

and recordkeeping requirements, Trade agreements (North American Free Trade Agreement).

#### Amendment to the Regulations

For the reasons stated above, part 181 of title 19 of the Code of Federal Regulations (19 CFR part 181) is amended as set forth below.

#### PART 181—NORTH AMERICAN FREE TRADE AGREEMENT

■ 1. The general and specific authority citations for part 181 continue to read as follows:

**Authority:** 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States), 1624, 3314.

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- 2. In the Appendix to part 181:
- a. Part II, Section 5, under the heading “Exceptions,” subsection 4(i) is revised;
- b. Part III, Section 6, under the heading “Net Cost Method Required in Certain Circumstances,” subsection (6)(d)(iv) is amended by removing “subheading 8469.11” and adding in its place “heading 8469”;
- c. Part VI, Section 16, under the heading “Exceptions for Certain Goods,” subsection (3) is revised;
- d. In Schedule IV:
- i. Remove the listing “8407.34.05, 8407.34.15 and 8407.34.25” and add in its place the listing “8407.34.05, 8407.34.14, 8407.34.18 and 8407.34.25”;
- ii. Remove the listing “8407.34.35, 8407.34.45 and 8407.34.55” and add in its place the listing “8407.34.35, 8407.34.44, 8407.34.48 and 8407.34.55”;
- iii. Remove the listing “8519.93” and add in its place the listing “ex 8519.81”;
- iv. Remove the listing “8708.29.10”;
- v. Remove the listing “8708.29.20” and add in its place the listing “8708.29.21 and 8708.29.25”;
- vi. Remove the listing “8708.39” and add in its place the listing “8708.30”;
- vii. Remove the listing “8708.60”;
- viii. Add in numerical order the listing “8708.95”;
- ix. Remove the listing “8708.99.09, 8708.99.34 and 8708.99.61”;
- x. Remove the listing “8708.99.12, 8708.99.37 and 8708.99.64”;
- xi. Remove the listing “8708.99.15, 8708.99.40 and 8708.99.67” and add in its place the listing “8708.99.16, 8708.99.41 and 8708.99.68”;
- xii. Remove the listing “8708.99.18, 8708.99.43 and 8708.99.70”;
- xiii. Remove the listing “8708.99.21, 8708.99.46 and 8708.99.73”;
- xiv. Remove the listing “8708.99.24, 8708.99.49 and 8708.99.80; and
- xv. Add in numerical order the listing “8708.99.23, 8708.99.48 and 8708.99.81”.

The revisions read as follows:

#### Appendix to Part 181—Rules of Origin Regulations

\* \* \* \* \*

PART II

\* \* \* \* \*

SECTION 5. DE MINIMIS

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#### Exceptions

(4) \* \* \*

(i) a non-originating material that is used in the production of any non-portable gas stoves or ranges of subheading 7321.11 or 7321.19, subheadings 8415.10, 8415.20 through 8415.83, 8418.10 through 8418.21, household type refrigerators, other than electrical absorption type of subheading 8418.29, subheadings 8418.30 through 8418.40, 8421.12, 8422.11, 8450.11 through 8450.20 and 8451.21 through 8451.29 and tariff items 8479.89.55 (trash compactors) and 8516.60.40 (electric stoves or ranges);

\* \* \* \* \*

#### PART VI

#### SECTION 16. TRANSSHIPMENT

\* \* \* \* \*

#### Exceptions for Certain Goods

- (3) Subsection (1) does not apply with respect to:
- (a) a “smart card” of subheading 8523.52, containing a single integrated circuit, where any further production or other operation that that good undergoes outside the territories of the NAFTA countries does not result in a change in the tariff classification of the good to any other subheading;
- (b) a good of any of subheadings 8541.10 through 8541.60 or subheadings 8542.31 through 8542.39, where any further production or other operation that that good undergoes outside the territories of the NAFTA countries does not result in a change in the tariff classification of the good to a subheading outside subheadings 8541.10 through 8542.90;
- (c) an electronic microassembly of subheading 8543.70, where any further production or other operation that that good undergoes outside the territories of the NAFTA countries does not result in a change in the tariff classification of the good to any other subheading; or
- (d) an electronic microassembly of subheading 8548.90, where any further production or other operation that that good undergoes outside the territories of the NAFTA countries does not result in a change in the tariff classification of the good to any other subheading.
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**R. Gil Kerlikowske,**  
*Commissioner.*

Approved: May 5, 2015.

**Timothy E. Skud,**  
*Deputy Assistant Secretary of the Treasury.*  
[FR Doc. 2015–11291 Filed 5–8–15; 8:45 am]

**BILLING CODE 9111–14–P**

#### DEPARTMENT OF EDUCATION

#### 34 CFR Chapter III

#### Final Waiver and Extension of the Project Period; Community Parent Resource Centers

[Catalog of Federal Domestic Assistance (CFDA) Number: 84.328C]

**AGENCY:** Office of Special Education Programs (OSEP), Office of Special Education and Rehabilitative Services, Department of Education.

**ACTION:** Final waiver and extension of the project period.

**SUMMARY:** For the nine currently funded Community Parent Resource Centers (CPRCs), the Secretary waives the requirements that generally prohibit project periods exceeding five years and extensions of project periods involving the obligation of additional Federal funds. This waiver and extension of the project period enables these nine CPRCs to receive funding from October 1, 2015, through September 30, 2016. Further, the waiver and extension of the project period mean that we will not announce a new competition or make new awards in fiscal year (FY) 2015.

**DATES:** The waiver and extension of the project period are effective May 11, 2015.

**FOR FURTHER INFORMATION CONTACT:** Carmen Sanchez, U.S. Department of Education, 400 Maryland Avenue SW., Room 4057, Potomac Center Plaza, Washington, DC 20202–2600. Telephone: (202) 245–6595.

If you use a telecommunications device for the deaf or a text telephone, call the Federal Relay Service, toll free, at 1–800–877–8339.

**SUPPLEMENTARY INFORMATION:** On March 9, 2015, we published a notice in the **Federal Register** (78 FR 46860) proposing an extension of project period and a waiver of 34 CFR 75.250 and 75.261(a) and (c)(2) in order to—

(1) Enable the Secretary to provide additional funds to the currently funded CPRCs for an additional 12-month project period, from October 1, 2015, through September 30, 2016; and

(2) Request comments on the proposed extension of project period and waiver.

There are no substantive differences between the proposed waiver and extension and the final waiver and extension.

#### Public Comment

In response to our invitation in the notice of proposed waiver and extension of the project period, we did not receive

any substantive comments. Generally, we do not address comments that raise concerns not directly related to the proposed waiver and extension of project period.

### Background

On May 3, 2010, the Department of Education (Department) published in the **Federal Register** (75 FR 23254) a notice inviting applications (2010 NIA) for new awards for FY 2010 for up to 10 CPRCs. The CPRCs are funded under the Parent Training and Information (PTI) Program, authorized under sections 672 and 673 of the Individuals with Disabilities Education Act (IDEA).

The purpose of CPRCs is to provide underserved parents of children with disabilities in targeted communities—including low-income parents, parents of limited English proficient children, and parents with disabilities—with the training and information they need to enable them to participate cooperatively and effectively in helping their children with disabilities to—

(1) Meet developmental and functional goals, as well as challenging academic achievement standards that have been established for all children; and

(2) Be prepared to lead the most productive, independent adult lives possible.

The CPRCs provide training and information to parents of infants, toddlers, and children, from birth through age 26, with the full range of disabilities described in section 602(3) of IDEA by: (a) Responding to individual requests for information and support from parents of children with disabilities, including parents of children who may be inappropriately identified in their targeted communities; (b) providing training to parents of children with disabilities; (c) supporting parents of children with disabilities, as needed, such as helping them to prepare for individualized education program or individualized family service plan meetings; and (d) maintaining a Web site and social media presence, as appropriate, to inform parents in their targeted communities of appropriate resources.

Based on the selection criteria in the 2010 NIA, the Department made awards for a period of 60 months each to 10 organizations, nine of which have received FY 2014 continuation funding: Fiesta Educativa in California; Parent to Parent of Miami, Inc. in Florida; Agenda for Children/Pyramid Parent Training in Louisiana; Urban PRIDE in Massachusetts; SPEAKS Education, Inc. in Michigan; Education for Parents of Indian Children with Special Needs in

New Mexico; Palau Parents Empowered in Palau; Philadelphia HUNE, Inc. in Pennsylvania; and Children's Disabilities Information Coalition in Texas.

The 2010 CPRC cohort's current project period is scheduled to end on September 30, 2015. We do not believe that it would be in the public interest to run a competition for new CPRCs this year because the Department is in the process of changing the competition schedule for the PTI Program to make better use of Department resources.

Under the proposed CPRC competition schedule, instead of holding three competitions over five years, each for 10 CPRCs, we would hold one competition for 30 CPRCs that will each have a project period of up to five years. We propose to hold this competition and fund 30 CPRCs in FY 2016. We also have concluded that it would be contrary to the public interest to provide services to fewer underserved families in order to change the Department's competition schedule.

For these reasons, the Secretary waives the requirements in 34 CFR 75.250, which prohibit project periods exceeding five years, as well as the requirements in 34 CFR 75.261(a) and (c)(2), which allow the extension of a project period only if the extension does not involve the obligation of additional Federal funds. The waiver allows the Department to issue FY 2015 continuation awards of \$100,000 to each of the nine centers in the FY 2010 cohort.

Any activities carried out during the 12-month period of this continuation award will have to be consistent with, or a logical extension of, the scope, goals, and objectives of the grantee's application as approved in the FY 2010 CPRC competition. The requirements applicable to continuation awards for this competition set forth in the 2010 NIA and the requirements in 34 CFR 75.253 will apply to any continuation awards sought by the current CPRC grantees. We will base our decisions regarding continuation awards on the program narratives, budgets, budget narratives, and program performance reports submitted by the current grantees, and the requirements in 34 CFR 75.253.

### Waiver of Delayed Effective Date

The Administrative Procedure Act requires that a substantive rule must be published at least 30 days before its effective date, except as otherwise provided for good cause (5 U.S.C. 553(d)(3)). We received no substantive comments on the proposed waiver and extension of project period, and we have

not made any substantive changes to the proposed waiver and extension of project period. The Secretary has made a determination to waive the delayed effective date to ensure there is no lapse in the parent training and information services currently provided by the CPRCs.

### Regulatory Flexibility Act Certification

The Secretary certifies that this waiver and extension of the project period will not have a significant economic impact on a substantial number of small entities.

The only entities that will be affected by this waiver and extension of the project period are the current grantees receiving Federal funds and any other potential applicants.

The Secretary certifies that this waiver and final extension will not have a significant economic impact on these entities because the extension of existing project periods imposes minimal compliance costs, and the activities required to support the additional year of funding will not impose additional regulatory burdens or require unnecessary Federal supervision.

### Paperwork Reduction Act of 1995

This notice of final waiver and extension of the project period does not contain any information collection requirements.

### Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance. This document provides early notification of our specific plans and actions for this program.

**Accessible Format:** Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

**Electronic Access to This Document:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). At this site you can view this document, as well as all other documents of this Department

published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: May 5, 2015.

**Sue Swenson,**

*Acting Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 2015-11307 Filed 5-8-15; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 402

[Docket No. FWS-R9-ES-2011-0080; NOAA-120106024-5048-02; FF09E-31000-156-FXES-1122-0900000]

RIN 1018-AX85; 0648-BB81

### Interagency Cooperation—Endangered Species Act of 1973, as Amended; Incidental Take Statements

**AGENCY:** Fish and Wildlife Service, Interior; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (collectively, the Services), are amending the incidental take statement provisions of the implementing regulations for section 7 of the Endangered Species Act of 1973, as amended (ESA). The two primary purposes of the amendments are to address the use of surrogates to express the amount or extent of anticipated incidental take and to refine the basis for development of incidental take statements for programmatic actions. These changes are intended to improve the clarity and effectiveness of incidental take statements. The Services believe these regulatory changes are a reasonable exercise of their discretion in interpreting particularly challenging

aspects of section 7 of the ESA related to incidental take statements.

**DATES:** This final rule is effective on June 10, 2015.

**ADDRESSES:** This final rule is available on the internet at <http://www.regulations.gov> at Docket No. FWS-R9-ES-2011-0080. Comments and materials we received on the proposed rule, as well as supporting documentation we used in preparing this rule, are available for public inspection at <http://www.regulations.gov>. The comments, materials, and documentation that we considered in this rulemaking are also available by appointment, during normal business hours at: U.S. Fish and Wildlife Service, Headquarters office, 5275 Leesburg Pike, Falls Church, Virginia 22041, (703) 358-2171, (703) 358-1800 (facsimile); National Marine Fisheries Service, Headquarters office, 1315 East-West Highway, Silver Spring, Maryland 20910, (301) 427-8405, (301) 713-0376 (facsimile).

#### FOR FURTHER INFORMATION CONTACT:

Craig Aubrey, Chief, Division of Environmental Review, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240 (telephone: 703-358-2171); or Cathryn E. Tortorici, Chief, Endangered Species Act Interagency Cooperation Division, Office of Protected Resources, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, DC (telephone: 301-427-8400). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800-877-8339.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 9 of the ESA prohibits the take of fish or wildlife species listed as endangered with certain exceptions. Pursuant to section 4(d) of the ESA, the Services may prohibit the take of fish or wildlife species listed as threatened. Under section 3 of the ESA, the term “take” means to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” Section 7 of the ESA provides for the exemption of incidental take of listed fish or wildlife species caused by Federal agency actions that the Services have found to be consistent with the provisions of section 7(a)(2). The Services jointly administer the ESA via regulations set forth in the Code of Federal Regulations (CFR). This rule deals with regulations found in title 50 of the CFR at part 402.

Under 50 CFR 402.14, Federal agencies must review their actions at the earliest possible time to determine whether any action may affect species listed under the ESA or their designated critical habitat. If such a determination is made, formal consultation with the appropriate Service is required, unless one of the exceptions outlined at § 402.14(b) applies. Within 45 days after concluding formal consultation, the Service delivers a biological opinion to the Federal agency and any applicant. The biological opinion states the opinion of the Service as to whether or not the Federal action is likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of their critical habitat. If a proposed action is reasonably certain to cause incidental take of a listed species, the Services, under 50 CFR 402.14(i), issue along with the biological opinion an incidental take statement that specifies, among other requirements: The impact of such incidental taking on the listed species; measures considered necessary or appropriate to minimize the impact of such take; terms and conditions (including reporting requirements) that implement the specified measures; and procedures to be used for handling or disposing of individuals that are taken.

The current regulations at § 402.14(i)(1)(i) require the Services to express the impact of such incidental taking of the species in terms of amount or extent. The preamble to the final rule that set forth the current regulations discusses the use of a precise number of individuals or a description of the land or marine area affected to express the amount or extent of anticipated take, respectively (51 FR 19954, June 3, 1986).

Court decisions rendered over the last decade regarding the adequacy of incidental take statements have prompted the Services to clarify two aspects of the regulations addressing incidental take statements: (1) The use of surrogates to express the amount or extent of anticipated incidental take, including circumstances where project impacts to the surrogate are coextensive with at least one aspect of the project’s scope; and (2) the circumstances under which providing an incidental take statement with a biological opinion on a programmatic action is appropriate.

Through this final rule, the Services are establishing prospective standards regarding incidental take statements. Consistent with the regulatory language set forth in the proposed rule, we are clarifying that the Services formulate an incidental take statement if such take is reasonably certain to occur. Nothing in