DEPARTMENT OF THE TREASURY
Internal Revenue Service
[26 CFR Part 1]

INCOME TAX

Foster Children

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LRC-T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the Federal Register. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7065 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7065).

[Seal]

Rudolph W. Throener,
Commissioner of Internal Revenue.

Approved: April 9, 1970.

John S. Nolan,
Acting Assistant Secretary.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 151(e), 152, and the regulations thereunder, the term "child" means a son, stepson, daughter, stepdaughter, adopted son, adopted daughter, or for taxable years beginning after December 31, 1958, a foster child who is a member of an individual's household if the child was placed with the individual by an authorized placement agency for legal adoption pursuant to a formal application filed by the individual with the agency (see paragraphs (a) and (b) of §1.152-1 with respect to the taxpayer) of the taxpayer.

Par. 2. Paragraph (a) of §1.151-3 is amended to read as follows:

§1.151-3 Definitions.

(a) Child. For purposes of sections 151(e), 152, and the regulations thereunder, the term "child" means a son, stepson, daughter, stepdaughter, adopted son, adopted daughter, or for taxable years beginning after December 31, 1958, a foster child (if such foster child satisfies the requirements set forth in paragraph (b) of §1.152-1 with respect to the taxpayer) of the taxpayer.

Par. 3. Paragraph (c) of §1.152-3 is amended by adding at the end thereof a new subparagraph (4):

§1.152-3 Rules relating to general definition of dependent.

(c) * * * * *

(4) For purposes of determining the existence of any of the relationships specified in section 152 (a) or (b) (1), a foster child of an individual (if such foster child satisfies the requirements set forth in paragraph (b) of §1.152-1 with respect to such individual) shall, for taxable years beginning after December 31, 1958, be treated as a child of such individual by blood. For purposes of this subparagraph, a foster child is a child who is in the care of a person or persons (other than the parents or adopted parents of the child) who care for the child as their own child. Status as a foster child is not dependent upon or affected by the circumstances under which the child became a member of the household.

[FR. Doc. 70-4511; Filed, Apr. 13, 1970; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
[50 CFR Part 17]

ENDANGERED SPECIES CONSERVATION

Notice of Proposed Rule Making

Chapter I, Subchapter B, of Title 50 of the Code of Federal Regulations is proposed to be amended by adding a new Part 17 reading as follows:

PART 17—ENDANGERED SPECIES CONSERVATION REGULATIONS

Sec.

17.1 Purpose.

17.2 Definitions.

17.3 Importation at designated ports.

17.4 Importation of fish or wildlife—documents required.

17.5 Importation of fish or wildlife—marking.

17.6 State markings.

17.7 Export permits.

17.8 Marking of packages or containers.

17.9 Importation of endangered species—general restrictions.

17.10 Endangered Species List.

17.11 Importation of endangered species—exceptions.

17.12 Hearings.

17.13 Forfeiture.

17.14 Holding, return, and disposal of seized property.

17.15 Other laws applicable.

Appendix A—Endangered Species List.

Appendix B—Designated Ports and Exceptions Thereto.

Appendix C—Regional Directors.

Authority: The provisions of this Part 17 issued under Public Law 91-135; 83 Stat. 375.

§17.1 Purpose.

The regulations in this part implement the Endangered Species Conservation Act of 1969, contained in part of Public Law 91-135 (83 Stat. 375), and 16 U.S.C. 952 et seq., and 18 U.S.C. 43 and 44 as they are amended by Public Law 91-135, insofar as they apply to the importation or transportation of fish and wildlife.

§17.2 Definitions.

The following definitions shall apply in this part, unless otherwise specified:

(a) "The Act" shall mean Public Law 91-135, 83 Stat. 375.

(b) "The Secretary" shall mean the Secretary of the Interior.

(c) "The Director" shall mean the Director of the Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior.

(d) "Person" shall mean any individual, firm, corporation, association, or partnership.

(e) "Fish" shall mean any finfish or any part, products, egg, or offspring thereof, or the dead body or parts thereof whether or not included in a manufactured product.

(f) "Wildlife" shall mean any wild mammal, wild bird, amphibian, reptile, mollusk, or crustacean; or any part, products, egg, or offspring thereof, or the dead body or parts thereof whether or not included in a manufactured product.

(g) "Endangered Species List" shall mean the list of species or subspecies of fish or wildlife threatened with worldwide extinction which is contained in Appendix A to this Part 17;
"Taken" shall mean captured, killed, collected, or otherwise possessed; (i) Except insofar as such items include any species or subspecies which appears on the Endangered Species List, "shellfish or fishery products imported for commercial purposes" shall mean the following items as further defined in the "Tariff Schedules of the United States Annotated," United States Tariff Commission TC Publication 394, under the TSUS numbers shown in parentheses below:

1. Frogs (TSUS No. 106.60).
2. Frog meat (TSUS No. 107.65).
3. Fish, fresh, chilled, or frozen (TSUS Nos. 110.10–110.70).
4. Fish, dried, salted, pickled, smoked or keened (TSUS Nos. 111.10–111.92).
5. Fish in airtight containers (TSUS Nos. 112.01–112.94).
6. Other fish products (TSUS Nos. 113.01–113.60).
7. Shellfish (TSUS Nos. 114.01–114.65).
9. Egg oil (TSUS No. 178.65).
11. Edible preparations (TSUS Nos. 182.05, 182.48, 182.60).

"Seized" or "seizure" shall mean anything seized pursuant to sections 4 or 7 of the Act or §184.55.

"Permit" shall include any letter, certificate, tags, or other documents from the appropriate official of the exporting country which shows that to the best of the knowledge of the certifying official the fish or wildlife is being exported which shows that to the best of the knowledge of the certifying official the fish or wildlife is being exported which shows that to the best of the knowledge of the certifying official the fish or wildlife is being exported.

§ 17.4 Importation of fish or wildlife—documentation.

(a) No species or subspecies of fish or wildlife which appears on the Endangered Species List, or the taking, transport, or sale of which is regulated by the Department of the Interior, shall be imported for commercial purposes and preserved, scientific specimens, unless accompanied by the following documentation:

1. An export permit or other document from an appropriate official, in English, or the original document and a certified translation thereof, from the country where the fish or wildlife was taken which shows that such fish or wildlife was lawfully taken and is being lawfully exported, or
2. In the case of an export of fish or wildlife from a country other than that in which such fish or wildlife was taken, an export permit or other document from an appropriate official, in English, or the original document and a certified translation thereof, from the country where the fish or wildlife is being exported which shows that the best of the knowledge of the certifying official the fish or wildlife is being exported which shows that to the best of the knowledge of the certifying official the fish or wildlife is being exported which shows that to the best of the knowledge of the certifying official the fish or wildlife is being exported.

§ 17.5 Importation of fish or wildlife—marking.

(a) All fish or wildlife which is on the Endangered Species List and is imported into the United States under permit must have suitable identification from the Department of the Interior. Such identification may be obtained at any designated port of entry or from the Regional Director of the Bureau of Sport Fisheries and Wildlife.

(b) Any offspring, or product manufactured from such fish or wildlife which are identified pursuant to paragraph (a) of this section must also have suitable identification from the Department of the Interior.

§ 17.6 State markings.

If any fish or wildlife which originates in the United States and which is required to be marked or otherwise identified by the laws or regulations of the State in which it originated is found without such marking or other identification, it is subject to seizure and forfeiture.

§ 17.5 Export permits.

(a) No fish or wildlife which appears on the list of Endangered Species of Native Fish and Wildlife, as published from time to time in the Federal Register, may be exported from the United States unless accompanied by an export permit issued by the Department of the Interior.

(b) Requests for such permits must be dated and in writing, and sent to the Regional Director (see Appendix C to this part) at least 15 days prior to the date of shipment. The request shall contain the following information:

1. Name and address of the applicant;
2. Designation of the items to be exported, including species or subspecies, number, weight, method of shipment, and a description, such as "tanned hides";
3. Evidence, in the form of certificates, tags, or other documents from the State in which the fish or wildlife originated, showing that such fish or wildlife was lawfully taken, transported, or sold;
(4) In those cases where no certificate, tag, or other document is available from the State in which the fish or wildlife originated, the exporter may include the following certification:

I hereby certify that the State from which the fish or wildlife named hereon originated does not, to the best of my knowledge, issue certificates, tags, or other documents showing that such fish or wildlife was lawfully taken, transported, or sold. I also certify that such fish or wildlife was lawfully taken, transported, or sold in the State from which it originated. I am aware that a false statement hereon may be subject to the penalties of 18 U.S.C. 1001.

(c) The provisions of this section do not apply to the export of migratory birds for which export permits may be obtained pursuant to § 16.9 of this chapter.

§ 17.8 Marking of packages or containers.

(a) Any package or other container holding fish or wildlife which is shipped, transported, carried, brought, or conveyed in interstate or foreign commerce must be marked, labeled, or tagged so as to plainly indicate the name and address of the shipper and the consignee, and, except for interstate shipments of furs, hides, and skins, the number and kind of the contents.

(b) (1) In any case where the marking or other identification of the package or other container under this section indicating in any way the contents thereof would create a significant possibility of theft of the package or its contents, the Director may, upon request of the owner thereof or his agent provide some other reasonable means of notifying appropriate authorities of the contents of such packages.

(2) Applications for such exceptions must be dated and in writing, and should be submitted to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240. In order to be considered satisfactory, requests must contain the following:

(i) Name and address of the applicant;

(ii) Designation of the item or items to be imported, including species or sub-species, number, weight, method of shipment, and description, such as "tanned hides";

(iii) Purpose of the importation;

(iv) Copy of the contract under which such fish or wildlife is to be imported, showing the name and address of the seller or consignor, date of the contract, contract price, number and weight, and description of the item;

(v) Copies of contracts for the importation of fish or wildlife of the same or similar species or subspecies for the calendar year immediately preceding the date of the contract in question;

(vi) Statement of the reasons why failure to fulfill the contract in question would lead to economic hardship, with all supporting documents;

(vii) A certification in the following language:

I hereby certify that the foregoing information is complete and accurate, to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining an exception from the marking and labeling requirements of 18 U.S.C. 44 and regulations promulgated thereunder, and that any false statement hereon may be subject to the penalties of 18 U.S.C. 1001.

(vi) The signature of the applicant.

(2) If it is determined that the request has presented substantial evidence warranting a review, a finding to that effect shall be published in the Federal Register. Such finding shall give notice and opportunity to all other interested persons to participate in the review of the particular species or subspecies, by submission of written data.

§ 17.11 Importation of endangered species—exceptions.

(a) Commercial permit:

(1) In order to avoid undue economic hardship, any person importing any species or subspecies shown on the Endangered Species List, for commercial purposes, under any contract entered into prior to the effective date of the Federal Register notice placing such species or subspecies on the Endangered Species List, may apply for a permit allowing the importation of such fish or wildlife. The application shall be dated and in writing and submitted to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240, and must contain the following:

(i) Name and address of the applicant;

(ii) Designation of the item or items to be imported including species or subspecies, number, weight, method of shipment, and description, such as "tanned hides";

(iii) Purpose of the importation;

(iv) Copy of the contract under which such fish or wildlife is to be imported, showing the name and address of the seller or consignor, date of the contract, contract price, number and weight, and description of the item;

(v) Copies of contracts for the importation of fish or wildlife of the same or similar species or subspecies for the calendar year immediately preceding the date of the contract in question;

(vi) A statement of the reasons why failure to fulfill the contract in question would lead to economic hardship, with all supporting documents;

(vii) A certification in the following language:

I hereby certify that the foregoing information is complete and accurate, to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining an exception from the requirements of the Endangered Species Conservation Act of 1969 (83 Stat. 275) and regulations promulgated thereunder, and that any false statement hereon may be subject to the penalties of 18 U.S.C. 1001.

(viii) The signature of the applicant.

(2) Any permits granted pursuant hereto will be strictly limited to the importation only as an exception from the requirements of the Federal Register notice placing such species or subspecies on the Endangered Species List.
regarding the application for such permit.

(1) Any person importing any species or subspecies on the Endangered Species List for zoological, educational, and scientific purposes, or other requirement for the protection of such fish or wildlife in captivity for preservation purposes, may apply for a permit allowing the importation of such fish or wildlife. The application shall be dated and in writing, and submitted to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240. It shall contain the following information:

(i) The name and address of the applicant;
(ii) The number of specimens and the common and scientific names (genus and species) of each species or subspecies of fish or wildlife proposed to be imported;
(iii) Complete statement of the purpose of such importation;
(iv) The address and a description of the facilities where such fish or wildlife will be kept;
(v) A statement, if applicable, of the applicant's qualifications and previous experience in caring for and handling captive live wildlife;
(vi) A copy of the contract under which such fish or wildlife is to be imported, showing the name and address of the seller or consignor, date of the contract, contract price, number, and weight (if available), and description of the items;
(vii) A certification in the following language:

I hereby certify that the foregoing information is complete and accurate, to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining an exemption from the requirements of the Endangered Species Conservation Act of 1969 (83 Stat. 275) and that any false statement hereon may be subject to the penalties of 18 U.S.C. 1001.

(viii) The signature of the applicant. (2) Permittees shall comply with all terms, conditions, or restrictions prescribed in the permit.

(c) Permits issued pursuant to this part shall not be construed to authorize the importation or other acquisition, possession, transportation, or disposal of any fish or wildlife contrary to any applicable Federal or State laws or regulations and does not relieve or eliminate responsibility for complying with any applicable health, quarantine, agriculture, customs permit, or other requirements imposed by the laws or regulations of other duly authorized Federal and State agencies.

§ 17.12 Hearings.

(a) Whenever opportunity for a hearing is required by § 17.11 or sections 4 or 7 of the Act, reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected person. This notice shall advise such person of the action proposed to be taken, the specific action which the proposed action is to be taken, and the matters of fact or law asserted as the basis for this action. The notice will either (1) fix a date not less than 30 days after the date of such notice within which the person receiving the notice may request that the matter be scheduled for a hearing, or (2) advise the person receiving the notice that the matter has been set down for hearing at a stated time and place.

(b) The time and place fixed shall be reasonable and shall be subject to change for cause. The recipient of a notice of hearing may waive a hearing and submit written information and argument for the record. The failure of the recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing and consent to the making of a decision on the basis of such information as is available.

(c) All hearings shall be presided over by a hearing examiner appointed under 5 U.S.C. §105. Immediately upon the initiation of the hearing, an examiner will be assigned to the case. Thereafter, all motions, applications, and other papers shall be filed with the examiner. (d) In all proceedings under this section, the Department shall have the right to be represented by counsel.

(e) (1) The hearing and decision shall be conducted in conformity with chapter II, chapter 5, of title 5, United States Code (Administrative Procedure) and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments, and briefs, reconsideration of evidence, and related matters. Both the Department and the recipient: shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the examiner conducting the hearing. The hearing examiner may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on the other side.

(3) Hearings shall be recorded stenographically by an official reporter. The transcript of testimony and exhibits, together with all papers and requests for the record, shall be the exclusive record for decision. Copies of the transcript may be obtained by any party from the official reporter upon payment of the fees fixed therefor.

(2) Promptly after conclusion of the hearing, the examiner shall render a decision. The decision shall be in writing and shall include a statement of (1) findings and conclusions and the reasons or basis therefor, on the material issues of fact, law, or discretion presented on the record and (2) the appropriate ruling, order, or denial thereof with the effective date thereof. Any decision shall be final and binding. A copy of the decision shall be given to each party.

(g) Whenever a hearing is waived pursuant to paragraph (a) of this section, a decision shall be made by the hearing examiner on the record and a copy of such decision shall be given in writing to the affected persons.

§ 17.13 Forfeiture.

(a) Any fish or wildlife, product, property, or item which has been seized pursuant to the Act may be proceeded against in any court of competent jurisdiction for forfeiture to the Secretary for disposition by him. (b) If such proceeding is not instituted within 90 days following the disposition of proceedings involving the assessment of a civil penalty, the seized wildlife, product, property, or item shall be returned to the owner or consignee.

Upon conviction for a criminal penalty pursuant to the Act, any seized wildlife, or product thereof, shall be forfeited to the Secretary for disposition by him. If no conviction results from any such alleged violation, the Secretary may commence civil penalty proceedings. If a civil penalty proceeding is not instituted within 90 days following the final disposition of the criminal case involving such violation, the seized property shall be returned to the owner or consignee.

§ 17.14 Holding, return, and disposal of seized property.

(a) Any authorized employee or officer of the Customs who has seized any property shall deliver such seized property to the Regional Director (see Appendix C to this part) or his designee, who shall either hold such seized property, or arrange for the proper handling and care of such seized property.

(b) Any arrangement for the handling and care of seized property shall be in writing and shall state the compensation, if any, to be paid to the bailee. The Regional Director, or his designee, shall attempt to notify the owner or consignee immediately by telephone, but in any case shall, within 48 hours of the receipt of the seized property, mail notice thereof by registered or certified mail, return receipt requested, to the owner or consignee. Such notice shall describe the seized property, including its declared

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value, and shall state the time, place, and reason for the seizure. Such notice shall also give the name and telephone number of a person within the Regional Director’s Office who may be contacted regarding such seized property.

(c) The Regional Director may, upon written request of the owner or consignee, accept a bond or other satisfactory security in place of seizing the property. Such bond shall be in the full penalty amount of $5,000 or equal to the value of the seized property, whichever is greater, and shall only be allowed where the Regional Director reasonably believes that the owner or consignee intends to maintain possession or control of the seized property until all proceedings regarding the seized property are completed, or where the seized property is of such a nature that its release will not hamper the aims of the Act.

(d) If, at the conclusion of the appropriate proceedings, the seized property is to be returned to the owner or consignee, the Regional Director shall issue a letter authorizing the return of seized property to the owner or consignee. This letter and a registered mail return receipt request shall be submitted with the letter. The Regional Director shall identify the owner or consignee, the seized property, and the bailiff of the seized property. It shall also provide that upon presentation of the letter and proper identification, the bailiff is authorized to release the seized property provided it is properly marked in accordance with applicable State or Federal requirements. All charges regarding the storage, care, or handling of the seized property accruing after the date of the return receipt shall be for the account of the owner or consignee.

(e) Disposal of seized property. If, at the conclusion of the appropriate proceedings, the seized property is to be forfeited to the United States, the Regional Director shall arrange for its disposal: Provided, That any forfeited property shall be held by the Regional Director until the conclusion of all court proceedings connected therewith. All charges which have accrued regarding the storage, care, or handling of the seized property shall be for the account of the owner or consignee.

§ 17.15 Other laws applicable.

Noting in this part, nor any permit, exception, or permission issued hereunder, shall be construed to relieve any person from any provision of any other laws, rules, or regulations of the States or the United States.

Interested persons may submit written comments, suggestions, or objections with respect to this proposed amendment to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the Federal Register.

LESLIE L. GLOAGUEN, Assistant Secretary of the Interior.

APRIL 9, 1970.
(b) (1) Except for any species or subspecies which appear on the Endangered Species List, any fish or wildlife originating in Canada or exported from the United States into Canada or entered into Alaska or Puerto Rico and which are listed as species to which the application of any provision of the Act is to be prohibited, may be transported accompanied or unaccompanied by any person, for any purpose, through any designated port of entry; or through any of the ports designated in section 1 of Appendix B or through any of the following customs ports of entry: (i) State of California—Calexico, San Diego, Yuma. (ii) State of Arizona—Nogales, San Luis. (iii) State of Texas—El Paso, Laredo, Brownsville.

(2) Prior to any entry pursuant to (1) or (2) above, the importer or his agent must submit a signed and dated statement to the customs officer at the port of entry showing his name and address, the number and a description of the items being imported, and containing the following certification: "I hereby certify that the fish or wildlife named herein do not appear on the Endangered Species List and originated in (Canada) or were exported from the United States into (Canada) (Mexico)."

(c) (1) Except for any species or subspecies which appears on the Endangered Species List, fish or wildlife which are entered into Alaska or Puerto Rico and which are, any fish or wildlife imported into the United States may be imported through any of the ports designated in section 1 of Appendix B or at the following customs ports of entry: (i) Alaska—Juneau, Anchorage, Fairbanks. (ii) Puerto Rico—San Juan.

(2) Prior to any such entry, the importer or his agent must submit a signed and dated statement to the customs officer at the port of entry showing his name and address, the numbers and descriptions of the items being imported, and containing the following certification: "I hereby certify that the fish or wildlife named herein do not appear on the Endangered Species List and are not to be forwarded or transshipped within the United States.

In cases of (d) (1) except for any species or subspecies which appears on the Endangered Species List, a fish or wildlife products which are forwarded or transshipped within the United States other than a designated port, the Regional Director (see Appendix C) or his designee may make appropriate arrangements for the immediate disposal, for transportation of such fish or wildlife, where it appears that delay in clearance would endanger or impair the health of any endangered species. In any instance where the Regional Director of the funds has reached the Supervisory Customs Inspector of the Bureau of the Customs and Border Protection is authorized to make such arrangements for transportation accompanied or unaccompanied as personal effects or as part of household goods.

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effects, including game trophies transported as part of household effects but excluding any other game or game trophies, may enter the United States at any customs port of entry.

(1) Except for any species or subspecies which appears on the Endangered Species List, preserved scientific specimens may enter the United States at any customs port of entry under the following conditions:

(i) A copy of the invoice is attached to the outside of the package or container;

(ii) The package or container is clearly labeled "Preserved Scientific Specimens—No Commercial Value."

The Regional Director or his designee may, at his discretion, require a package or container labeled as above to be transported under bond to the consignee or addresses, or to some other place, for inspection.

(2) Nothing in this subsection shall be construed as allowing the transportation of migratory birds and game mammals or fish to and from Canada or Mexico in any way contrary to the provisions of Parts 10, 13, and 15 of this chapter.

3. Exception by permit. (a) (1) Any person may apply for a permit to enter and import fish or wildlife at any nondesignated port. The application must be filed and in writing, and should be submitted to the Regional Director, sufficient economic hardship to justify entry at a nondesignated port.

(2) Any permit issued under this section will be limited to those applicants who can show, to the satisfaction of the Regional Director, sufficient economic hardship or other reasonable justification for entry at a nondesignated port.

(3) Any permit issued under this section will specify any conditions deemed necessary by the Regional Director, including the requirement that the applicant pay any reasonable costs incurred by the Department in inspecting the shipment at a nondesignated port.

APPENDIX C
REGIONAL DIRECTORS

Following are the addresses of the various Regional Directors of the Bureau of Sport Fisheries and Wildlife, Department of the Interior:


[End of PROPOSED RULE MAKING]

YELLISTONE NATIONAL PARK, WYO.

Boating

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 553, as amended, 16 U.S.C. 831), and the Act of May 7, 1894 (28 Stat. 75, as amended, number, weight, method of shipment, name of the carrier and description, such as "tanned hides;"

(iii) Purpose of the importation;

(iv) Intended point of entry and name of the carrier;

(v) A statement of the reasons why entry and importation should be allowed at the required point of entry rather than at a designated port, including appropriate documentation;

(vi) A certification in the following language: "I hereby certify that the foregoing information is complete and accurate, to the best of my knowledge and belief. I understand that the information submitted for the purpose of obtaining an exemption from the requirements of the Endangered Species Conservation Act of 1969 (99 Stat. 276) and regulations promulgated thereunder, and that any false statement hereon may be subject to civil or criminal penalties in accordance with 16 U.S.C. 1001." (vii) Signature of the applicant.

The issuance of permits under this section will be limited to those applicants who can show, to the satisfaction of the Regional Director, sufficient economic hardship or other reasonable justification for entry at a nondesignated port.

(3) Any permit issued under this section will specify any conditions deemed necessary by the Regional Director, including the requirement that the applicant pay any reasonable costs incurred by the Department in inspecting the shipment at a nondesignated port.

The Regional Director or his designee may, at his discretion, require a package or container labeled as above to be transported under bond to the consignee or addresses, or to some other place, for inspection.

Nothing in this subsection shall be construed as allowing the transportation of migratory birds and game mammals or fish to and from Canada or Mexico in any way contrary to the provisions of Parts 10, 13, and 15 of this chapter.

3. Exception by permit. (a) (1) Any person may apply for a permit to enter and import fish or wildlife at any nondesignated port. The application must be filed and in writing, and should be submitted to the Regional Director, sufficient economic hardship to justify entry at a nondesignated port.

(ii) Designation of the item or items to be entered, including species or subspecies.

APPENDIX C
REGIONAL DIRECTORS

Following are the addresses of the various Regional Directors of the Bureau of Sport Fisheries and Wildlife, Department of the Interior:


