amended, and codified at 5 CFR parts 2634 and 2635. Accordingly, the NTSB is rescinding part 805 in its entirety.

DATES: Effective Date: November 21, 2011.


SUPPLEMENTARY INFORMATION:

Background

In 1989, the President’s Commission on Federal Ethics Law Reform recommended that individual agency standards of conduct be replaced with a single regulation applicable to all employees of the executive branch. Acting upon that recommendation, President Bush signed Executive Order 12674 on April 12, 1989, which was subsequently modified and restated by Executive Order 12731 (Executive Order), signed by President Bush on October 17, 1990. Section 201(a) of the Executive Order required the OGE to promulgate regulations that “establish a single, comprehensive, and clear set of executive-branch standards of conduct”. Accordingly, OGE published a final rule entitled “Standards of Ethical Conduct for Employees of the Executive Branch” (Standards) on August 7, 1992, with an effective date of February 3, 1993. The Standards, as amended, are codified at 5 CFR part 2635, and establish uniform standards of ethical conduct applicable to all executive branch personnel.

Upon the effective date of the Standards, the NTSB’s regulations contained in part 805, which relate to employee responsibilities and conduct, were superseded.

Rescission and Reservation

By this notice, the NTSB rescinds part 805 in its entirety, reserving such part for future use. The regulations contained in part 805 deal with employee responsibilities and conduct, and have been superseded by the Standards or by 5 CFR part 2634.

Administrative Procedure Act

The rescission of part 805 is exempt from the notice and comment procedure normally required by the Administrative Procedure Act. See 5 U.S.C. 553(a). Notice and comment before the effective date are being waived because this rule concerns matters of agency organization, practice and procedure.

Executive Orders 12866 and 12988

Because this rule relates to NTSB personnel, it is exempt from the provisions of Executive Orders Nos. 12866 and 12988.

Regulatory Flexibility Act

The NTSB has determined, pursuant to the Regulatory Flexibility Act, 5 U.S.C. chapter 6, that this rescission will not have a significant economic impact on a substantial number of small entities because it only affects NTSB employees.

Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. chapter 35, does not apply to this rescission because it does not involve any collection of information subject to the approval of the Office of Management and Budget.

Congressional Review Act

The NTSB has determined that the rescission of the aforementioned regulations is not a rule as defined in 5 U.S.C. 804, and thus, does not require review by Congress.

List of Subjects in 49 CFR Part 805

Conflict of interest, Government employees, Standards of conduct.

The Amendment

In consideration of the foregoing, the National Transportation Safety Board amends chapter 8 of title 49, Code of Federal Regulations, as follows:

PART 805—[REMOVED AND RESERVED]

1. Remove and reserve part 805.

Dated: November 15, 2011.

Candi R. Bing,
Federal Register Liaison Officer.
[FR Doc. 2011–29835 Filed 11–18–11; 8:45 am]
BILLING CODE 7533–01–P

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service

50 CFR Part 21
[50 CFR, Part 21]

Migratory Bird Permits; States Delegated Falconry Permitting Authority; Technical Corrections to the Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The States of Indiana, Iowa, Nebraska, New Jersey, New Mexico, North Carolina, Ohio, Oregon, Tennessee, Virginia, and Wyoming have requested that we delegate permitting for falconry to the State, as provided under our regulations. We have reviewed regulations and supporting materials provided by these States, and have concluded that their regulations comply with the Federal regulations. We change the falconry regulations accordingly. This rule also makes certain nonsubstantive editorial changes to correct minor errors and to clarify the regulations.

DATES: This rule is effective January 1, 2012.

FOR FURTHER INFORMATION CONTACT: Dr. George T. Allen, (703) 358–1825.

SUPPLEMENTARY INFORMATION:

Background

We, the U.S. Fish and Wildlife Service, published a final rule in the Federal Register on October 8, 2008 (73 FR 59448), to revise our regulations governing falconry in the United States. These regulations are found in title 50 of the Code of Federal Regulations (CFR) at § 21.29. The regulations provide that, when a State meets the requirements for operating under the regulations, falconry permitting must be delegated to the State.

The States of Indiana, Iowa, Nebraska, New Jersey, New Mexico, North Carolina, Ohio, Oregon, Tennessee, Virginia, and Wyoming have submitted revised falconry regulations and supporting materials and have requested to be allowed to operate under the revised Federal regulations. We have reviewed the regulations administered by these States and have determined that their regulations meet the requirements of 50 CFR 21.29(b). According to the regulations at § 21.29(b)(4), we must issue a rule to add a State to the list at § 21.29(b)(10) of approved States with a falconry program. Therefore, we change the Federal regulations accordingly, and a Federal permit will no longer be required to practice falconry in the States of Indiana, Iowa, Nebraska, New Jersey, New Mexico, North Carolina, Ohio, Oregon, Tennessee, Virginia, and Wyoming beginning January 1, 2012.

In addition, to conform with the provisions of the Bald and Golden Eagle Protection Act (16 U.S.C. 668–668c), we change wording in 50 CFR 21.29(a)(1)(ii) by replacing the word “used” with the words “taken from the wild.” We also make nonsubstantive improvements to the falconry regulations in 50 CFR 21.29.
[c](1) is not needed because the information in it is presented in paragraph (b)(10). We remove paragraph [c](1). We also add paragraph [d](1)[ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][ii][i...
We examined this rule under the Paperwork Reduction Act of 1995. OMB has approved the information collection requirements of the Migratory Bird Permits Program and assigned OMB control number 1018–0022, which expires November 30, 2013. This regulation change does not add to the approved information collection. Information from the collection is used to document take of raptors from the wild for use in falconry and to document transfers of raptors held for falconry between permittees. A Federal agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**National Environmental Policy Act**

We evaluated the environmental impacts of the changes to these regulations, and determined that this rule does not have any environmental impacts. Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA), and other statutes, orders, and policies that protect fish and wildlife resources, we determined that these regulatory changes do not have a significant effect on the human environment.

Under the guidance in Appendix 1 of the Department of the Interior Manual at 516 DM 2, we conclude that the regulatory changes are categorically excluded because they “have no or minor potential environmental impact” (516 DM 2, Appendix 1A(1)). No more comprehensive NEPA analysis of the regulations change is required.

**Government-to-Government Relationship With Tribes**

In accordance with the President’s memorandum of April 29, 1994, “Government-to-Government Relations With Native American Tribal Governments” (59 FR 22951), Executive Order 13175, and 512 DM 2, we have evaluated potential effects on Federally recognized Indian Tribes and have determined that this rule will not interfere with Tribes’ ability to manage themselves or their funds or to regulate falconry on Tribal lands.

**Energy Supply, Distribution, or Use**

E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. Because this rule only affects the practice of falconry in the United States, it is not a significant regulatory action under E.O. 12866, and will not significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

**Environmental Consequences of the Action**

**Socioeconomic.** This action will not have discernible socioeconomic impacts.

**Raptor populations.** This rule will not change the effects of falconry on raptor populations. We have reviewed and approved the State regulations.

**Endangered and threatened species.** This rule does not change protections for endangered and threatened species.

**Compliance With Endangered Species Act Requirements**

Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 et seq.), requires that “The Secretary of the Interior shall review other programs administered by him and utilize such programs in furtherance of the purposes of this chapter” (16 U.S.C. 1536(a)(1)). It further states that the Secretary must “insure that any action authorized, funded, or carried out * * * is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat” (16 U.S.C. 1536(a)(2)). Delegating falconry permitting authority to States with approved programs will not affect threatened or endangered species or their habitats in the United States.

**List of Subjects in 50 CFR Part 21**

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

For the reasons stated in the preamble, we amend subpart C of part 21, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as follows:

**PART 21—MIGRATORY BIRD PERMITS**

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


2. Amend §21.29 as follows:

a. In paragraph (a)(1)(ii), the second sentence, remove the word “used” and add in place the words “taken from the wild”;

b. In paragraph (b)(10)(i), remove the word “or” immediately before the word “Washington”, add a comma immediately following the word “Washington”, and add, in alphabetical order to the list of States, the words “Indiana,” “Iowa,” “Nebraska,” “New Jersey,” “New Mexico,” “North Carolina,” “Ohio,” “Oregon,” “Tennessee,” “Virginia,” and “Wyoming”;

c. In paragraph (b)(10)(ii), remove the words “Indiana,” “Iowa,” “Nebraska,” “New Jersey,” “New Mexico,” “North Carolina,” “Ohio,” “Oregon,” “Tennessee,” “Virginia,” and “Wyoming,” and add the word “or” immediately before the word “Wisconsin.”

d. Remove paragraph (c)(1) and redesignate paragraphs (c)(2) through (c)(9) as paragraphs (c)(1) through (c)(8);

e. In newly redesignated paragraph (c)(2)(iii)(B), the second sentence, remove the words “paragraph (c)(3)(iv)” and add in their place the words “paragraph (c)(2)(iv)”;

f. In newly redesignated paragraph (c)(5), the third sentence, remove the words “paragraph (c)(3)” and add in their place the words “paragraph (c)(2)(iv)”;

g. In paragraph (d)(1)(ii)(B)(2), revise the second sentence, and add new paragraph (d)(1)(ii)(B)(3) to read as set forth below:

h. In paragraph (e)(3)(iii)(E), remove the paragraph designations (1), (2), (3), (4), (5), (6), and (7) and add in their place the paragraph designations (1), (2), (3), (4), (5), (6), and (7);

i. In paragraph (e)(3)(vii), the first sentence, remove the words “paragraph (c)(3)(iv)” and add in their place the words “paragraph (c)(2)(iv)”;

j. In paragraph (f)(12)(i), the first sentence, remove the words “flight feathers” and add in their place the words “tail feathers and primary and secondary wing feathers”.

§21.29 Falconry standards and falconry permitting.

* * * * * * * * * *

| (d) | * * * |
| (i) | * * * |
| (B) | * * * |

* * * * * Other innovative housing systems are acceptable if they provide the enclosed raptors with protection and allow them to maintain healthy feathers.

(3) An eyas raptor may be kept in any suitable container or enclosure until it is capable of flight.

* * * * * *

Dated: November 4, 2011.

Rachel Jacobson,
Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2011–29829 Filed 11–18–11; 8:45 am]

BILLING CODE 4310–55–P