22.24 Permits for falconry purposes.**

\* \* \* \* \*

(a) *Application procedures.* Submit applications for permits to possess and transport golden eagles for falconry purposes to the appropriate Regional Director (Attention: Migratory bird permit office). You can find addresses for the Regional Directors in 50 CFR 2.2. Each application must contain the general information and certification required in § 13.12(a) of this subchapter, and the following additional information:

\* \* \* \* \*

34. Section 22.25 is amended by revising paragraph (a) introductory text to read as follows:

**§ 22.25 Permits to take golden eagle nests.**

\* \* \* \* \*

(a) *Application procedures.* Submit applications for permits to take golden eagle nests to the appropriate Regional Director (Attention: Migratory bird permit office). You can find addresses for the Regional Directors in 50 CFR 2.2. Applications are accepted only from persons engaged in a resource activity or recovery operation, including the planning and permitting stages of an operation. Each application must contain the general information and certification required in § 13.12(a) of this subchapter, and the following additional information:

\* \* \* \* \*

**PART 23—ENDANGERED SPECIES CONVENTION**

35. The authority citation for part 23 continues to read as follows:

**Authority.** Sec. 2, Eagle Protection Act of June 8, 1940, Chapter 278, 54 Stat. 251; Pub. L. 87-884, 76 Stat. 1246; sec. 2, Pub. L. 92-535, 86 Stat. 1065; sec. 9, Pub. L. 95-616, 92 Stat. 3114 (16 U.S.C. 668a); and Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.*

36. Section 23.15 is amended by revising paragraph (c) introductory text and adding a new paragraph (g) to read as follows:

**§ 23.15 Permits and certificates.**

\* \* \* \* \*

(c) Application requirements for permits or certificates to import, export or reexport wildlife or plants listed in appendix I, II or III that are not subject

to the regulations in part 17 or part 18 of this subchapter. Any person subject to the jurisdiction of the United States who wishes to get such a permit or certificate submits an application under this section to the Director, U.S. Fish and Wildlife Service, (Attention: Office of Management Authority), 4401 N. Fairfax Drive, Room 700, Arlington, VA 22203 by any person subject to the jurisdiction of the United States who wishes to get a permit for the activity. The Service provides Form 3-200 for the application to which as much of the following information relating to the purpose of the permit or certificate must be attached.

\* \* \* \* \*

(g) Information collection requirements. The Office of Management and Budget approved the information collection requirements contained in this part 23 under 44 U.S.C. 3507 and assigned OMB Control Number 1018-0093. The Service may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. We are collecting this information to provide information necessary to evaluate permit applications. We will use this information to review permit applications and make decisions, according to criteria established in various Federal wildlife conservation statutes and regulations, on the issuance, suspension, revocation, or denial of permits. You must respond to obtain or retain a permit. We estimate the public reporting burden for these reporting requirements to vary from 20 minutes to 2 hours per response, with an average of 1 hour per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the forms. Direct comments regarding the burden estimate or any other aspect of these reporting requirements to the Service Information Collection Control Officer, MS-222 ARLSQ, U.S. Fish and Wildlife Service, Washington, DC 20240, or the Office of Management and Budget, Paperwork Reduction Project (1018-0093), Washington, DC 20603.

Dated: September 16, 1998.

**Donald Barry,**

*Assistant Secretary, Fish and Wildlife and Parks.*

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