

EXHIBIT 34

Hi Carl,

Our regulations require that agencies specifically identify the materials they wish to incorporate by reference, whether it is an entire publication or sections of a publication. If an agency hasn't identified a specific section of a publication, they have incorporated the entire publication. It's best to check each specific incorporation by reference to see what the agency has incorporated.

Amy

On Mon, Feb 29, 2016 at 3:29 PM, Carl Malamud <carl@media.org> wrote:

Hi Amy -

Hope you're well!

You, me, Michael White, and Ray Mosley all discussed at various times the idea that if a document is incorporated by reference in the CFR, the entire document is incorporated unless it specifically says only one section.

Is that written down anywhere? I've looked in the IBR manual on your site, looked at the FR notices for the IBR rules going back to 1967, and can't seem to find that actually stated.

The one exception is the Mineral Management Service (MMS), now the BSEE, which makes a point of stating "The entire document is incorporated by reference, unless the text of the corresponding sections in this part

<https://www.law.cornell.edu/cfr/text/30/250.198>

Is there a more definitive source for "the entire document is incorporated" ?

Best regards,

Carl

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