

in Russia, where they are not farmed, but declines have been documented in Siberia due to over-hunting.

#### Eiderdown Import Permit Fee

The general statutory authority to charge fees for applications for permits and certificates is found in 31 U.S.C. 9701, which states that services provided by Federal agencies are to be "self-sustaining to the extent possible." Federal user fee policy, as stated in Office of Management and Budget Circular No. A-25, requires Federal agencies to recoup the costs of "special services" that provide benefits to identifiable recipients. Permits are special services, authorizing identifiable recipients to engage in activities not otherwise authorized for the general public.

We propose to amend 50 CFR 13.11(d), the nonstandard fee schedule, to charge a \$100 application processing fee (user fee) for an eiderdown import permit. For migratory bird permits, these fees are reallocated to the seven Service Regional Offices where all the permit processing work is done to offset the cost of processing applications.

In addition to workload-related cost, the Service considered several other factors in developing the new permit application fee schedule for import of eiderdown in accordance with 31 U.S.C. 9701, which states that changes for services provided by the Government shall be based on (1) the costs to the Government; (2) the value of the service or thing to the recipient; (3) public policy or interest served; and (4) other relevant factors. Thus, the Service took into consideration such factors as whether the permit serves the public interest, and whether the type of permit to be issued typically provides a commercial benefit, either directly or indirectly, to the recipient. Eiderdown is generally used for commercial purposes. The Service therefore feels this fee is appropriate for a commercial use. While the Service's proposed \$100 fee will more closely conform to the Federal user fee policy by recovering a greater proportion of the direct and indirect costs of providing special services than is currently being required, this proposed permit fee allowing importation of eiderdown from Iceland is not great enough to recover the full cost of administering this permit. Administration costs include research and analysis, policy development, consultation, outreach, publication of notices in the **Federal Register**, and overall management of this permit. Remaining costs not captured through permit application fees must be met with money

appropriated for base funding of Service programs.

#### Additions to the Regulations Governing Import and Export

We have written the new regulation in plain language. We seek comment on this proposed regulation, particularly the following issues:

1. Appropriate down collection procedures, verification standards, and enforcement procedures;
2. Measures to ensure that exportation of down from Iceland does not encourage illegal importation of any other waterfowl species into the United States;
3. Record-keeping and annual reporting requirements;
4. Avian control of MBTA-protected species;
5. Reasonableness of the permit conditions; and
6. Reasonableness of the permit application fee.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. Under limited circumstances, as allowable by law, we can withhold from the rulemaking record a respondent's identity. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from individuals and organizations or businesses, and from individuals identifying themselves as representing an organization or business, available for public inspection in their entirety.

#### Endangered Species Act Considerations

Section 7(a)(2) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531, *et seq.*), requires all Federal agencies to "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." The Division of Endangered Species concurs that this proposed rule will have "no effect" on endangered species pursuant to section 7 of the ESA.

#### Required Determinations

**Regulatory Planning and Review.** In accordance with the criteria in Executive Order 12866, this rule is not a significant regulatory action.

a. This rule will not have an annual economic effect of \$100 million or adversely affect an economic sector, productivity, jobs, the environment, or other units of government. A cost-benefit and economic analysis are not required. Currently less than 3 metric tons of Icelandic eiderdown are exported annually, primarily to Denmark, Germany, and Japan, for a total annual sale that does not exceed \$2.2 million (U.S.) on average. If a U.S. market is opened, very little eiderdown will likely be imported resulting in virtually no effect on the economy, productivity, jobs, the environment, or government.

b. This rule will not create inconsistencies with other agencies' actions. The rule deals solely with importation of Icelandic eiderdown into the United States. No other Federal agency has any role in regulating bird feather importation.

c. This rule will not materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients. There are no entitlements, grants, user fees, or loan programs associated with the regulation of eiderdown importation.

d. This rule will not raise novel legal or policy issues. This rule is primarily an amendment to and plain language rewrite of the existing regulations. Provisions to import Icelandic eiderdown proposed in the rule are in compliance with other laws, policies, and regulations.

**Regulatory Flexibility Act.** 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.*). Currently less than 3 metric tons of Icelandic eiderdown are exported annually, primarily to Denmark, Germany, and Japan, for a total annual sale that does not exceed \$2.2 million (U.S.) on average. If a U.S. market is opened, very little eiderdown will likely be imported resulting in virtually no effect on the economy, productivity, jobs, the environment, or government. An initial Regulatory Flexibility Analysis is not required. Accordingly, a Small Entity Compliance Guide is not required. There is a very limited supply of Icelandic eiderdown available each year. We anticipate that very few individuals and/or entities will request import permits to acquire some of this down.

**Small Business Regulatory Enforcement Fairness Act.** This is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: