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Title 3—

The President

Executive Order 13538 of April 19, 2010

Establishing the President's Management Advisory Board

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Establishment.* There is established within the General Services Administration (GSA) the President's Management Advisory Board (PMAB).

Sec. 2. *Mission.* (a) The PMAB shall provide the President and the President's Management Council (PMC) advice and recommendations on effective strategies for the implementation of best business practices on matters related to Federal Government management and operation, with a particular focus on productivity, the application of technology, and customer service.

(b) The functions of the PMAB shall be advisory only.

Sec. 3. *Membership.* (a) The PMAB shall consist of not more than 18 members, one of whom shall be the Deputy Director for Management of the Office of Management and Budget (DDM). The remaining 17 members shall be appointed by the President from among distinguished citizens from outside the Federal Government who are qualified on the basis of a proven record of sound judgment in leading or governing large, complex, or innovative private sector corporations or entities and a wealth of top-level business experience in the areas of executive management, audit and finance, human resources and compensation, customer service, streamlining operations, and technology. Each of these 17 members may serve as a representative of his or her industry, trade group, public interest group, or other organization or group. The composition of the PMAB shall reflect the views of diverse stakeholders.

(b) The DDM shall serve as Chair of the PMAB. The Chair shall convene and preside at meetings of the PMAB, determine its agenda, and direct its work.

(c) Members appointed by the President shall serve for a term of 2 years and shall be eligible for reappointment. Members may continue to serve after the expiration of their terms until the appointment of a successor.

Sec. 4. *Administration.* (a) The General Services Administration shall provide funding and administrative support for the PMAB to the extent permitted by law and within existing appropriations.

(b) All executive departments, agencies, and offices shall provide information and assistance to the PMAB as the Chair may request for purposes of carrying out the PMAB's functions, to the extent permitted by law.

(c) The PMAB shall have a staff headed by an Executive Director, who shall be a full-time or permanent part-time Federal employee appointed by the Chair. The Executive Director shall serve as the Designated Federal Officer in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App.)(FACA).

(d) Members of the PMAB shall serve without compensation, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Government service (5 U.S.C. 5701–5707), consistent with the availability of funds.

Sec. 5. *Termination.* The PMAB shall terminate 2 years after the date of this order unless extended by the President.

Sec. 6. *General Provisions.* (a) Insofar as the FACA may apply to the PMAB, any functions of the President under that Act, except that of reporting

to the Congress, shall be performed by the Administrator of General Services in accordance with the guidelines that have been issued by the Administrator of General Services.

(b) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to an executive department, agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE,
April 19, 2010.

[FR Doc. 2010–9451
Filed 4–21–10; 8:45 am]
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Rules and Regulations

Federal Register
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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 989

[Doc. No. AMS–FV–09–0075 and FV10–989–1 IFR]

Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 2009–10 Crop Natural (Sun-Dried) Seedless Raisins

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This rule establishes final volume regulation percentages for 2009–10 crop Natural (sun-dried) Seedless (NS) raisins covered under the Federal marketing order for California raisins (order). The order regulates the handling of raisins produced from grapes grown in California and is locally administered by the Raisin Administrative Committee (committee). The volume regulation percentages are 85 percent free and 15 percent reserve. The percentages are intended to help stabilize raisin supplies and prices, and strengthen market conditions.

DATES: Effective April 23, 2010. The volume regulation percentages apply to acquisitions of NS raisins from the 2009–10 crop until the reserve raisins from that crop are disposed of under the marketing order. Comments received by May 24, 2010, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: *http://www.regulations.gov.* All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the Internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Terry Vawter, Senior Marketing Specialist, or Kurt J. Kimmel, Regional Manager, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA; Telephone: (559) 487–5901; Fax: (559) 487–5906; or E-mail: *Terry.Vawter@ams.usda.gov* or *Kurt.Kimmel@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Antoinette Carter, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491; Fax: (202) 720–8938; or E-mail: *Antoinette.Carter@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 989, both as amended (7 CFR part 989), regulating the handling of raisins produced from grapes grown in California, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the order provisions now in effect, final free and reserve percentages may be established for raisins acquired by handlers during the crop year. This rule establishes final free and reserve percentages for NS raisins for the 2009–10 crop year, which began August 1, 2009, and ends July 31, 2010.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule establishes final volume regulation percentages for the 2009–10 crop for NS raisins covered under the order. The volume regulation percentages are 85 percent free and 15 percent reserve. Free tonnage raisins may be sold by handlers to any market. Reserve raisins must be held in a pool for the account of the committee and are disposed of through various programs authorized under the order. For example, reserve raisins may be sold by the committee to handlers for free use or to replace part of the free tonnage raisins they exported; used in diversion programs; carried over as a hedge against a short crop; or disposed of in other outlets not competitive with those for free tonnage raisins, such as government purchase, distilleries, or animal feed.

The volume regulation percentages are intended to help stabilize raisin supplies and prices, and strengthen market conditions. The committee unanimously recommended final percentages for NS raisins on October 6, 2009.

Computation of Trade Demand

Section 989.54 of the order prescribes procedures and time frames to be followed in establishing volume regulation. This includes methodology used to calculate free and reserve percentages. Pursuant to § 989.54(a) of the order, the committee met on August 13, 2009, to review shipment and inventory data, and other matters relating to the supplies of raisins of all varietal types. The committee computed a trade demand for each varietal type for which a free tonnage percentage might be recommended. Trade demand is

computed using a formula specified in the order and, for each varietal type, is equal to 90 percent of the prior year's shipments of free tonnage and reserve tonnage raisins sold for free use into all market outlets, adjusted by subtracting the carry-in on August 1 of the current crop year, and adding the desirable carryout at the end of that crop year. As specified in § 989.154(a), the desirable carryout for NS raisins shall equal the total shipments of free tonnage during August and September for each of the past 5 crop years, converted to a natural condition basis, dropping the high and low figures, and dividing the remaining sum by three, or 60,000 natural condition tons, whichever is higher. For all other varietal types, the desirable carryout shall equal the total shipments of free tonnage during August, September and one-half of October for each of the past 5 crop years, converted to a natural condition basis, dropping the high and low figures, and dividing the remaining sum by three. In accordance with these provisions, the committee computed and announced the 2009–10 trade demand for NS raisins at 234,769 tons as shown below.

COMPUTED TRADE DEMAND CALCULATION

[Natural condition tons]

	NS raisins
Prior year's shipments	335,103
Multiplied by 90 percent	0.90
Adjusted base	301,593
Minus carry-in inventory	126,824
Plus desirable carryout	60,000
Computed NS trade Demand	234,769

Computation of Volume Regulation Percentages

Section 989.54(b) of the order requires that the committee announce, on or before October 5, preliminary crop estimates and determine whether volume regulation is warranted for the varietal types for which it computed a trade demand. That section allows the committee to extend the October 5 date up to 5 business days if warranted by a late crop. The 2009 crop harvest was late. If the committee determines that volume regulation is warranted, it must also compute and announce preliminary free and reserve percentages. The committee met on October 6, 2009, and announced a 2009–10 crop estimate of 275,000 tons for NS raisins pursuant to § 989.54(b). NS raisins are the major varietal type of California raisin. The crop estimate of 275,000 tons is higher than the computed trade demand of 234,769 tons. Thus, it was determined that volume regulation for NS raisins was warranted. Preliminary volume regulation percentages computed to 73 percent free and 27 percent reserve to release 85 percent of the computed trade demand.

Section 989.54(c) provides that the committee may modify the preliminary free and reserve percentages prior to February 15 by announcing interim percentages which release less than the trade demand. Section 989.54(d) requires the committee to recommend final percentages no later than February 15 which will tend to release the full trade demand.

Pursuant to § 989.54(c), at the same meeting on October 6, 2009, the committee announced interim volume regulation percentages for NS raisins to release less than the full trade demand at 84.75 percent free and 15.25 percent reserve, and recommended final volume regulation percentages of 85 percent free and 15 percent reserve pursuant to § 989.54(d). The committee's calculations and determinations to arrive at final percentages for NS raisins are shown in the table below:

FINAL VOLUME REGULATION PERCENTAGES CALCULATIONS

[Natural condition tons]

	NS raisins
Trade demand	234,769
Divided by crop estimate	275,000
Equals the free percentage	85
	100
Minus free percentage	85
Equals the reserve percentage	15

USDA's "Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders" (Guidelines) specify that 110 percent of recent years' sales should be made available to primary markets each season for marketing orders utilizing reserve pool authority. This goal is expected to be exceeded for the 2010 crop year for NS raisins. The application of a free percentage of 85 percent, combined with release of reserve raisins to handlers during the crop year and handler carry-in inventories, is estimated to result in an available supply of 392,485 tons of natural condition NS raisins, which equates to 124 percent of the 2008–09 shipments of 317,718 tons.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 23 handlers of California raisins who are subject to regulation under the order and approximately 3,000 raisin producers in the regulated area. Small agricultural service firms are defined by the Small Business Administration (SBA) (13 CFR 121.201) as those having annual receipts of less than $7,000,000, and small agricultural producers as those having annual receipts of less than $750,000. No more than 7 handlers and a majority of producers of California raisins may be classified as small entities.

Since 1949, the California raisin industry has operated under a Federal marketing order. The order contains authority to limit the portion of a given year's crop that can be marketed freely in any outlet by raisin handlers. This volume regulation mechanism is used to stabilize supplies and prices, and to strengthen market conditions. If the primary market (the normal domestic market) is over-supplied with raisins, grower prices decline substantially.

Pursuant to § 989.54(d) of the order, this rule establishes final volume regulation percentages for the 2009–10 crop year for NS raisins. The volume regulation percentages are 85 percent free and 15 percent reserve. Free tonnage raisins may be sold by handlers to any market. Reserve raisins must be held in a pool for the account of the committee and are disposed of through certain programs authorized under the order. Volume regulation is warranted this season because the crop estimate of 275,000 tons is significantly higher than the 234,769 ton trade demand.

The volume regulation procedures have helped the industry address its marketing problems by keeping supplies in balance with domestic and export market needs, and strengthening market conditions. The volume regulation procedures fully supply the domestic and export markets, provide for market expansion, and help reduce the burden of oversupplies in the domestic market.

Raisin grapes are a perennial crop, so production in any year is dependent

upon plantings made in earlier years. The sun-drying method of producing raisins involves considerable risk because of variable weather patterns.

Even though the product and the industry are viewed as mature, the industry has experienced considerable change over the last several decades. Before the 1975–76 crop year, more than 50 percent of the raisins were packed and sold directly to consumers. Now, about 63 percent of the raisins are sold in bulk. This means that raisins are now sold to consumers mostly as an ingredient in another product such as cereal and baked goods. In addition, for a few years in the early 1970s, over 50 percent of the raisin grapes were sold fresh to the wine market for crushing. Since then, the percentage of raisin-variety grapes sold to the wine industry has decreased.

California's grapes are classified into three groups—table grapes, wine grapes, and raisin-variety grapes. Raisin-variety grapes are the most versatile of the three types. They can be marketed as fresh grapes, crushed for juice in the production of wine or juice concentrate, or dried into raisins. Annual fluctuations in the fresh grape, wine, and concentrate markets, as well as weather-related factors, cause fluctuations in raisin supply. This type of situation introduces a certain amount of variability into the raisin market. Although the size of the crop for raisin-variety grapes may be known, the amount dried for raisins depends on the demands for crushing. This makes the marketing of raisins a more difficult task. These supply fluctuations can result in producer price instability and disorderly market conditions.

Volume regulation is helpful to the raisin industry because it lessens the impact of such fluctuations and contributes to orderly marketing. For example, producer prices for NS raisins remained fairly steady between the 1993–94 through the 1997–98 crop years, although production varied. As shown in the table below, during those years, production varied from a low of 272,063 tons in 1996–97 to a high of 387,007 tons in 1993–94.

According to committee data, the total producer return per ton during those years, which includes proceeds from both free tonnage plus reserve pool raisins, has varied from a low of $904.60 in 1993–94 to a high of $1,049.20 in 1996–97. Producer prices for the 1998–99 and 1999–2000 crop years increased significantly due to back-to-back short crops during those years. Record large crops followed and producer prices dropped dramatically for the 2000–01 through 2003–04 crop years, as inventories grew while demand stagnated. However, as noted below, producer prices were higher for the 2004–05 through the 2008–09 crop years. Crop prices fluctuate depending upon variable winery and table grape demand for raisin variety grapes.

NATURAL SEEDLESS (NATURAL CONDITION) DELIVERIES, FIELD PRICES AND PRODUCER PRICES

Crop year	Deliveries (tons)	Field prices (per ton) [1]	Producer prices (per ton)
2008–09	364,268	$1,310.00	[2] $1,139.70
2007–08	329,288	1,210.00	[2] 1,028.50
2006–07	282,999	1,210.00	[1] 1,089.00
2005–06	319,126	1,210.00	[1] 998.25
2004–05	265,262	1,210.00	[3] 1,210.00
2003–04	296,864	810.00	567.00
2002–03	388,010	745.00	491.20
2001–02	377,328	880.00	650.94
2000–01	432,616	877.50	603.36
1999–2000	299,910	1,425.00	1,211.25
1998–99	240,469	1,290.00	[3] 1,290.00
1997–98	382,448	1,250.00	946.52
1996–97	272,063	1,220.00	1,049.20
1995–96	325,911	1,160.00	1,007.19
1994–95	378,427	1,160.00	928.27
1993–94	387,007	1,155.00	904.60

[1] Field prices for NS raisins are established by the Raisin Bargaining Association, and are also referred to in the industry as the "free tonnage price" for raisins.
[2] Return-to-date, reserve pool still open.
[3] No volume regulation.

There are essentially two broad markets for raisins—domestic and export. Domestic shipments generally increased over the years. Although domestic shipments decreased from a high of 204,805 packed tons during the 1990–91 crop year to a low of 156,325 packed tons in 1999–2000 crop year, they increased from 174,117 packed tons during the 2000–01 crop year to 193,609 packed tons during the 2007–08 crop year and decreased to 191,929 packed tons during the 2008–09 crop year. Export shipments ranged from a high of 107,931 packed tons in the 1991–92 crop year to a low of 91,599 packed tons in the 1999–2000 crop year. Since that time, export shipments increased to 106,755 tons of raisins during the 2004–05 crop year, fell to 101,684 tons in 2006–07 crop year, and again increased to 142,541 tons in 2007–08 crop year. This significant increase was due to a short crop in Turkey. Export shipments remained relatively high in 2008–09 at 125,789 tons.

The per capita consumption of raisins has declined from 2.07 pounds in 1988 to 1.46 pounds in 2007. This decrease is consistent with the decrease in the per capita consumption of dried fruits in general, which may be due to the increasing year-round availability of most types of fresh fruit throughout the year.

While the overall demand for raisins has increased in four of the last five years (as reflected in increased commercial shipments), production has been decreasing. Deliveries of NS dried raisins from producers to handlers reached an all-time high of 432,616 tons in the 2000–01 crop year. This large crop was preceded by two short crop years; deliveries were 240,469 tons in 1998–99 crop year and 299,910 tons in 1999–2000 crop year. Deliveries for the 2000–01 crop year soared to a record level because of increased bearing acreage and yields. Deliveries for the

2001–02 crop year were at 377,328 tons, 388,010 tons for the 2002–03 crop year, 296,864 tons for the 2003–04 crop year, and 265,262 tons for the 2004–05 crop year.

After three crop years of high production and a large 2001–02 carry-in inventory, the industry diverted raisin production to other uses or removed bearing vines. Diversions/removals totaled 38,000 acres in 2001; 27,000 acres in 2002; and 8,000 acres of vines in 2003. These actions resulted in declining deliveries of 296,864 tons for the 2003–04 crop year and 265,262 tons for the 2004–05 crop year. Although deliveries increased in 2005–06 crop year to 319,126 tons, this may have been because fewer growers opted to contract with wineries, as raisin variety grapes crushed in 2005–06 crop year decreased by 161,000 green tons, the equivalent of over 40,000 tons of raisins. In the 2006–07 crop year, raisin deliveries were again less than 300,000 tons at 282,999 tons and increased to 329,288 tons in 2007–08 crop year. The 2008–09 crop year was considered to be a good crop and the quality of the crop has a direct bearing on the overall production with 364,268 tons of NS raisins delivered.

Raisins are generally marketed at relatively lower price levels in the more elastic export market than in the more inelastic domestic market. This results in a larger volume of raisins being marketed and enhances producer returns. In addition, this system allows the U.S. raisin industry to be more competitive in export markets.

The reserve percentage limits provides for raisins that handlers can market as free tonnage. Based on the 2009–10 crop year estimate of 275,000 tons, the 15 percent reserve would limit the total free tonnage to 233,750 natural condition tons (.85 × the 275,000 ton crop). Adding the estimated figure of 41,250 tons of raisins offered to handlers through the 10 + 10 program to the 233,750 tons of free tonnage, plus 126,824 tons of carry-in inventory, plus the 12,137 tons of 2008–09 NS reserve pool raisins released in the 2009–10 crop year results in a total supply of 413,961 tons of natural condition raisins.

With volume regulation, producer prices are expected to be higher than without volume regulation. This price increase is beneficial to all producers regardless of size, and enhances producers' total revenues in comparison to no volume regulation. Establishing a reserve allows the industry to help stabilize supplies in both domestic and export markets, while improving returns to producers.

Free and reserve percentages are established by varietal type; and, generally, established in years when the supply exceeds the trade demand by a large enough margin that the committee believes volume regulation is necessary to maintain market stability. Accordingly, in assessing whether to apply volume regulation or, as an alternative, not to apply such regulation, the committee determined that volume regulation is warranted this season for only one of the nine raisin varietal types defined under the order.

The free and reserve percentages established by this rule release the full trade demand and apply uniformly to all handlers in the industry, regardless of size. For NS raisins, with the exception of the 1998–99 and 2004–05 crop years, small and large raisin producers and handlers have been operating under volume regulation percentages every year since the 1983–84 crop year. There are no known additional costs incurred by small handlers that are not incurred by large handlers. The stabilizing effects of the volume regulations impact small and large handlers positively by helping them maintain and expand markets even though raisin supplies fluctuate widely from season to season. Likewise, price stability positively impacts small and large producers by allowing them to better anticipate the revenues their raisins will generate.

There are some reporting, recordkeeping and other compliance requirements under the order. The reporting and recordkeeping requirements are necessary for compliance purposes and for developing statistical data for maintenance of the program. The requirements are the same as those applied in past seasons. Thus, this action imposes no additional reporting or recordkeeping requirements on either small or large raisin handlers. The forms require information which is readily available from handler records and which can be provided without data processing equipment or trained statistical staff. The information collection and recordkeeping requirements have been previously approved by the Office of Management and Budget (OMB) under OMB Control No. 0581–0178, Vegetable and Specialty Crops. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

In addition, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

Further, the committee's meetings were widely publicized throughout the raisin industry and all interested persons were invited to attend the meetings and participate in the committee's deliberations. Like all committee meetings, the August 13 and October 6, 2009, meetings were public meetings and all entities, both large and small, were able to express their views on this issue.

Also, the committee has a number of appointed subcommittees to review certain issues and make recommendations to the committee. The committee's Reserve Sales and Marketing Subcommittee met on August 13 and October 6, 2009, and discussed these issues in detail. Those meetings were also public meetings, and both large and small entities were encouraged to participate and express their views. Finally, interested persons are invited to submit comments on this interim rule, including the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/AMSv1.0/ams.fetchTemplateData.do?template=TemplateN&page=MarketingOrdersSmallBusinessGuide.* Any questions about the compliance guide should be sent to Antoinette Carter at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

This rule invites comments on the establishment of final volume regulation percentages for the 2009–10 crop year for NS raisins covered under the order. Any comments received will be considered prior to finalization of this rule.

After consideration of all relevant material presented, including the information and recommendation submitted by the committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective

date of this rule until 30 days after publication in the **Federal Register** because: (1) The relevant provisions of this part require that the percentages designated herein for the 2009–10 crop year apply to all NS raisins acquired during the crop year; (2) handlers are aware of this action, which was unanimously recommended at a public meeting, and need no additional time to comply with these percentages; and (3) this interim rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this rule. Also, for the reasons stated above, a 30-day comment period is deemed appropriate.

List of Subjects in 7 CFR Part 989

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, 7 CFR part 989 is amended to read as followed:

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

■ 1. The authority citation for 7 CFR part 989 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 989.257 is revised to read as follows:

§ 989.257 Final free and reserve percentages.

(a) The final percentages for the respective varietal type(s) of raisins acquired by handlers during the crop year beginning August 1, which shall be free tonnage and reserve tonnage, respectively, are designated as follows:

Crop year	Varietal type	Free percentage	Reserve percentage
2003–04	Natural (sun-dried) Seedless	70	30
2005–06	Natural (sun-dried) Seedless	82.50	17.50
2006–07	Natural (sun-dried) Seedless	90	10
2007–08	Natural (sun-dried) Seedless	85	15
2008–09	Natural (sun-dried) Seedless	87	13
2009–10	Natural (sun-dried) Seedless	85	15

(b) The volume regulation percentages apply to acquisitions of the varietal type of raisins for the applicable crop year until the reserve raisins for that crop are disposed of under the marketing order.

Dated: April 16, 2010.

Rayne Pegg,

Administrator, Agricultural Marketing Service.

[FR Doc. 2010–9241 Filed 4–21–10; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 38

[Docket No. RM05–5–017; Order No. 676–F]

Standards for Business Practices and Communication Protocols for Public Utilities

Issued April 15, 2010.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is amending its regulations at 18 CFR 38.2 to incorporate by reference business practice standards adopted by the Wholesale Electric Quadrant of the North American Energy Standards Board (NAESB) to categorize various demand response products and services and to support the measurement and verification of these products and services in wholesale electric energy markets. This rule ensures that participants in wholesale energy markets where demand response products are administered receive standardized access to information that will enable them to participate in those markets and addresses performance evaluation methods appropriate to use for demand response products. This rule facilitates the ability of demand response providers to participate in electricity markets, reducing transaction costs and providing an opportunity for more customers to participate in these programs, especially customers that operate in more than one organized market. It also provides a foundation for further business practice standardization efforts, and participants in the NAESB process can use these standards to identify those elements for which standardization would be beneficial. Further, adoption of measurement and verification standards will improve the methods and procedures for measuring accurately the performance of demand response resources and assist in monitoring demand response services for potential manipulation.

DATES: *Effective Date*: This rule will become effective May 24, 2010. Dates for implementation of the standards are provided in the Final Rule. This incorporation by reference of certain publications in the rule is approved by the Director of the Federal Register as of May 24, 2010.

FOR FURTHER INFORMATION CONTACT: Ryan Irwin (technical issues), Office of Energy Policy and Innovation, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–6454.

Gary D. Cohen (legal issues), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8321.

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Before Commissioners: Jon Wellinghoff, Chairman; Marc Spitzer, Philip D. Moeller, and John R. Norris.

Final Rule

1. The Federal Energy Regulatory Commission (Commission) is amending its regulations at 18 CFR 38.2(a) (which establish standards for business practices and electronic communications for public utilities)[1] to incorporate by reference business practice standards adopted by the Wholesale Electric Quadrant (WEQ) of the North American Energy Standards Board (NAESB) to categorize various demand response products and services and to support the measurement and verification of these products and services in wholesale electric energy markets. We also take this opportunity to update 18 CFR 38.2(b) to reflect NAESB's new address.

2. These standards identify operational information about demand response products that system operators need to make available to participants in markets where such products are offered and address performance evaluation methods appropriate to use for demand response products. They also facilitate the ability of demand response providers to participate in electricity markets, reducing transaction costs and providing an opportunity for more customers to participate in these programs, especially customers that operate in more than one organized market. In addition, these standards provide a foundation for further business practice standardization efforts, which participants in NAESB's WEQ process can use to identify those elements for which standardization would be beneficial. Further, adoption of measurement and verification standards will improve the methods and procedures for measuring accurately the performance of demand response resources and assist in monitoring demand response services for potential manipulation.

I. Background

3. NAESB is a private consensus standards developer that divides its activities among four quadrants, each of which is composed of members from all segments of its respective industry.[2] NAESB is an accredited standards organization under the auspices of the American National Standards Institute (ANSI). NAESB's procedures are designed to ensure that all industry members can have input into the development of a standard, whether or not they are members of NAESB, and each wholesale electric standard that NAESB's WEQ adopts is supported by a consensus of the seven industry segments: End Users, Distribution/Load Serving Entities, Transmission, Generation, Marketers/Brokers, Independent Grid Operators/Planners and Technology/Services. Under the WEQ process, for a standard to be approved, it must receive a super-majority vote of 67 percent of the members of the WEQ's Executive Committee with support from at least 40 percent of each of the seven industry segments.[3] For final approval, 67 percent of the WEQ's general membership must ratify the standards.[4] NAESB's standards are voluntary. However, the Commission has made compliance with these standards mandatory in those instances where it has incorporated such standards by reference into its regulations.

4. In 2006, the Commission adopted Order No. 676, a Final Rule that incorporated by reference business practice standards adopted by NAESB applicable to public utilities.[5] Since 2006, the NAESB consensus industry stakeholder process has reviewed the NAESB business practice standards for public utilities with a view to creating a more efficient marketplace and it has adopted revisions that, in a number of instances, the Commission has made mandatory by incorporating the standards by reference into the Commission's regulations.[6]

5. NAESB began work on the development of business practice standards pertaining to the measurement and verification of demand response products and services in July 2007, when the NAESB WEQ Demand Side Management—Energy Efficiency (DSM) subcommittee began work on this issue. This effort led to the adoption and ratification by NAESB of measurement and verification standards early in 2009. Key to obtaining consensus on the initial set of standards was the agreement to proceed with further work on more detailed technical standards for the measurement and verification of demand response resources.

6. On April 17, 2009, NAESB filed a report informing the Commission that it had adopted an initial set of business practice standards to categorize various demand response products and services and to support the measurement and verification of these products and services in wholesale electric energy markets. The NAESB report recognized

[1] 18 CFR 38.2(a).

[2] The four quadrants are the wholesale and retail electric quadrants and the wholesale and retail natural gas quadrants.

[3] Under NAESB's procedures, interested persons may attend and participate in NAESB committee meetings, and phone conferences, even if they are not NAESB members.

[4] *See Standards for Business Practices and Communication Protocols for Public Utilities,* Order No. 676, FERC Stats. & Regs. ¶ 31,216, n.5 (2006), *reh'g denied,* Order No. 676–A, 116 FERC ¶ 61,255 (2006).

[5] *Id.*

[6] *Standards for Business Practices and Communication Protocols for Public Utilities,* Order No. 676–E, *Final Rule,* 74 FR 63288 (Dec. 3, 2009), FERC Stats. & Regs. ¶ 31,299 (2009), Order No. 676–D, *order granting clarification and denying reh'g,* 124 FERC ¶ 61,317 (2008), Order No. 676–C, *Final Rule,* FERC Stats. & Regs. ¶ 31,274 (2008), Order No. 676–B, *Final Rule,* FERC Stats. & Regs. ¶ 31,246 (2007).

that these standards would need to be followed by the development of more detailed technical standards for the measurement and verification of demand response products and services in independent system operator/regional transmission organization (ISO/RTO) footprint areas.

7. After a review of NAESB's April 2009 Report, the Commission issued a notice of proposed rulemaking on September 17, 2009 that proposed to amend the Commission's regulations at 18 CFR 38.2 to incorporate by reference the consensus standards adopted by NAESB's WEQ on March 16, 2009 (NAESB Phase I M&V Standards).[7] NAESB has initiated specific plans to improve and adopt additional technical standards (Phase II M&V Standards).[8] In the Phase I M&V NOPR, the Commission specifically requested comments on whether the Commission should establish a deadline for the development of these remaining critical standards and, if so, what that deadline should be.

8. In response to the Phase I M&V NOPR, comments were filed by 19 entities.[9]

II. Discussion

A. Overview

9. In this Final Rule, the Commission is revising its regulations at 18 CFR 38.2 to incorporate by reference the NAESB Phase I M&V Standards. The new standards will facilitate development of standardized business practices for measuring and verifying demand resource products and services for the wholesale electric market. In addition, they will help create a framework for a more seamless electronic marketplace by providing consistent terms and definitions that can be used in electronic protocols across both the wholesale and retail electric markets. Further, adoption of measurement and verification standards will improve the methods and procedures for measuring accurately the performance of demand response resources and assist in monitoring demand response services for potential manipulation.

10. The NAESB Phase I M&V Standards were approved by the WEQ and ratified by the NAESB membership under NAESB's consensus procedures.[10] As the Commission found in Order No. 587,[11] adoption of consensus standards is appropriate because the consensus process helps ensure the reasonableness of the standards by requiring that the standards draw support from a broad spectrum of industry participants representing all segments of the industry. Moreover, since the industry itself has to conduct business under these standards, the Commission's regulations should reflect those standards that have the widest possible support. In section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTT&AA), Congress affirmatively requires federal agencies to use technical standards developed by voluntary consensus standards organizations, like NAESB, as a means to carry out policy objectives or activities determined by the agencies unless use of such standards would be inconsistent with applicable law or otherwise impractical.[12]

11. The specific NAESB standards that we are incorporating by reference in this Final Rule are business practices for Measurement and Verification of Wholesale Electricity Demand Response. The standards have three sections; the first section (Introduction and Definition of Terms) contains an overview of the standards and definitions, the second section (Standards 015–1.0 through 015–1.15) contains standards on Provision of Wholesale Electric Demand Response Energy, Capacity, Reserve and Regulation Products, and the third section (Standards 015–1.16 through 015–1.30) contains standards on the five performance evaluation methodologies: (1) Maximum Base Load; (2) Meter Before/Meter After; (3) Baseline Type-I (Interval Meter); (4) Baseline Type-II (Non-Interval Meter); and (5) Metering Generator Output.

12. The NAESB Phase I M&V Standards also provide a foundation for further business practice standardization efforts, and participants in the WEQ process can use these standards to identify those elements for which standardization would be beneficial. We believe that development of the Phase II M&V Standards to which NAESB has committed will help improve the methods and procedures for measuring accurately the performance of demand responders. Such standards also will facilitate the ability of demand response providers to participate in electricity markets, in particular customers and aggregators that may participate in multiple markets. Standards for measuring and verifying demand response can help these customers reduce the transaction costs of participating in these markets.

13. Because of the importance of moving forward on the development and adoption of the Phase II M&V Standards, we urge NAESB to complete its development of these standards within one year, as discussed below. If NAESB is unable to meet this goal, we request that it file with the Commission within one year, a report of the progress it has made, as well as the areas in which consensus has not been reached.

14. We address below the issues raised by the commenters.

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[7] *Standards for Business Practices and Communication Protocols for Public Utilities,* Notice of Proposed Rulemaking, 74 FR 48173 (Sep. 22, 2009), FERC Stats. & Regs. ¶ 32,646 (2009) (Phase I M&V NOPR).

[8] Item 4a of NAESB's 2010 Annual Plan calls for the WEQ to review the NAESB Business Practices for Measurement and Verification of Wholesale Electricity Demand Response (WEQ–015) in conjunction with the Demand Response Matrix developed by the ISO/RTO Council and to identify business practice requirements that could be improved or made clearer through the addition of specific technical detail. The ISO/RTO Council's 2009 "North American Wholesale Electricity Demand Response Program Comparison" may be viewed at the ISO/RTO Council's Web site at *http://www.isorto.org.* The Annual Plan provides that wholesale and retail demand response work groups and the Smart Grid task force should actively and timely communicate and coordinate work products to ensure consistency among the three work groups. The Annual Plan further provides that each work group should take into account the work products developed by the other groups.

Item 4b of NAESB's 2010 Annual Plan calls for the WEQ, using the ISO/RTO Council's matrix as a starting point, to review each performance evaluation type/service type combination identified in WEQ–015 to assess and determine what standards or guidelines, if any, should be developed to aid all participants in the use of measurement and verification methods for demand response programs in organized wholesale electric markets. If the determination is made that standards or guidelines will be developed, those items will be added as sub-items to 4(b).

Item 4c of NAESB's 2010 Annual Plan calls for the WEQ to develop a glossary of terms used in demand response business practice standards.

Item 4d of NAESB's 2010 Annual Plan calls for the WEQ to develop business practice standards to measure and verify energy reductions that are made to comply with a Renewable Portfolio Standard that includes energy efficiency or a stand-alone Energy Efficiency Portfolio Standard as part of an overall effort to measure and verify reductions in energy and demand from energy efficiency in wholesale and retail markets.

[9] The entities that filed comments and the abbreviations used in this Final Rule to identify these entities are listed in Appendix A.

[10] This process first requires a super-majority vote of 67 percent of the members of the WEQ's Executive Committee with support from at least 40 percent of each of the seven industry segments, which are enumerated in P 3, *supra.* For final approval, 67 percent of the WEQ's general membership voting must ratify the standards.

[11] *Standards for Business Practices of Interstate Natural Gas Pipelines,* Order No. 587, 61 FR 39053 (July 26, 1996), FERC Stats. & Regs., ¶ 31,038 (1996).

[12] Pub. L. 104–113, § 12(d), 110 Stat. 775 (1996), 15 U.S.C. § 272 note (1997). This requirement is further discussed at P 48, *infra.*

B. NAESB Phase I M&V Standards

1. Adoption of NAESB Phase I M&V Standards

a. Comments

15. Nearly all the commenters support the proposal to incorporate the NAESB Phase I M&V Standards by reference. California Commission, Comverge, EEI, EnerNOC, EPSA, Indiana Commission, ISO/RTO Council, NARUC, NRECA, Public Interest Orgs, SDG&E, TVA and Westar all express support for the proposal. For example, EnerNOC asserts the NAESB Phase I M&V Standards address a need within the industry to develop consistent measurement and verification (M&V) practices across the country. While NRECA and Indiana Commission raised concerns about the costs of obtaining NAESB standards, addressed below, they did not oppose the incorporation by reference of the NAESB Phase I M&V Standards.

b. Commission Determination

16. The Commission is revising its regulations at 18 CFR 38.2 to incorporate by reference the NAESB Phase I M&V Standards. The new standards define terms and definitions that can be used to facilitate communications and provide standards for measurement and verification methodologies for demand resources in wholesale electric markets.

2. Clarification of Jurisdictional Concerns

17. As we explained in the Phase I M&V NOPR, the NAESB Phase I M&V Standards will enhance transparency and consistency in the methodology used to measure and verify demand response products in wholesale markets administered by the ISOs and RTOs.[13]

a. Comments

18. FirstEnergy, the California Commission and NARUC all caution that these standards are only applicable in the wholesale energy market and that the states have jurisdiction over retail demand response programs, meters and infrastructure.

19. FirstEnergy argues that the Commission's involvement in demand response activities must continue to acknowledge that the states have jurisdiction in retail markets. Similarly, NARUC states that the Commission should continue to work closely with the states to outline jurisdictional boundaries with respect to the standards being proposed in the NAESB process.

[13] Phase I M&V NOPR at P 10.

b. Commission Determination

20. We agree with the commenters that the NAESB Phase I M&V Standards that we are incorporating by reference in this Final Rule are applicable to wholesale energy markets under the Commission's jurisdiction and nothing in this Final Rule is intended to interfere with the states' jurisdiction over retail demand response programs.

3. Nomenclature

21. The NAESB Phase I M&V Standards include 40 definitions. These definitions "identify basic product categories, *i.e.,* energy service, capacity service, reserve service and regulation service. They identify the measurement and verification characteristics of demand response products and services offered in organized wholesale electricity markets, such as reduction deadlines, advance notification instructions, telemetry accuracy, and communication protocols." [14]

a. Comments

22. ELCON suggests in several instances that the definition included in the NAESB Phase I M&V Standards should be revised to add more specificity. For example, it would add further operating characteristics to the definitions of Normal Operations, Recovery Period and Demand Resource Availability Measurement.[15] Additionally, ELCON suggests several edits and clarifications to these same terms and to the definition of Triggering Events and Telemetry.[16] EPSA, likewise, asserts the standards in their current form do not provide enough detail to ensure demand response resources receive comparable treatment to those of other resources.[17]

b. Commission Determination

23. We find the definitions included in the NAESB Phase I M&V Standards adequate for the purposes of Phase I and we will incorporate them by reference as proposed in the Phase I M&V NOPR. Also, as we noted above, item 4c of the WGQ 2010 Action Plan is devoted to the formulation of a glossary of demand response terminology. ELCON and EPSA may pursue their concerns about the need for greater specificity in the definition of demand response terms by continuing their participation in the NAESB process.

[14] *Id.* at P 6.

[15] ELCON Comments at 4–7.

[16] *Id.* at 5.

[17] EPSA Comments at 4.

C. Phase II M&V Standards

1. Proper Organization(s) to Develop Phase II M&V Standards

a. Comments

24. Nearly all the comments support NAESB as the proper organization to develop the Phase II M&V Standards.[18] For example, ISO/RTO Council asserts the NAESB process has been an effective way to bring demand response organizations together to create the NAESB Phase I M&V Standards. Comverge commends the efforts of NAESB to develop this initial set of standards. EPSA also supports the NAESB process and notes the ANSI-certified consensus-based approach is an effective means to craft standards. Comverge expresses appreciation to NAESB for its efforts and is supportive of its efforts that ensure increased demand response participation.

25. By contrast, Duke is the sole commenter raising an objection to the continuing role of NAESB in developing the Phase II M&V Standards. Duke contends that the ISOs and RTOs are in a better position to develop these standards, due to regional differences.

b. Commission Determination

26. In our view, NAESB is best suited to develop these common Phase II M&V Standards. The NAESB DSM subcommittee has the membership and participation of demand response providers, ISOs, RTOs, public utilities and trade groups.

27. The continued cooperation and efforts of all these participants in the NAESB Phase II M&V Standards process will create an environment conducive to creating transparent and consistent standards for the measurement and verification of demand response resources offered into wholesale electricity markets. Furthermore, the efforts of a single group sponsored by NAESB will allow for more efficient participation in the standards development process and will help provide greater consistency than might be possible from the individual efforts sponsored by six separate regional organizations.

28. Improvement in measurement and verification standards will work to ensure that the performance of demand

[18] *See* supporting comments on this subject by Comverge, Curtailment Specialists, EEI, EPSA, ISO/RTO Council, NARUC and Westar. FirstEnergy also supports these efforts, although it cautions that we need to keep jurisdictional concerns in mind. *See* discussion at P 18–19, *supra.* TVA also stresses the need for the proper coordination of efforts. *See* P 39, *infra.* The objections of Industrial Coalitions on its preference for the Commission developing all standards are discussed in P 42, *infra.*

response resources can be accurately quantified. Standardization of measurement and verification methods also will help to reduce costs for customers participating in multiple markets. Without consistent standards, customers and demand response providers that participate in more than one RTO or ISO would then have to incur the costs of developing different business processes to adapt to the differing RTO/ISO requirements, increasing the cost and complexity of their business. Furthermore, the Phase II M&V Standards should help achieve greater efficiency in the operation and evaluation of the performance of demand response products and services.

2. Guidance on the Scope of the Phase II M&V Standards

a. Comments

29. Many of the commenters find that NAESB's development of Phase II M&V Standards and the Commission's incorporation by reference of such standards will have the benefit of creating additional consistency and standardization across markets. These same commenters also noted the benefits to adoption of a common terminology for M&V methods. For example, Public Interest Orgs supports the standardization of M&V business rules and asserts that such standardization will increase participation, eliminate gaming opportunities and enable aggregators to overcome varying business practices. EPSA also finds benefit in the Commission acting to reduce needless and costly disparities among the ISOs and RTOs, but is concerned that the standards provide too much deference to ISO/RTO policies and that this will hinder efforts to standardize demand response rules. ELCON does not object to the role of NAESB in developing the Phase II M&V Standards, but finds that the process needs improvement in Phase II so that the concerns of demand response providers are given more consideration and the views of ISOs and RTOs are given less deference.[19]

30. SDG&E supports the adoption of standards that promote transparency and consistency across markets. SDG&E further states that adopting consistent standards across ISOs and RTOs could reduce barriers to demand response providers who operate in multiple markets. Industrial Coalitions states the standardization of demand response practices across power markets will improve their business objectives.[20] Comverge supports Phase II M&V Standards that would simplify baseline approaches and expand the deployment of demand response. ISO/RTO Council notes approvingly that the use of common terminology has accelerated the development of retail standards as well as supported development of other demand response initiatives. TVA states that NAESB's Phase II M&V Standards efforts should concentrate on the measurement and verification of demand response.

31. Both Duke and FirstEnergy request guidance as to the content of the Phase II M&V Standards and what information is needed to facilitate and promote demand response in markets.

b. Commission Determination

32. While NAESB's Phase I M&V Standards represent a good first step, additional substantive standards would appear beneficial in creating transparent and consistent measurement and verification of demand response products and services in wholesale electric markets. The measurement and verification standards needed to accomplish this goal should be a focus of NAESB's Phase II M&V Standards development efforts.

33. While the development of the Phase II M&V Standards should be an industry-driven consensus-seeking process, we agree with commenters that more detailed measurement and verification standards will reduce costs for customers and market participants, particularly those participating in multiple markets. As discussed earlier, demand response providers that participate in more than one RTO or ISO should not have to incur the costs of developing different business processes to adapt to the differing RTO/ISO requirements, increasing the cost and complexity of their business.

34. In response to Duke's and FirstEnergy's requests for additional guidance as to the content of the Phase II M&V Standards, we agree with NAESB's plan to start the process by reviewing the elements of the performance evaluation methods detailed in the ISO/RTO Council's demand response program matrix. While we do not expect NAESB to develop a single performance evaluation method, we reiterate that greater standardization of the performance evaluation methods will improve the accuracy of measuring and verifying demand response performance and may reduce costs. ELCON expresses concern that the views of RTOs and ISOs will be given greater consideration than those of other participants in the NAESB process. As discussed earlier, the NAESB process requires consensus agreement from all seven segments of the industry and no segment, therefore, can dominate the development of a standard. We expect the participants in the NAESB process actively to consider and be open to proposals and concerns from any source and to try to reconcile differences so that the standards promote accurate measurement and verification of the performance of demand resources.

3. Suggested Improvements to Standards

35. In the Phase I M&V NOPR, the Commission stated that these standards represent a starting place to develop a more comprehensive set of standards, with the development of more detailed technical standards for the measurement and verification of demand response resources, to take place in the Phase II M&V Standards development process.

36. A few of the commenters have raised some specific concerns that they would like addressed in the Phase II M&V Standards development process. For example, ELCON complains that the NAESB process gives too much weight to the views of ISOs and RTOs and argues that the standards place specific requirements on demand response providers while not spelling out the complementary obligations of system operators. ELCON would like this corrected in the Phase II M&V Standards process.[21] Water Project stresses that the Phase II M&V Standards should be designed to accurately verify the performance of demand response resources according to the specific service they are providing. Curtailment Specialists suggests the DSM subcommittee concentrate its efforts on developing the five baseline types; Baseline Type-I and Type-II, Meter Before/Meter After, Maximum Base Load and Metering Generator Output.

a. Commission Determination

37. As discussed above, the NAESB process provides for a reasonable balance of interests so that no one sector, RTOs or any other sector, can dominate the process. We agree that the process needs to consider the issues and views of the participants. We expect the NAESB process to develop Phase II M&V standards which incorporate the interests of all stakeholders in the process of developing consensus standards. In response to Curtailment Specialists, we expect Phase II will address issues related to baseline

[19] ELCON Comments at 3.

[20] Industrial Coalitions members include: Coalition of Midwest Transmission Customers; NEPOOL Industrial Customer Coalition; and PJM Industrial Customer Coalition.

[21] ELCON Comments at 3.

development, but we do not believe that Phase II should be limited to baseline development issues alone.

4. Deadline for Phase II M&V Standards Development

38. In the Phase I M&V NOPR, the Commission invited comment on whether the Commission should establish a deadline to complete the Phase II M&V Standards. The comments we received were split on this issue.

a. Comments

39. ELCON strongly supports a deadline for the development of the Phase II M&V Standards.[22] EPSA and TVA support a deadline that should take into consideration efforts underway at the North American Electric Reliability Corporation (NERC) and the National Institute for Standards and Technology (NIST) for both demand response and Smart Grid activities. Similarly, FirstEnergy recommends that the Commission coordinate its efforts with those of NERC, NIST and the Electric Power Research Institute. EPSA also supports prompt action and notes that NERC is in the process of developing demand response measurement standards through its Demand Response Availability Data System (DADS). EPSA expresses concern that a long delay in the Phase II M&V Standards development process may hinder NERC's demand response registration processes. Likewise, Comverge and EnerNOC also both support an aggressive deadline for the timely completion of the Phase II M&V Standards development process.

40. By contrast, ISO/RTO Council, FirstEnergy, EEI, SDG&E, NRECA and the Indiana Commission all oppose a deadline. They all argue that setting a deadline would be premature and contend that the NAESB process should be allowed to run its course. Many of these commenters, however, agree that, absent a deadline, it would be appropriate for NAESB to provide the Commission with regular status reports on the progress made in the development of the Phase II M&V Standards.[23]

b. Commission Determination

41. We request that NAESB seek to conclude its Phase II M&V Standards development within one year from the effective date of this order. In light of the importance of measuring and verifying demand response products, as well as the utility of these standards to the NIST and NERC initiatives, the Phase II M&V Standards should be developed as soon as possible. Prompt action in developing the Phase II M&V Standards is essential, in light of the importance of these standards in ensuring that the performance of demand response resources can be accurately quantified. A year for development of such standards is reasonable. Due to the importance of these standards, if NAESB is unable to fully develop standards within the one-year period, we request that it file a report with the Commission indicating the progress it has made, including the standards it has considered and the issues on which it has been unable to reach consensus. The Commission can then build upon the information developed during the NAESB process to propose standards or establish procedures for the development of such standards.

D. Incorporation by Reference

42. A number of organizations (Industrial Coalitions, NRECA, and the Indiana Commission) filed comments objecting to the incorporation by reference of the NAESB standards, maintaining they should not have to pay to obtain copies of the copyrighted standards. We addressed this issue at length in Order No. 676–E[24] in November of 2009, concluding that the NAESB process is the most efficient and cost-effective method of developing these standards, incorporation by reference is the appropriate method for the Commission to adopt the regulations, and the Commission must respect NAESB's copyright.[25] As we pointed out in that order, obtaining these standards is not cost prohibitive. NAESB, in fact, makes the standards available for free for three consecutive business days for those who want to view the standards in order to make comments with the Commission.[26] Even for those non-members seeking to purchase a copy, the standards are available for $900, which is not prohibitive, given the costs of otherwise participating in a notice and comment rulemaking proceeding, including the hiring of legal counsel.

III. Implementation Dates and Procedures

43. The Commission is requiring, consistent with our regulation at 18 CFR 35.28(c)(vi), each ISO and RTO to revise its OATT to include the NAESB Phase I M&V Standards we are incorporating by reference herein. For standards that do not require implementing tariff provisions, the Commission will allow the ISO or RTO to incorporate the WEQ standard by reference in its OATT. Compliance with the standards incorporated in this Final Rule will be required beginning on the same date that the rule becomes effective (*i.e.,* thirty days after publication in the **Federal Register**), even if this precedes the filing of a revised OATT reflecting these new requirements.

44. However, as we proposed in the Phase I M&V NOPR, to lighten the burden associated with an immediate, stand-alone filing of a revised tariff reflecting the standards incorporated by reference in this Final Rule, we are giving ISOs and RTOs the option of including these changes as part of an unrelated tariff filing, even though compliance with the revised standards is required beginning on the effective date of this Final Rule.[27]

45. If adoption of these standards does not require any changes or revisions to existing OATT provisions, ISOs and RTOs may comply with this rule by adding a provision to their OATTs that incorporates the standards adopted in this rule by reference, including the standard number used to identify the standard. To incorporate this standard into their OATTs, ISOs and RTOs must use the following language in their OATTs: Measurement and Verification of Wholesale Electricity Demand Response (WEQ–015, 2008 Annual Plan Item 5(a), March 16, 2009).

46. If an ISO or RTO requests waiver of a standard, it will not be required to comply with the standard until the Commission acts on its waiver request. Therefore, if an ISO or RTO has obtained a waiver or has a pending request for a waiver, its proposed revision to its OATT should not include the standard number associated with the standard for which it has obtained or seeks a waiver. Instead, the ISO or RTO's OATT should specify those standards for which the ISO or RTO has obtained a waiver or has pending a request for waiver. Once a waiver request is denied, the ISO or RTO will be required to include in its OATT the standard(s) for which waiver was denied.

IV. Notice of Use of Voluntary Consensus Standards

47. In section 12(d) of NTT&AA, Congress affirmatively requires federal

[22] ELCON Comments at 3.

[23] *See* comments by FirstEnergy, EEI, Indiana Commission and ISO/RTO Council.

[24] Order No. 676–E, FERC Stats. & Regs. ¶ 31,299 at P 115–121.

[25] *Id.*

[26] *http://www.naesb.org/misc/NAESB_Nonmember_Evaluation_LockLizard.pdf.*

[27] *See* Order No. 676, P 100 (2006). If the ISO or RTO makes no unrelated tariff filing by December 31, 2010, it must make a separate tariff filing incorporating these standards by that date.

agencies to use technical standards developed by voluntary consensus standards organizations, like NAESB, as the means to carry out policy objectives or activities determined by the agencies unless use of such standards would be inconsistent with applicable law or otherwise impractical.[28] NAESB approved the standards under its consensus procedures. Office of Management and Budget Circular A–119 (§ 11) (February 10, 1998) provides that federal agencies should publish a request for comment in a NOPR when the agency is seeking to issue or revise a regulation proposing to adopt a voluntary consensus standard or a government-unique standard. The Commission published a request for comment in the Phase I M&V NOPR.

V. Information Collection Statement

48. The Office of Management and Budget's (OMB) regulations in 5 CFR 1320.11 require that it approve certain reporting and recordkeeping requirements (collections of information) imposed by an agency. Upon approval of collections of information, OMB is expected to assign new expiration dates to FERC–516 (OMB Control Number 1902–0096) and FERC–717 (OMB Control Number 1902–0173). The OMB Control Numbers will not be displayed in the NAESB standards; an explanation will be included in the clearance package submitted to OMB. The Commission will not enforce the requirements of this rule until OMB approval is obtained.

49. This Final Rule upgrades the Commission's current business practice and communication standards to include NAESB's Phase I M&V Standards. The implementation of these standards is necessary to increase the efficiency of demand response in wholesale electric energy markets. In addition, requiring such information ensures a common means of communication and ensures common business practices that provide participants engaged in transactions with demand response programs with timely information and consistent business procedures across multiple markets. The implementation of these data requirements will help the Commission carry out its responsibilities under the Federal Power Act.

50. The Commission sought comments on its estimate provided in the NOPR of the burden associated with adoption of the NOPR proposals. In response to the NOPR, no comments were filed that addressed the reporting burden imposed by these requirements. Therefore the Commission will use these same estimates in this Final Rule.

Data collection	Number of respondents	Number of responses per respondent	Hours per response	Total Number of hours
FERC–516[29]	6	1	6	36
FERC–717[30]	6	1	12	72
Totals				108

Total annual Hours for Collection.

(Reporting and Recordkeeping, if appropriate) = 108 hours.

Information Collection Costs: The Commission seeks comments on the costs to comply with these requirements. The Commission projects the average annualized cost for all respondents as follows:[31]

	FERC–516	FERC–717
Annualized Capital/Startup Costs	$13,320	$26,640
Annualized Costs (Operations & Maintenance)	N/A	
Total Annualized Costs	13,320	[32] 26,640

51. OMB regulations[33] require OMB to approve certain information collection requirements imposed by agency rule. The Commission is submitting this Final Rule to OMB. These information collections are mandatory requirements.

Title: Standards for Business Practices and Communication Protocols for Public Utilities (formerly Open Access Same Time Information System) (FERC–717); Electric Rate Schedule Filings (FERC–516).

Action: Information collection.

OMB Control No.: 1902–0096 (FERC–516); 1902–0173 (FERC–717).

Respondents: Business or other for profit (Public Utilities—Not applicable to small businesses).

Frequency of Responses: One-time implementation (business procedures, capital/start-up).

52. *Necessity of Information:* The Commission's regulations adopted in this rule upgrade the Commission's current business practices and communication standards by standardizing the definitions used by ISOs and RTOs to identify their various demand response products and to measure and verify the results obtained by these products. Moreover, the implementation of these data requirements will help ensure consistency among the ISOs/RTOs with respect to the measurement and verification of demand response performance in their wholesale electricity markets.

53. Interested persons may obtain information on the reporting requirements by contacting: Federal

[28] *See* n.12 *supra.*

[29] "FERC–516" is the Commission's identifier that corresponds to OMB control no. 1902–0096 which identifies the information collection associated with Electric Rate Schedules and Tariff Filings.

[30] "FERC–717" is the Commission's identifier that corresponds to OMB control no. 1902–0173 which identifies the information collection associated with Standards for Business Practices and Communication Protocols for Public Utilities.

[31] The total annualized costs for the information collection is $39,960. This number is reached by multiplying the total hours to prepare responses (108) by an hourly wage estimate of $370 (a composite estimate that includes legal, technical and support staff rates, $250 + $95 + $25 = $370), 108 hours × $370/hour = $39,960.

[32] We note that 36 hours at $370/hour= $13,320 and 72 hours at $370/hour = $26,640. Together, $13,320 + $26,640 = $39,960 as shown in note 32, *supra.*

[33] 5 CFR 1320.11.

Energy Regulatory Commission, Attn: Ellen Brown, Office of the Executive Director, 888 First Street, NE., Washington, DC 20426 Tel: (202) 502–8663, fax: (202) 273–0873, e-mail: *DataClearance@ferc.gov* or by contacting: Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503 [Attention: Desk Officer for the Federal Energy Regulatory Commission, e-mail: *oira_submission@omb.eop.gov;* Tel: (202) 395–4638, fax: (202) 395–7285]. Comments to OMB should include the appropriate OMB Control Number(s) and collection number(s) (OMB Control No. 1902–0096 for FERC–516, and/or OMB Control No. 1902–0173 for FERC–717) as a point of reference.

VI. Environmental Analysis

54. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[34] The Commission has categorically excluded certain actions from these requirements as not having a significant effect on the human environment.[35] The actions adopted here fall within categorical exclusions in the Commission's regulations for rules that are clarifying, corrective, or procedural, for information gathering analysis, and dissemination, and for sales, exchange, and transportation of natural gas and electric power that requires no construction of facilities. Therefore, an environmental assessment is unnecessary and has not been prepared in this Final Rule.

VII. Regulatory Flexibility Act

55. The Regulatory Flexibility Act of 1980 (RFA)[36] generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. In drafting a rule an agency is required to: (1) Assess the effect that its regulation will have on small entities; (2) analyze effective alternatives that may minimize a regulation's impact; and (3) make the analysis available for public comment.[37]

56. The regulations we are adopting in this Final Rule impose filing requirements only on ISOs and RTOs, none of which is a small business. Moreover, these requirements are designed to benefit all customers, including small businesses. As noted above, adoption of consensus standards helps ensure the reasonableness of the standards by requiring that the standards draw support from a broad spectrum of industry participants representing all segments of the industry. Because of that representation and the fact that industry conducts business under these standards, the Commission's regulations should reflect those standards that have the widest possible support.

57. Accordingly, pursuant to section 605(b) of the RFA, the Commission hereby certifies that the regulations adopted herein will not have a significant adverse impact on a substantial number of small entities.

VIII. Document Availability

58. In addition to publishing the full text of this document in the **Federal Register,** the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (*http://www.ferc.gov*) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. Eastern time) at 888 First Street, NE., Room 2A, Washington, DC 20426.

59. From FERC's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

60. User assistance is available for eLibrary and the FERC's Web site during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202)502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

IX. Effective Date and Congressional Notification

61. These regulations are effective May 24, 2010. The Commission has determined (with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of OMB) that this rule is not a "major rule" as defined in section 351 of the Small Business Regulatory Enforcement Fairness Act of 1996.

List of Subjects in 18 CFR Part 38

Conflict of interests, Electric power plants, Electric utilities, Incorporation by reference, Reporting and recordkeeping requirements.

By the Commission.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

■ In consideration of the foregoing, the Commission amends part 38, Chapter I, Title 18, Code of Federal Regulations, as follows.

PART 38—BUSINESS PRACTICE STANDARDS AND COMMUNICATION PROTOCOLS FOR PUBLIC UTILITIES

■ 1. The authority citation for part 38 continues to read as follows:

Authority: 16 U.S.C. 791–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352.

■ 2. In § 38.2, paragraphs (a)(10), (a)(11), and (b) are revised and paragraph (a)(12) is added to read as follows:

§ 38.2 Incorporation by Reference of North American Energy Standards Board Wholesale Electric Quadrant standards.

(a) * * *

(10) Public Key Infrastructure (PKI) (WEQ–012, Version 002.1, March 11, 2009, with minor corrections applied on May 29, 2009 and September 8, 2009);

(11) Open Access Same-Time Information Systems (OASIS) Implementation Guide, Version 1.5 (WEQ–013, Version 002.1, March 11, 2009, with minor corrections applied on May 29, 2009 and September 8, 2009); and

(12) Business Practices for Measurement and Verification of Wholesale Electricity Demand Response (WEQ–015, 2008 Annual Plan Item 5(a), March 16, 2009).

(b) This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of these standards may be obtained from the North American Energy Standards Board, 801 Travis Street, Suite 1675, Houston, TX 77002, Tel: (713) 356–0060. NAESB's Web site is at *http://www.naesb.org/*. Copies may be inspected at the Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 888 First Street, NE., Washington, DC 20426, Tel: (202) 502–8371, *http://www.ferc.gov,* or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/*

[34] Order No. 486, *Regulations Implementing the National Environmental Policy Act,* 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. Preambles 1986–1990 ¶ 30,783 (1987).

[35] 18 CFR 380.4.

[36] 5 U.S.C. 601–612.

[37] 5 U.S.C. 601–604.

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Note: The following Appendix will not appear in the Code of Federal Regulations.

Appendix A

List of Commenters [38]

California Department of Water Resources State Water Project (Water Project)
California Public Utilities Commission (California Commission) (with notice of intervention)
Comverge, Inc. (Comverge)
Duke Energy Corporation (Duke)
Edison Electric Institute (EEI)
FirstEnergy Service Company (FirstEnergy)
Electric Power Supply Association (EPSA)
Electricity Consumers Resource Council (ELCON)
Energy Curtailment Specialists, Inc. (Curtailment Specialists) (also filed motion to intervene)
EnerNOC, Inc. (EnerNOC) (also filed motion to intervene)
Indiana Utility Regulatory Commission (Indiana Commission) (with notice of intervention)
Industrial Coalitions [39]

List of Commenters

ISO/RTO Council [40]
National Association of Regulatory Utility Commissioners (NARUC)
National Rural Electric Cooperative Association (NRECA)
Public Interest Organizations (Public Interest Orgs) [41]
San Diego Gas & Electric Company (SDG&E)
Tennessee Valley Authority (TVA) (with motion to intervene)
Westar Energy, Inc. (Westar) (with motion to intervene)

[FR Doc. 2010–9084 Filed 4–21–10; 8:45 am]

BILLING CODE 6717–01–P

[38] The abbreviations used to identify these commenters in this Final Rule are shown parenthetically.

[39] Filed on behalf of Coalition of Midwest Transmission Customers, NEPOOL Industrial Customer Coalition, and PJM Industrial Customer Coalition.

[40] ISO/RTO Council includes the Independent System Operators operating as the Alberta Electric System Operator, the California Independent System Operator, Electric Reliability Council of Texas, the Independent Electricity System Operator of Ontario, Inc., ISO New England, Inc., Midwest Independent Transmission System Operator, Inc., New York Independent System Operator, Inc., PJM Interconnection, L.L.C., Southwest Power Pool, Inc., and New Brunswick System Operator.

[41] Jointly filed on behalf of Project for Sustainable FERC Energy Policy, Natural Resources Defense Council, the Pace Energy and Climate Center and Conservation Law Foundation.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 358

[Docket No. RM07–1–002; Order No. 717–C]

Standards of Conduct for Transmission Providers

Issued April 16, 2010.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order on Rehearing and Clarification.

SUMMARY: The Federal Energy Regulatory Commission (Commission) issued Order No. 717–A to address requests for rehearing and make clearer the Standards of Conduct as implemented by Order No. 717. The Commission issued Order No. 717–B to address expedited requests for rehearing and clarification concerning paragraph 80 of Order No. 717–A and whether an employee who is not making business decisions about contract non-price terms and conditions is considered a "marketing function employee." This order addresses additional requests for rehearing and clarification concerning Order No. 717–A.

DATES: *Effective Date:* This rule will become effective July 21, 2010.

FOR FURTHER INFORMATION CONTACT: Leonard Tao, Office of the General Counsel—Energy Markets, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8214.

SUPPLEMENTARY INFORMATION:

Before Commissioners: Jon Wellinghoff, Chairman; Marc Spitzer, Philip D. Moeller, and John R. Norris.

Order on Rehearing and Clarification

I. Introduction

1. On October 16, 2008, the Commission issued Order No. 717 amending the Standards of Conduct for Transmission Providers (the Standards of Conduct or the Standards) to make them clearer and to refocus the rules on the areas where there is the greatest potential for abuse.[1] On October 15, 2009, the Commission issued Order No. 717–A to address requests for rehearing and clarification of Order No. 717, largely affirming the reforms adopted in Order No. 717.[2] On November 16, 2009, the Commission issued Order No. 717–B to address expedited requests for rehearing and clarification concerning paragraph 80 of Order No. 717–A and whether an employee who is not making business decisions about contract non-price terms and conditions is considered a "marketing function employee." [3] In this order, the Commission grants additional clarification concerning matters petitioners raised regarding the Commission's determinations in Order No. 717–A.

II. Requests for Clarification and/or Rehearing

2. Edison Electric Institute (EEI), Transmission Dependent Utility Systems (TDUS), Transmission Access Policy Study Group (TAPS), National Rural Electric Cooperative Association (NRECA), Associated Electric Cooperative (AEC), Basin Electric Power Cooperative (Basin Electric), Xcel Energy Services (Xcel), E.ON U.S., Avista Corporation (Avista), the American Public Gas Association (APGA) and Western Utilities [4] filed requests for clarification, or in the alternative, requests for rehearing. The Tri-State Generation and Transmission Association (Tri-State) filed in support of the NRECA's request. The Electric Power Supply Association (EPSA) filed a motion for leave to answer and an answer to Western Utilities' request for clarification and rehearing.[5]

[1] *Standards of Conduct for Transmission Providers,* Order No. 717, 73 FR 63796 (Oct. 27, 2008), FERC Stats. & Regs. ¶ 31,280 (2008) (Order No. 717).

[2] *Standards of Conduct for Transmission Providers,* Order No. 717–A, 74 FR 54463 (Oct. 22, 2009), FERC Stats. & Regs. ¶ 31,297 (2009) (Order No. 717–A).

[3] *Standards of Conduct for Transmission Providers,* Order No. 717–B, 74 FR 60153 (Nov. 20, 2009), 129 FERC ¶ 61,123 (Nov. 16, 2009) (Order No. 717–B). On October 30, 2009, EEI filed a request for expedited clarification of a single issue addressed in Order No. 717–A. The Commission determined that it should address this issue expeditiously even though the time allowed under the regulations for filing rehearing requests had not yet expired. For this reason, the Commission issued Order No. 717–B on November 16, 2009, in which it addressed a single clarification request of EEI, Western Utilities, Otter Tail and Central Vermont. All other timely requests for rehearing, i.e. those filed by November 16, 2009, are addressed in this order.

[4] Western Utilities is comprised of Arizona Public Service Company, Avista Corporation, El Paso Electric Company, Idaho Power Company, Pacific Gas and Electric Company, PacifiCorp, Portland General Electric Company, Puget Sound Energy, Southern California Edison Company, and Tucson Electric Power Company.

[5] EPSA objects to Western Utilities' characterization of its filing as a request for clarification.

III. Discussion

A. Procedural Matters

3. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure [6] prohibits an answer to a request for rehearing unless otherwise ordered by the decisional authority. We will accept the EPSA's answer to Western Utilities' motion for clarification and/or request for rehearing because it provided information that assisted us in our decision-making process.

B. Independent Functioning Rule

i. Transmission Function Employees

4. In paragraph 27 of Order No. 717–A, the Commission clarified that personnel engaged in granting or denying transmission service requests are transmission function employees because the act of granting or denying transmission service requests is an integral part of "planning, directing, organizing or carrying out of day-to-day transmission operations." [7] The Commission then elaborated in this paragraph that the term "transmission function employee" includes "an employee responsible for performing system impact studies or determining whether the transmission system can support the requested services as this type of employee is planning, directing, organizing or carrying out the day-to-day transmission operations." [8]

Requests for Rehearing and Clarification:

5. EEI, Western Utilities, Xcel, Avista and Basin Electric argue that paragraph 27 of Order No. 717–A overruled paragraph 147 of Order No. 717 in which the Commission stated that so long as the preparation of system impact studies "do[es] not implicate the day-to-day operation of the transmission system, they are not transmission functions." [9] The parties request that the Commission reconsider its statement in Order No. 717–A.

6. Western Utilities argues that in many instances, system impact studies have nothing to do with day-to-day operations of the transmission system. Western Utilities states that some studies are used to assess whether any additional costs may be incurred in order to provide the requested transmission service. Western Utilities further states that where such studies are required, they trigger the process for determining the modifications needed to provide the service at some future date and, thus, are not day-to-day transmission operations. Western Utilities requests that the Commission clarify that studies related to determining the upgrades necessary to the transmission system to provide service, including system impact studies, do not qualify as Transmission Function activities, because they fall under the category of "long-range planning."

7. EPSA responds to Western Utilities' argument by stating that transmission system impact studies do have an impact on day-to-day transmission operations as these studies provide significant insight into non-public development plans of market participants and opportunities for additional investments and that these studies are a core function of transmission providers.

8. Avista states that studies related to interconnection requests, which identify interconnection facilities needed to interconnect a new generator as an energy resource or network resource, do not convey any rights to deliver electricity to any specific customer or point of delivery and do not implicate the day-to-day operation of the transmission system.

9. In the event that the Commission does not grant the requested clarification, Basin Electric asks the Commission to extend the date for compliance with paragraph 27 to 90 days after the date of this order.

Commission Determination:

10. We deny the requests to reconsider paragraph 27 in Order No. 717–A. The Commission finds that paragraph 27 of Order No. 717–A is not inconsistent with the Commission's findings in paragraph 147 of Order No. 717. In essence, certain protestors argue that the Commission's finding in Order No. 717–A that a "transmission function employee" includes an employee responsible for performing system impact studies is inconsistent with the Commission's finding in Order No. 717 that so long as the preparation of system impact studies "do[es[not implicate the day-to-day operation of the transmission system, they are not transmission functions." [10] In order to reconcile these seemingly inconsistent statements, these Commission findings must be viewed in the context of the protestors' requests for clarification. Specifically, in Order No. 717 and Order No. 717–A, the Commission determined whether system impact studies performed pursuant to narrowly described fact scenarios would lead to a grant or denial of transmission service.

11. In paragraph 147 of Order No. 717, we granted a request for clarification from Idaho Power Company that asked whether long-range planning functions such as integrated resource planning and preparation of system impact studies are transmission functions. The Commission stated that "so long as these activities do not implicate the day-to-day operation of the transmission system, they are not transmission functions." [11] Thus, Order No. 717 responded to a narrow request for clarification concerning integrated resource planning and the conduct of system impact studies for long-range planning.[12] The Commission did not state in Order No. 717 that the conduct of system impact studies is at all times a long-range planning function, but only recognized that, in some cases, the preparation of system impact studies might not implicate the day-to-day operation of the transmission system. The protestors are simply incorrect in their assertion that the Commission found in Order No. 717 that preparation of a system impact study can never be considered a transmission function.

12. Similarly, in paragraph 27 of Order No. 717–A, the Commission granted another narrow request for clarification, which asked whether transmission function employees include just the employees who post on the OASIS that a particular request has been granted or denied or also those employees who are responsible for performing the underlying system impact studies or otherwise determining whether the transmission system can support the requested services.[13] In response, the Commission first clarified that personnel engaged in granting or denying transmission service requests are transmission function employees because the act of granting or denying transmission service requests is an integral part of "planning, directing, organizing or carrying out of day-to-day transmission operations" [14] and then elaborated, in response to the second part of the clarification request that the term "transmission function employee" includes an employee responsible for performing system impact studies or determining whether the transmission system can support the requested services because the act of granting or denying transmission service requests is an integral part of "carrying out of day-to-day transmission operations." [15]

[6] 18 CFR 385.213(a)(2) (2009).

[7] Order No. 717–A at P 27.

[8] *Id.*

[9] Order No. 717 at P 147.

[10] *Id. See also* Order No. 717–A at P 27.

[11] Order No. 717 at P 147.

[12] *Id.*

[13] Order No. 717–A at P 26.

[14] *Id.* P 27.

[15] *Id.*

13. While the language in paragraph 27 of Order No. 717–A could have been more artfully worded, the Commission in this paragraph intended to clarify that, in the context of an employee conducting a system impact study to determine whether a transmission system can support a transmission service request, such an employee's act of performing a system impact study would necessarily classify that employee as a "transmission function employee." The Commission intended the clarification in this paragraph to apply only to the situation in which an employee conducts a system impact study to determine whether a transmission system can support a transmission service request, and not to every situation in which an employee conducts a system impact study.

14. In making the clarification in paragraph 27 of Order No. 717–A, the Commission focused on the § 358.3(h) definition of "transmission function" as the "* * * carrying out of day-to-day transmission operations, including the granting and denying of transmission service requests." [16]

15. EEI argues that "it is the tests that determine whether transmission is available, not the testers." [17] As such, EEI contends that performing a system impact study is not day-to-day control over the operation of the transmission system.[18] While a "tester" may not make the determination to grant or deny transmission service, EEI's argument ignores the fact that it is the knowledge that an employee obtains while conducting a system impact study in response to a transmission service request that could be used to favor an affiliate over its competition. For this reason, we find that a "tester" who grants and denies transmission service requests by disclosing the results of a test is engaging in "transmission functions" as defined in § 358.3(h).[19]

16. However, we clarify that a system impact study performed pursuant to a request for energy resource interconnection service or network resource interconnection service is similar to long-range planning and therefore not a transmission function, because the focus of such a study is to determine the impact of the proposed interconnection on the safety and reliability of the transmission provider's transmission system, but without conveying a right to transmission service.[20] Accordingly, we find that the performance of a system impact study in the context of evaluating an energy resource interconnection service and network resource interconnection service is not a transmission function.

17. Similarly, we find that the performance of a system impact study that is not a part of day-to-day transmission operations and performed solely to determine the transmission system upgrades necessary to provide service is a part of long-range planning. Accordingly, we clarify that a system impact study performed solely to assess what, if any, additional costs may be incurred in order to provide transmission service is not a transmission function *so long as* the performance of this system impact study is not carried out as part of day-to-day transmission operations, including the granting or denying of transmission service.

18. In light of the Commission's denial of the requests to reconsider paragraph 27 of Order No. 717–A, the Commission grants Basin Electric's request to extend the date of compliance with paragraph 27 of Order No. 717–A to ninety (90) days after the date of this order.

ii. Marketing Functions

19. In Order No. 717–A, we clarified in paragraph 40 that "if an employee of a generation and transmission cooperative simply serves retail load and does not engage in activities included in the 'marketing functions' definition in § 358.3, then this employee is not a 'marketing function employee'."

Requests for Rehearing and Clarification:

20. TAPS requests clarification that a generation and transmission cooperative's sales to its distribution cooperative members and a municipal joint action agency's sales to its municipal distribution utility members are analogous to a vertically integrated utility's retail sales function and, therefore, the employees of a generation and transmission cooperative, as well as the employees of a municipal joint action agency are not "marketing function" employees for the purposes of the Standards of Conduct. Similarly, TDUS, NRECA, Tri-State, AEC and Basin Electric request clarification that wholesale sales of electric energy and capacity by generation and transmission electric cooperatives to their distribution cooperative members do not fall within the scope of marketing functions. TAPS argues that paragraph 40 of Order No. 717–A creates ambiguity. TAPS states that generation and transmission cooperatives are not technically "serv[ing] retail load." TAPS further argues that because generation and transmission cooperatives are engaged in functions almost identical to serving retail load, there is an ambiguity between what it thinks the Commission intended to state and the language in Order No. 717–A.

Commission Determination:

21. We will grant the requested clarification regarding generation and transmission cooperatives. In Order No. 888–A, the Commission clarified that if a distribution cooperative sought open access transmission service from a Transmission Provider, only that specific distribution cooperative, not its member distribution cooperatives, would be required to offer transmission service. The Commission determined that generation and transmission cooperatives were not affiliates of their distribution cooperatives for purposes of application of the "reciprocal transmission requirement" of Order No. 888.[21] Subsequently, in Order No. 2004–A, we stated that generation and transmission cooperatives are not subject to the Standards of Conduct consistent with the policies established under Order No. 888.[22] We find that the adoption of the employee functional approach in the Standards of Conduct does not warrant a change in our treatment of G&T cooperatives. Therefore, we clarify that sales of power by generation and transmission

[16] 18 CFR 358.3(h).

[17] EEI Nov. 16, 2009 Request for Clarification at 4.

[18] *Id.*

[19] 18 CFR 358.3(h).

[20] *See Standardization of Small Generator Interconnection Agreements and Procedures,* Order No. 2003, FERC Stats. & Regs. ¶ 31,146 (2003) (Order No. 2003), *order on reh'g,* Order No. 2003–A, FERC Stats. & Regs. ¶ 31,160, *order on reh'g,* Order No. 2003–B, FERC Stats. & Regs. ¶ 31,171 (2004), *order on reh'g,* Order No. 2003–C, FERC Stats. & Regs. ¶ 31,190 (2005), *aff'd sub nom. Nat'l Ass'n of Regulatory Util. Comm'rs* v. *FERC,* 475 F.3d 1277 (D.C. Cir. 2007); *see also Notice Clarifying Compliance Procedures,* 106 FERC ¶ 61,009 (2004). In Order No. 2003 at P 767, the Commission stated the following: "Both Energy Resource Interconnection Service and Network Resource Interconnection Service provide for the construction of Network Upgrades that would allow the Interconnection Customer to flow the output of its Generating Facility onto the Transmission Provider's Transmission System in a safe and reliable manner. However, * * * neither Energy Resource Interconnection Service nor Network Resource Interconnection Service in and of itself conveys the right to do so. Moreover, neither type of Interconnection Service constitutes a reservation of transmission capacity. The Interconnection Customer, load or other market participant would have to request either point-to-point or Network Integration Transmission Service under the Transmission Provider's OATT in order to receive the delivery service that is a prerequisite to flowing power onto the system."

[21] Order No. 888–A, FERC Stats. & Regs., Regulations Preambles July 1996–December 2000 ¶ 31,048 at 30,366.

[22] Order No. 2004–A at P 27.

cooperatives to their member generation and transmission cooperatives or to their member distribution cooperatives do not constitute marketing functions under the Standards of Conduct. Similarly, a municipal joint action agency, which is a public agency that provides power to its municipal member-owners, does not perform a marketing function when selling power to those members.

iii. Marketing Function Employees

22. In paragraph 80 of Order No. 717–A, the Commission stated the following:

> The Commission clarifies that an employee in the legal, finance or regulatory division of a jurisdictional entity, whose intermittent day-to-day duties include the drafting and redrafting of non-price terms and conditions of, or exemptions to, umbrella agreements is a "marketing function employee." "Marketing functions" are not limited to only price terms and conditions of a contract, because non-price terms and conditions of a contract could contain information that an affiliate could use to its advantage. For example, delivery or hub locations in a contract are non-price terms that could be used to favor an affiliate. In addition, negotiated terms and conditions could affect the substantive rights of the parties. For this reason, we decline to make a generic finding to limit "marketing functions" to only price terms and conditions, but will consider waiver requests concerning an employee whose intermittent duties involve drafting non-price terms and conditions.[23]

23. In Order No. 717–B, the Commission granted limited rehearing and clarification to address expedited clarification requests regarding paragraph 80 of Order No. 717–A. Specifically, the Commission stated the following:

> The Commission clarifies that the language in paragraph 80 of Order No. 717–A was overly broad. The Commission further clarifies that we intended to state in paragraph 80 of Order No. 717–A that an employee making business decisions about non-price terms and conditions can be considered a "marketing function employee" because that employee is actively and personally engaged in marketing functions. However, an employee who simply drafts or redrafts a contract, including non-price terms and conditions, without making business decisions is not a "marketing function employee."[24]

Requests for Rehearing and Clarification:

24. Several additional parties have requested clarification regarding paragraph 80 of Order No. 717–A since the issuance of Order No. 717–B, but have raised the same issues as those addressed in Order No. 717–B. Xcel also requests clarification that enterprise risk management employees may provide risk management services to both the wholesale sales function and the transmission function of a vertically integrated and/or combination utility, subject to the No Conduit Rule, and consistent with Order No. 717.

Commission Determination:

25. Since the Commission has already addressed the arguments concerning paragraph 80 of Order No. 717–A in Order No. 717–B, we find that the requests for clarification regarding paragraph 80 of Order No. 717–A have been rendered moot. Similarly, we also find that the Commission's determinations in Order No. 717–B render Xcel's request for clarification moot. Xcel's concern regarding the application of the Standards of Conduct to its risk management employees stems from its interpretation of paragraph 80 of Order No. 717–A. However, in Order No. 717–B, the Commission clarified that it did not intend to depart from the conclusions in paragraph 131 of Order No. 717. In paragraph 131, which the Commission reiterated in Order No. 717–B, we expressly stated that "a risk management employee may develop risk guidelines for both transmission function employees and marketing function employees."[25] Accordingly, the Commission finds that these requests for rehearing concerning paragraph 80 of Order No. 717–A have been rendered moot.[26]

iv. Long-Range Planning, Procurement and Other Interactions

26. In Order No. 717–A, the Commission stated that "meetings including both transmission function and marketing function employees are not barred under the Standards of Conduct as long as the meetings do not relate to transmission or marketing functions."[27] The Commission also noted that the No Conduit Rule[28] still applies to these meetings.

Requests for Rehearing and Clarification:

27. E.ON U.S. is concerned that paragraph 89 and paragraph 90 of Order No. 717–A could act as a blanket prohibition on any meeting or communication between marketing and transmission function employees in which non-public transmission function information is discussed. E.ON U.S. requests clarification that the Commission did not eliminate certain exemptions in § 358.7 or the meetings in which information shared under these exemptions occurs. Specifically, E.ON U.S. notes the "specific transaction information" exemption in § 358.7(b);[29] the exemption allowing discussion of compliance information relating to Reliability Standards approved by the Commission in § 358.7(h)(2)(i);[30] and the exemption allowing discussion of information necessary to restore operation of the transmission system or that may affect dispatch of generating units in § 358.7(h)(2)(ii).[31]

Commission Determination:

28. We grant E.ON U.S.'s request for clarification and confirm that the Commission did not intend to limit or eliminate the exemptions in § 358.7. We note that employees remain subject to the No Conduit Rule, and are prohibited from providing transmission function information to marketing function employees.

v. Seller's Own Production or Gathering or Processing Facilities

29. In Order No. 717–A, the Commission denied the request of APGA to eliminate the exclusion for sales of natural gas solely from a seller's own production and from a seller's own gathering or processing facilities from the definition of "marketing function."[32] The Commission also noted that section 4 of the Natural Gas Act prohibits a pipeline from granting any undue preference or advantage to any person or subjecting any person to any undue prejudice or disadvantage.[33]

Request for Clarification or Rehearing:

30. APGA requests that the Commission clarify that, notwithstanding any exemption from the Standards of Conduct, a natural gas transmission provider's disclosure of non-public transmission function information to its gas sales employees or those affiliated producers, gatherers and processors constitutes the granting of an "undue preference or advantage" under section 4 of the Natural Gas Act. APGA argues that "the Commission is obligated under the Act 'to prevent discrimination against shippers who must depend on monopolistic pipelines for transportation,' and the disclosure of non-public transmission function information by pipelines to their sales employees and those of its affiliates clearly constitutes improper favoritism." Accordingly, APGA asks that if the

[23] Order No. 717–A at P 80.

[24] Order No. 717–B at P 6.

[25] Order No. 717 at P 131.

[26] We note that risk management employees remain subject to the No Conduit Rule, and are prohibited from providing transmission function information to marketing function employees.

[27] Order No. 717–A at P 89.

[28] 18 CFR 358.6.

[29] 18 CFR 358.7(b).

[30] 18 CFR 358.7(h)(2)(i).

[31] 18 CFR 358.7(h)(2)(ii).

[32] Order No. 717–A at PP 55–58.

[33] *Id.* P 58.

Commission declines to grant the requested clarification, then it should grant rehearing on this issue and on rehearing amend Order No. 717–A to state that such disclosure is unlawful.

Commission Determination:

31. We deny APGA's request for clarification or rehearing of Order No. 717–A. The Commission previously denied APGA's request for rehearing in Order No. 717–A and affirmed the adoption of the exclusion in Order No. 717. Now, for the first time, APGA asks that the Commission adopt a per se rule that, notwithstanding any exclusion, a natural gas transmission provider's disclosure of non-public transmission function information to its gas sales employees or its affiliated producers, gatherers and processors constitutes the granting of an "undue preference or advantage" under section 4 of the Natural Gas Act. As an initial matter, we note that APGA raises this request for rehearing for the first time in this proceeding. We have held repeatedly that it is inappropriate for a protestor to raise new issues in a request for rehearing because this practice is disruptive to the administrative process and denies parties the opportunity to respond.[34]

32. We also find that APGA's request for clarification or rehearing is beyond the scope of this proceeding. Although APGA describes its filing as a request for clarification or rehearing of Order No. 717–A, in fact, APGA requests that the Commission clarify section 4 of the Natural Gas Act.[35] The appropriate forum to raise this request for an interpretation of section 4 of the Natural Gas Act would be in either a complaint proceeding or a petition for declaratory order. Accordingly, we deny APGA's request for clarification or rehearing in this proceeding concerning section 4 of the Natural Gas Act.

33. Although we deny APGA's request for rehearing and clarification, we note that the exclusion must be read in the context of the whole of the Standards of Conduct. For example, section 358.2(a) of the Commission's regulations specifies that "A transmission provider must treat all transmission customers, affiliated and non-affiliated, on a non-discriminatory basis and must not make or grant any undue preference or advantage to any person or subject any person to any undue prejudice or disadvantage with respect to any transportation of natural gas. * * *", while section 358.2(d) further provides that "A transmission provider must provide equal access to non-public transmission function information to all its transmission customers, affiliated and non-affiliated, except in the case of confidential customer information or Critical Energy Infrastructure Information."

IV. Document Availability

34. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (*http://www.ferc.gov*) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. Eastern time) at 888 First Street, NE., Room 2A, Washington, DC 20426.

35. From FERC's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

36. User assistance is available for eLibrary and the FERC's Web site during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or e-mail at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. E-mail the Public Reference Room at *public.referenceroom@ferc.gov.*

V. Effective Date

37. Changes to Order No. 717–A adopted in this order on rehearing and clarification are effective July 21, 2010.

By the Commission.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–9264 Filed 4–21–10; 8:45 am]

BILLING CODE 6717–01–P

[34] *Baltimore Gas and Electric Company,* 91 FERC ¶ 61,270, at 61,922 (2000); *Baltimore Gas and Electric Company,* 92 FERC ¶ 61,043, at 61,114 (2000); *New York Independent System Operator, Inc.,* 97 FERC ¶ 61,006, at 61,015 (2001); *Carolina Power & Light Company,* 106 FERC ¶ 61,141, at P 15 (2004); *CARE* v. *Calpine Energy Services, LP,* 107 FERC ¶ 61,238, at P 7 (2004); *PJM Interconnection, LLC,* 126 FERC ¶ 61,030, at P 15 (2009).

[35] 15 U.S.C. § 717c (2009).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 1, 801, 803, 807, 812, 814, 820, 822, 860, 900, 1002, and 1040

[Docket No. FDA–2010–N–0010]

Center for Devices and Radiological Health; New Address Information

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendments.

SUMMARY: The Food and Drug Administration (FDA) is amending procedural regulations that pertain to obtaining, submitting, executing, and filing certain documents to reflect new address information for the Center for Devices and Radiological Health (CDRH). All filings and other documents that are subject to these regulations must be directed to the new addresses. This action is being taken to provide accuracy and clarity to the agency's regulations.

DATES: This regulation is effective April 22, 2010.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Food and Drug Administration, Center for Devices and Radiological Health, 10903 New Hampshire Ave., Bldg. 66, rm. 4422, Silver Spring, MD 20993–0002, 301–796–5733.

SUPPLEMENTARY INFORMATION: FDA is amending its regulations in 21 CFR parts 1, 801, 803, 807, 812, 814, 820, 822, 860, 900, 1002, and 1040 to reflect new address information for certain components of the agency's CDRH. The changes are the result of the relocation of these offices to FDA's White Oak campus.

Publication of this document constitutes final action under the Administrative Procedures Act (5 U.S.C. 553). FDA has determined that notice and public comment are unnecessary because this amendment to the regulations provides only technical changes to update mailing addresses and other information, and is nonsubstantive.

List of Subjects

21 CFR Part 1

Cosmetics, Drugs, Exports, Food labeling, Imports, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 801

Incorporation by reference, Labeling, Medical devices, Reporting and recordkeeping requirements.

21 CFR Part 803

Imports, Medical devices, Reporting and recordkeeping requirements.

21 CFR Part 807

Confidential business information, Imports, Medical devices, Reporting and recordkeeping requirements.

21 CFR Part 812

Health records, Medical devices, Medical research, Reporting and recordkeeping requirements.

21 CFR Part 814

Administrative practice and procedure, Confidential business information, Medical devices, Medical research, Reporting and recordkeeping requirements.

21 CFR Parts 820 and 822

Medical devices, Reporting and recordkeeping requirements.

21 CFR Part 860

Administrative practice and procedure, Medical devices.

21 CFR Part 900

Electronic products, Health facilities, Medical devices, Radiation protection, Reporting and recordkeeping requirements, X-rays.

21 CFR Part 1002

Electronic products, Radiation protection, Reporting and recordkeeping requirements.

21 CFR Part 1040

Electronic products, Labeling, Lasers, Medical devices, Radiation protection, Reporting and recordkeeping requirements.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR Chapter I is amended as follows:

PART 1—GENERAL ENFORCEMENT REGULATIONS

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

Authority: 15 U.S.C. 1453, 1454, 1455; 19 U.S.C. 1490, 1491; 21 U.S.C. 321, 331, 332, 333, 334, 335a, 343, 350c, 350d, 352, 355, 360b, 362, 371, 374, 381, 382, 393; 42 U.S.C. 216, 241, 243, 262, 264.

■ 2. Section 1.101 is amended by revising paragraph (d)(2)(iii) to read as follows:

§ 1.101 Notification and recordkeeping.

* * * * *

(d) * * *

(2) * * *

(iii) For devices—Food and Drug Administration, Center for Devices and Radiological Health, Division of Program Operations, 10903 New Hampshire Ave., Bldg. 66, rm. 5429, Silver Spring, MD 20993–0002.

* * * * *

PART 801—LABELING

■ 3. The authority citation for 21 CFR part 801 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 360i, 360j, 371, 374.

■ 4. Section 801.430 is amended by revising the text of footnote number 1 in paragraph (f)(2) to read as follows:

§ 801.430 User labeling for menstrual tampons.

* * * * *

(f) * * *

(2) * * *

[1]The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from the American Society for Testing and Materials International, 100 Barr Harbor Dr., P.O. Box C700, West Conshohocken, PA 19428–2959, 610–832–9578, *www.astm.org*. You may inspect a copy at the FDA Main Library, 10903 New Hampshire Ave., Bldg. 2, 3d floor, Silver Spring, MD 20993–0002, 301–796–2039, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–2139, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

* * * * *

PART 803—MEDICAL DEVICE REPORTING

■ 5. The authority citation for 21 CFR part 803 continues to read as follows:

Authority: 21 U.S.C. 352, 360, 360i, 360j, 371, 374.

■ 6. Section 803.11 is amended by revising paragraph (c) to read as follows:

§ 803.11 What form should I use to submit reports of individual adverse events and where do I obtain these forms?

* * * * *

(c) Food and Drug Administration, Center for Devices and Radiological Health, Division of Small Manufacturers, International and Consumer Assistance, 10903 New Hampshire Ave., Bldg. 66, rm. 4521, Silver Spring, MD 20993–0002.

* * * * *

■ 7. Section 803.21 is amended by revising paragraph (a) to read as follows:

§ 803.21 Where can I find the reporting codes for adverse events that I use with medical device reports?

(a) The MEDWATCH Medical Device Reporting Code Instruction Manual contains adverse event codes for use with FDA Form 3500A. You may obtain the coding manual from CDRH's Web site at *http://www.fda.gov/Safety/MedWatch/HowToReport/DownloadForms/ucm149238.htm.*

* * * * *

PART 807—ESTABLISHMENT REGISTRATION AND DEVICE LISTING FOR MANUFACTURERS AND INITIAL IMPORTERS OF DEVICES

■ 8. The authority citation for 21 CFR part 807 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 360, 360c, 360e, 360i, 360j, 371, 374, 381, 393; 42 U.S.C. 264, 271.

■ 9. Section 807.22 is amended by revising paragraph (a) to read as follows:

§ 807.22 How and where to register establishments and list devices.

(a) The first registration of a device establishment shall be on Form FDA–2891 (Initial Registration of Device Establishment). Forms are available upon request from the Food and Drug Administration, Center for Devices and Radiological Health, Office of Compliance, 10903 New Hampshire Ave., Bldg. 66, rm. 3521, Silver Spring, MD 20993–0002, or from Food and Drug Administration district offices. Subsequent annual registration shall be accomplished on Form FDA–2891a (Annual Registration of Device Establishment), which will be furnished by FDA to establishments whose registration for that year was validated under § 807.35(a). The forms will be mailed to the owner or operators of all establishments by the official correspondent in accordance with the schedule as described in § 807.21(a). The completed form shall be mailed to the address designated in this paragraph 30 days after receipt from FDA.

* * * * *

■ 10. Section 807.37 is amended by revising paragraphs (a) and (b)(2) to read as follows:

§ 807.37 Inspection of establishment registration and device listings.

(a) A copy of the forms FDA–2891 and FDA–2891a filed by the registrant will be available for inspection in

accordance with section 510(f) of the act, at the Food and Drug Administration, Center for Devices and Radiological Health, Office of Compliance, 10903 New Hampshire Ave., Bldg. 66, rm. 3521, Silver Spring, MD 20993–0002. In addition, there will be available for inspection at each of the Food and Drug Administration district offices the same information for firms within the geographical area of such district office. Upon request, verification of registration number or location of a registered establishment will be provided.

(b) * * *

(2) Requests for device listing information identified in paragraph (b)(1) of this section should be directed to the Food and Drug Administration, Center for Devices and Radiological Health, Office of Compliance, 10903 New Hampshire Ave., Bldg. 66, rm. 3521, Silver Spring, MD 20993–0002.

* * * * *

■ 11. Section 807.90 is amended by revising paragraph (a)(1) to read as follows:

§ 807.90 Format of a premarket notification submission.

* * * * *

(a)(1) For devices regulated by the Center for Devices and Radiological Health, be addressed to the Food and Drug Administration, Center for Devices and Radiological Health, Document Mail Center, 10903 New Hampshire Ave., Bldg. 66, rm. G609, Silver Spring, MD 20993–0002.

* * * * *

PART 812—INVESTIGATIONAL DEVICE EXEMPTIONS

■ 12. The authority citation for 21 CFR part 812 continues to read as follows:

Authority: 21 U.S.C. 331, 351, 352, 353, 355, 360, 360c–360f, 360h–360j, 371, 372, 374, 379e, 381, 382, 383; 42 U.S.C. 216, 241, 262, 263b–263n.

■ 13. Section 812.19 is amended by revising paragraph (a)(1) to read as follows:

§ 812.19 Address for IDE correspondence.

(a) * * *

(1) For devices regulated by the Center for Devices and Radiological Health, send it to Food and Drug Administration, Center for Devices and Radiological Health, Document Mail Center, 10903 New Hampshire Ave., Bldg. 66, rm. G609, Silver Spring, MD 20993–0002.

* * * * *

PART 814—PREMARKET APPROVAL OF MEDICAL DEVICES

■ 14. The authority citation for 21 CFR part 814 continues to read as follows:

Authority: 21 U.S.C. 351, 352, 353, 360, 360c–360j, 371, 372, 373, 374, 375, 379, 379e, 381.

■ 15. Section 814.20 is amended by revising paragraph (h)(1) to read as follows:

§ 814.20 Application.

* * * * *

(h) * * *

(1) For devices regulated by the Center for Devices and Radiological Health, Food and Drug Administration, Center for Devices and Radiological Health, Document Mail Center, 10903 New Hampshire Ave., Bldg. 66, rm. G609, Silver Spring, MD 20993–0002.

* * * * *

■ 16. Section 814.104 is amended by revising paragraph (d)(1) to read as follows:

§ 814.104 Original applications.

* * * * *

(d) * * *

(1) For devices regulated by the Center for Devices and Radiological Health, send to Document Mail Center, 10903 New Hampshire Ave., Bldg. 66, rm. G609, Silver Spring, MD 20993–0002.

* * * * *

PART 820—QUALITY SYSTEM REGULATION

■ 17. The authority citation for 21 CFR part 820 continues to read as follows:

Authority: 21 U.S.C. 351, 352, 360, 360c, 360d, 360e, 360h, 360i, 360j, 360l, 371, 374, 381, 383; 42 U.S.C. 216, 262, 263a, 264.

■ 18. Section 820.1 is amended by revising paragraph (e)(1) to read as follows:

§ 820.1 Scope.

* * * * *

(e) * * * (1) Any person who wishes to petition for an exemption or variance from any device quality system requirement is subject to the requirements of section 520(f)(2) of the act. Petitions for an exemption or variance shall be submitted according to the procedures set forth in § 10.30 of this chapter, the FDA's administrative procedures. Guidance is available from the Food and Drug Administration, Center for Devices and Radiological Health, Division of Small Manufacturers, International and Consumer Assistance, 10903 New Hampshire Ave., Bldg. 66, rm. 4613, Silver Spring, MD 20993–0002, 1–800–638–2041 or 301–796–7100, FAX: 301–847–8149.

* * * * *

PART 822—POSTMARKET SURVEILLANCE

■ 19. The authority citation for 21 CFR part 822 continues to read as follows:

Authority: 21 U.S.C. 331, 352, 360i, 360l, 371, 374.

■ 20. Section 822.8 is revised to read as follows:

§ 822.8 When, where, and how must I submit my postmarket surveillance plan?

You must submit your plan to conduct postmarket surveillance within 30 days of the date you receive the postmarket surveillance order. For devices regulated by the Center for Biologics Evaluation and Research, send three copies of your submission to the Document Control Center (HFM–99), Center for Biologics Evaluation and Research, Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448. For devices regulated by the Center for Drug Evaluation and Research, send three copies of your submission to the Central Document Room, Center for Drug Evaluation and Research, Food and Drug Administration, 5901–B, Ammendale Rd., Beltsville, MD 20705–1266. For devices regulated by the Center for Devices and Radiological Health, send three copies of your submission to the Document Mail Center, 10903 New Hampshire Ave., Bldg. 66, rm. G609, Silver Spring, MD 20993–0002. When we receive your original submission, we will send you an acknowledgment letter identifying the unique document number assigned to your submission. You must use this number in any correspondence related to this submission.

■ 21. Section 822.12 is revised to read as follows:

§ 822.12 Do you have any information that will help me prepare my submission or design my postmarket surveillance plan?

Guidance documents that discuss our current thinking on preparing a postmarket surveillance submission and designing a postmarket surveillance plan are available on the Center for Devices and Radiological Health's Web site and from the Food and Drug Administration, Center for Devices and Radiological Health, Office of Surveillance and Biometrics, 10903 New Hampshire Ave., Bldg. 66, rm. 3219, Silver Spring, MD 20993–0002. Guidance documents represent our current interpretation of, or policy on, a regulatory issue. They do not establish

legally enforceable rights or responsibilities and do not legally bind you or FDA. You may choose to use an approach other than the one set forth in a guidance document, as long as your alternative approach complies with the relevant statutes (laws) and regulations. If you wish, we will meet with you to discuss whether an alternative approach you are considering will satisfy the requirements of the act and regulations.

PART 860—MEDICAL DEVICE CLASSIFICATION PROCEDURES

■ 22. The authority citation for 21 CFR part 860 continues to read as follows:

Authority: 21 U.S.C. 360c, 360d, 360e, 360i, 360j, 371, 374.

■ 23. Section 860.123 is amended by revising paragraph (b)(1) to read as follows:

§ 860.123 Reclassification petition: Content and form.

* * * * *

(b) * * *

(1) For devices regulated by the Center for Devices and Radiological Health, addressed to the Food and Drug Administration, Center for Devices and Radiological Health, Regulations Staff, 10903 New Hampshire Ave., Bldg. 66, rm. 4425, Silver Spring, MD 20993–0002; for devices regulated by the Center for Biologics Evaluation and Research, addressed to the Document Control Center (HFM–99), Center for Biologics Evaluation and Research, Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448; for devices regulated by the Center for Drug Evaluation and Research, addressed to the Central Document Control Room, Center for Drug Evaluation and Research, Food and Drug Administration, 5901–B Ammendale Rd., Beltsville, MD 20705–1266, as applicable.

* * * * *

PART 900—MAMMOGRAPHY

■ 24. The authority citation for 21 CFR part 900 continues to read as follows:

Authority: 21 U.S.C. 360i, 360nn, 374(e); 42 U.S.C. 263b.

■ 25. Section 900.15 is amended by revising paragraph (d)(3)(i) to read as follows:

§ 900.15 Appeals of adverse accreditation or reaccreditation decisions that preclude certification or recertification.

* * * * *

(d) * * *

(3) * * *

(i) A facility must request reconsideration by DMQRP within 60 days of the accreditation body's adverse appeals decision, at the following address: Food and Drug Administration, Center for Devices and Radiological Health, Division of Mammography Quality and Radiation Programs, Attn: Facility Accreditation Review Committee, 10903 New Hampshire Ave., Bldg. 66, rm. 4521, Silver Spring, MD 20993–0002.

* * * * *

■ 26. Section 900.18 is amended by revising paragraph (c) introductory text to read as follows:

§ 900.18 Alternative requirements for § 900.12 quality standards.

* * * * *

(c) *Applications for approval of an alternative standard.* An application for approval of an alternative standard or for an amendment or extension of the alternative standard shall be submitted in an original and two copies to the Food and Drug Administration, Center for Devices and Radiological Health, Director, Division of Mammography Quality and Radiation Programs, 10903 New Hampshire Ave., Bldg. 66, rm. 4521, Silver Spring, MD 20993–0002. The application for approval of an alternative standard shall include the following information:

* * * * *

■ 27. Section 900.21 is amended by revising paragraph (b)(1) to read as follows:

§ 900.21 Application for approval as a certification agency.

* * * * *

(b) * * * (1) An applicant seeking FDA approval as a certification agency shall inform the Food and Drug Administration, Center for Devices and Radiological Health, Director, Division of Mammography Quality and Radiation Programs, Attn: States as Certifiers Coordinator, 10903 New Hampshire Ave., Bldg. 66, rm. 4521, Silver Spring, MD 20993–0002, in writing, of its desire to be approved as a certification agency.

* * * * *

PART 1002—RECORDS AND REPORTS

■ 28. The authority citation for 21 CFR part 1002 continues to read as follows:

Authority: 21 U.S.C. 352, 360, 360i, 360j, 360hh–360ss, 371, 374.

■ 29. Section 1002.7 is amended by revising the introductory text to read as follows:

§ 1002.7 Submission of data and reports.

All submissions such as reports, test data, product descriptions, and other information required by this part, or voluntarily submitted to the Director, Center for Devices and Radiological Health, shall be filed with the number of copies as prescribed by the Director, Center for Devices and Radiological Health, and shall be signed by the person making the submission. The submissions required by this part shall be addressed to the Food and Drug Administration, Center for Devices and Radiological Health, ATTN: Electronic Product Reports, Document Mail Center, 10903 New Hampshire Ave., Bldg. 66, rm. G609, Silver Spring, MD 20993–0002.

* * * * *

■ 30. Section 1002.10 is amended by revising the introductory text to read as follows:

§ 1002.10 Product reports.

Every manufacturer of a product or component requiring a product report as set forth in table 1 of § 1002.1 shall submit a product report to the Food and Drug Administration, Center for Devices and Radiological Health, ATTN: Electronic Product Reports, Document Mail Center, 10903 New Hampshire Ave., Bldg. 66, rm. G609, Silver Spring, MD 20993–0002, prior to the introduction of such product into commerce. The report shall be distinctly marked "Radiation Safety Product Report of (name of manufacturer)" and shall:

* * * * *

■ 31. Section 1002.20 is amended by revising paragraph (b) introductory text to read as follows:

§ 1002.20 Reporting of accidental radiation occurrences.

* * * * *

(b) Such reports shall be addressed to Food and Drug Administration, Center for Devices and Radiological Health, ATTN: Accidental Radiation Occurrence Reports, Document Mail Center, 10903 New Hampshire Ave., Bldg. 66, rm. G609, Silver Spring, MD 20993–0002, and the reports and their envelopes shall be distinctly marked "Report on 1002.20" and shall contain all of the following information where known to the manufacturer:

* * * * *

■ 32. Section 1002.50 is amended by revising paragraph (c)(3) to read as follows:

§ 1002.50 Special exemptions.

* * * * *

(c) * * *

(3) Such conditions as are deemed necessary to protect the public health and safety. Copies of exemptions shall

be available upon request from the Food and Drug Administration, Center for Devices and Radiological Health, Division of Mammography Quality and Radiation Programs, 10903 New Hampshire Ave., Bldg. 66, rm. 4521, Silver Spring, MD 20993–0002.

* * * * *

PART 1040—PERFORMANCE STANDARDS FOR LIGHT-EMITTING PRODUCTS

■ 33. The authority citation for 21 CFR part 1040 continues to read as follows:

Authority: 21 U.S.C. 351, 352, 360, 360e–360j, 371, 381; 42 U.S.C. 263B–263n.

■ 34. Section 1040.10 is amended by revising paragraph (a)(3)(i) to read as follows:

§ 1040.10 Laser products.

(a) * * *

(3) * * *

(i) Registers, and provides a listing by type of such laser products manufactured that includes the product name, model number and laser medium or emitted wavelength(s), and the name and address of the manufacturer. The manufacturer must submit the registration and listing to the Food and Drug Administration, Center for Devices and Radiological Health, Director, Office of Compliance, 10903 New Hampshire Ave., Bldg. 66, rm. 3521, Silver Spring, MD 20993–0002.

* * * * *

■ 35. Section 1040.20 is amended by revising paragraph (d)(3)(iii) to read as follows:

§ 1040.20 Sunlamp products and ultraviolet lamps intended for use in sunlamp products.

* * * * *

(d) * * *

(3) * * *

(iii) If the size, configuration, design, or function of the sunlamp product or ultraviolet lamp would preclude compliance with the requirements for any required label or would render the required wording of such label inappropriate or ineffective, or would render the required label unnecessary, the Director, Office of Communication, Education, and Radiation Programs 10903 New Hampshire Ave., Bldg. 66, rm. 4312, Silver Spring, MD 20993–0002, Center for Devices and Radiological Health, on the center's own initiative or upon written application by the manufacturer, may approve alternate means of providing such label(s), alternate wording for such label(s), or deletion, as applicable.

* * * * *

Dated: April 12, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–8863 Filed 4–21–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

[Docket No. FDA–2010–N–0002]

New Animal Drugs for Use in Animal Feeds; Melengestrol, Monensin, and Ractopamine

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental abbreviated new animal drug application (ANADA) filed by Ivy Laboratories, Div. of Ivy Animal Health, Inc. The supplemental NADA provides for an increased level of monensin in three-way combination Type C medicated feeds containing ractopamine, melengestrol, and monensin for heifers fed in confinement for slaughter.

DATES: This rule is effective April 22, 2010.

FOR FURTHER INFORMATION CONTACT: John K. Harshman, Center for Veterinary Medicine (HFV–170), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–276–8197, e-mail: *john.harshman@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: Ivy Laboratories, Div. of Ivy Animal Health, Inc., 8857 Bond St., Overland Park, KS 66214, filed a supplement to ANADA 200–448 that provides for use of HEIFERMAX 500 (melengestrol acetate) Liquid Premix, OPTAFLEXX (ractopamine hydrochloride), and RUMENSIN (monensin, USP) single-ingredient Type A medicated articles to make dry and liquid, three-way combination drug Type C medicated feeds for heifers fed in confinement for slaughter. The supplemental ANADA provides for an increased level of monensin. The supplemental ANADA is approved as of February 16, 2010, and the regulations are amended in 21 CFR 558.500 to reflect the approval.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33 that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

§ 558.500 [Amended]

■ 2. In § 558.500, in paragraph (e)(2)(viii), in the "Limitations" column, remove "000009"and add in its place "000009 or 021641", and in the "Sponsor" column, remove "No. 000986"and add in its place "000986, 021641"; and remove paragraph (e)(2)(xii).

Dated: April 19, 2010.

Elizabeth Rettie,

Deputy Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 2010–9304 Filed 4–21–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 18 and 75

RIN 1219–AB34

High–Voltage Continuous Mining Machine Standard for Underground Coal Mines

Correction

In rule document 2010–7309 beginning on page 17529 in the issue of Tuesday, April 6, 2010, make the following correction:

PART 18—ELECTRIC MOTOR-DRIVEN MINE EQUIPMENT AND ACCESSORIES

Appendix I to Subpart D [Corrected]

On page 17549, in Appendix I to Subpart D, in the table titled Table 10—HIGH VOLTAGE TRAILING CABLE AMPACITIES AND OUTSIDE DIAMETERS, the first footnote should read as set forth below:

*These ampacities are based on single isolated conductor in air, operated with open-circuited shield for a 90 °C conductor temperature and an ambient temperature of 40 °C.

[FR Doc. C1–2010–7309 Filed 4–21–10; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2010–0199]

Drawbridge Operation Regulations; Passaic River, Clifton, NJ, Maintenance

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Route 3 Bridge across the Passaic River, mile 11.8, at Clifton, New Jersey. This deviation allows the bridge to remain in the closed position to protect public safety during bridge maintenance.

DATES: This deviation is effective from May 1, 2010 through October 27, 2010.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG–2010–0199 and are available online at *http://www.regulations.gov,* inserting USCG–2010–0199 in the "Keyword" and then clicking "Search". They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or e-mail Ms. Judy Leung-Yee, Project Officer, First Coast Guard District, telephone (212) 668–7165. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Route 3 Bridge has a vertical clearance of 35 feet at mean high water, and 40 feet at mean low water in the closed position. The existing drawbridge operating regulations listed at 33 CFR 117.739(n), require the bridge to open on signal after at least a 24 hour advance notice is given by calling the number posted at the bridge.

The Route 3 Bridge is in poor condition and will be replaced as soon as possible with a new fixed highway bridge on a different alignment. Because the Route 3 Bridge is in poor condition and poses a hazard to public safety, maintenance must be performed before it is replaced.

A submarine utility communication cable is presently located on the proposed alignment of the new replacement bridge and will need to be temporarily relocated during the construction of the new Route 3 highway bridge.

The best alternative and least disruptive impact to the environment is to temporarily relocate the communication cable to the underside of the existing Route 3 Bridge. As a result of that temporary installation of the communication cable the existing Route 3 Bridge will not be able to be opened for vessel traffic.

The route 3 Bridge has not received a request to open since 1998.

Once the new bridge construction is completed and the new bridge is opened for vehicular traffic the old existing Route 3 Bridge will be removed.

Vessels able to pass under the closed draw may do so at any time. Waterway users were advised of the requested bridge closure and offered no objection.

In accordance with 33 CFR 117.35(e), the bridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 13, 2010.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. 2010–9335 Filed 4–21–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2010–0247]

Drawbridge Operation Regulations; Duluth Ship Canal, Duluth, MN

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations; request for comments.

SUMMARY: Commander, Ninth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Duluth Aerial Bridge across the Duluth Ship Canal, mile 0.25, at Duluth, MN. This deviation will test a change to the drawbridge operation schedule to determine whether a permanent change to the schedule is needed. The deviation will allow scheduled openings on the hour and half-hour for vessels under 300 gross tons from May 3 to October 29, 2010, between the hours of 6 a.m. and 9 p.m., seven days per week. The bridge will open on signal for all vessels from 9 p.m. to 6 a.m., and at all times for Federal, state, and local government vessels used for public safety, vessels in distress, commercial vessels engaged in rescue or emergency salvage operations, vessels engaged in pilot duties, vessels seeking shelter from severe weather, and all commercial vessels 300 gross tons or greater.

DATES: This deviation is effective from 6 a.m. on May 3, 2010 through 9 p.m. on October 29, 2010. Comments and related material must be received by the Coast Guard by October 31, 2010.

ADDRESSES: You may submit comments identified by docket number USCG–2010–0247 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except

Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or e-mail Mr. Lee D. Soule, Bridge Management Specialist, Ninth Coast Guard District Bridge Branch; telephone: 216–902–6085, e-mail: *lee.d.soule@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change, to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2010–0247), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online to (*http://www.regulations.gov*), or by fax, mail or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* click on the "submit a comment" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG–2010–0247," click "Search," and then click on the balloon shape in the "Actions" column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG–2010–0247" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one on or before October 31, 2010 using one of the four methods specified under **ADDRESSES**. Please explain why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register.**

Background and Purpose

The Duluth Aerial Bridge at mile 0.25 over the Duluth Ship Canal has a vertical clearance of 15 feet in the closed position and a vertical clearance of 141 feet in the opened position. The normal operating schedule as outlined in 33 CFR 117.661 requires the bridge to open on signal for all vessels, 24 hours, 7 days a week, between March 16 and December 31 each year. The scheduled drawbridge openings were requested to improve the flow of vehicular traffic over the bridge, relieve vehicular traffic congestion near the bridge and on city streets on both sides of the bridge, improve access and response times for emergency response vehicles, and enhance pedestrian safety during the peak navigation and tourist season (May 1 to October 31). The bridge, and roadway, provides the only access and evacuation route across the Ship Canal to Minnesota Point. The City of Duluth has stated that approximately 4,250 vehicles cross the bridge daily during the winter months and approximately 15,000 vehicles cross the bridge daily during the peak tourist season, with very heavy pedestrian traffic on both sides of the bridge. Vessel traffic on this waterway consists of recreational vessels, small commercial vessels, and larger commercial vessels. An estimated average of 86 vessels under 300 gross tons, and 7 vessels 300 gross tons and over, pass the bridge each day between May 1 and October 31 each year, with an average of 27 bridge openings per day during the same period.

Commander, Ninth Coast Guard District, has approved the temporary deviation to the existing drawbridge regulations for the 2010 navigation and tourist season in order to test the proposed schedule and its effectiveness for all vessel, vehicular, and pedestrian traffic at the crossing. The temporary drawbridge schedule is expected to provide for the reasonable needs of all modes of transportation, and the reasonable needs of navigation by providing two scheduled bridge openings per hour for recreational vessels and all vessels under 300 gross tons, as well as occasional unscheduled openings when larger commercial vessels are passed. Vessels may also gain access to Duluth Harbor at all times through Superior Harbor, WI.

Temporary Drawbridge Schedule

From May 3 to October 29, 2010, between the hours of 6 a.m. and 9 p.m., seven days per week, the drawbridge will open on the hour and half-hour for vessels under 300 gross tons, if needed. The bridge will open on signal for all vessels from 9 p.m. to 6 a.m., and at all times for Federal, state, and local government vessels used for public safety, vessels in distress, commercial vessels engaged in rescue or emergency salvage operations, vessels engaged in pilot duties, vessels seeking shelter from severe weather, and all commercial vessels 300 gross tons or greater.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the

end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 13, 2010.

Peter V. Neffenger,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 2010–9337 Filed 4–21–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0116]

RIN 1625–AA00

Safety Zone; Lake Havasu Grand Prix, Lake Havasu, AZ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone upon the navigable waters of Lake Havasu on the Colorado River in Lake Havasu City, Arizona for the Lake Havasu Grand Prix. This temporary safety zone is necessary to provide for the safety of the participants, crew, spectators, participating vessels and other vessels and users of the waterway. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative.

DATES: This rule is effective from 8 a.m. through 5 p.m. on April 25, 2010.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2010–0116 and are available online by going to *http://www.regulations.gov,* inserting USCG–2010–0116 in the "Keyword" box, and then clicking "Search." They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or e-mail Petty Officer Shane Jackson, Waterways Management, U.S. Coast Guard Sector San Diego, Coast Guard; telephone 619–278–7267, e-mail *Shane.E.Jackson@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule, as it would be impracticable, because the logistical details of the event were not finalized nor presented to the Coast Guard in enough time to draft and publish an NPRM. As such, the event would occur before the rulemaking process was complete.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register.** Any delay in the effective date of this rule would expose mariners to the dangers posed by the event.

Background and Purpose

This temporary safety zone is being established in support of the Lake Havasu Grand Prix, a marine event that includes participating vessels racing along an established and marked course on Lake Havasu, AZ. This temporary safety zone is necessary to provide for the safety of the crews, spectators, and participants of the race and is also necessary to protect other vessels and users of the waterway. Persons and vessels will be prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative.

Discussion of Rule

The Coast Guard is establishing a safety zone that will be enforced from 8 a.m. to 5 p.m. on April 25, 2010. This safety zone is necessary to provide for the safety of the crews, spectators, and participants of the Lake Havasu Grand Prix and to protect other vessels and users of the waterway. Persons and vessels will be prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative. The limits of this temporary safety zone are the boundaries described below:

Boundary One 34°27.66′ N, 114°20.90′ W to 34°27.79′ N, 114°20.58′ W;
Boundary Two 34°27.18′ N, 114°21.00′ W to 34°26.86′ N, 114°20.95′ W;
Boundary Three 34°26.67′ N, 114°20.24′ to 34°25.88′ N, 114°19.17′ W;
Boundary Four 34°25.89′ N, 114°19.02′ W to 34°26.29′ N, 114°18.83′ W.

Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary. This determination is based on the size and location of the safety zone. The safety zone is of a limited duration, only nine hours for a period of one day, and is limited to a relatively small geographic area. Persons or vessels may transit the area with the permission of the Captain of the Port or his designated representative.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

The safety zone will affect the following entities some of which may be small entities: The owners and operators of pleasure craft engaged in recreational activities and sightseeing. This safety zone will not have a significant economic impact on a substantial number of small entities for several reasons: Vessel traffic can pass safely around the area, vessels engaged in

recreational activities have ample space outside of the safety zone to engage in these activities, and this safety zone is limited in scope and duration as it is only in effect for nine hours for a period of one day.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have Tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction. This rule involves the establishment of a safety zone.

An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security Measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T11–298 to read as follows:

§ 165.T11–298 Safety zone; Lake Havasu Grand Prix, Lake Havasu, Arizona

(a) *Location.* The limits of this temporary safety zone are as follows: Boundary One 34°27.66′ N, 114°20.90′ W to 34°27.79′ N, 114°20.58′ W; Boundary Two 34°27.18′ N, 114°21.00′ W to 34°26.86′ N, 114°20.95′ W; Boundary Three 34°26.67′ N, 114°20.24 to 34°25.88′ N, 114°19.17 W; Boundary Four 34°25.89′ N, 114°19.02′ W to 34°26.29′ N, 114°18.83′ W.

(b) *Enforcement Period.* This section will be enforced from 8 a.m. to 5 p.m. on April 25, 2010. If the event concludes prior to the scheduled termination time, the Captain of the Port will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners.

(c) *Definitions.* The following definition applies to this section: designated representative, means any commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, State, and Federal law enforcement vessels who have been authorized to act on the behalf of the Captain of the Port.

(d) *Regulations.* (1) Entry into, transit through or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port of San Diego or his designated on-scene representative.

(2) Mariners requesting permission to transit through the safety zone may request authorization to do so from the Patrol Commander (PATCOM). The PATCOM may be contacted on VHF–FM Channel 16.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated representative. Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(4) The Coast Guard may be assisted by other Federal, State, or local agencies.

Dated: April 9, 2010.

T.H. Farris,

Captain, U.S. Coast Guard, Captain of the Port San Diego.

[FR Doc. 2010–9333 Filed 4–21–10; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2005–NM–0007; FRL–9140–2]

Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Transportation Conformity Requirement for Bernalillo County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action approving a State Implementation Plan (SIP) revision submitted by the Governor of New Mexico on December 4, 2008 on behalf of the Albuquerque Environmental Health Department (AEHD). This revision serves to incorporate recent changes to the Federal conformity rule into the state conformity SIP for Bernalillo County, and supersedes previous revisions submitted by the Governor of New Mexico on May 15, 2003 and August 4, 2005. EPA is approving the December 4, 2008 revision in accordance with the requirements of the Federal Clean Air Act (CAA).

DATES: This rule is effective on June 21, 2010 without further notice, unless EPA receives relevant adverse comment by May 24, 2010. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2005–NM–0007, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *EPA Region 6 "Contact Us" Web site: http://epa.gov/region6/r6coment.htm.* Please click on "6PD" (Multimedia) and select "Air" before submitting comments.
- *E-mail:* Mr. Guy Donaldson at *donaldson.guy@epa.gov.* Please also send a copy by e-mail to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.
- *Fax:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), at fax number 214–665–7263.
- *Mail:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.
- *Hand or Courier Delivery:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Such deliveries are accepted only between the hours of 8 a.m. and 4 p.m. weekdays except for legal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R06–OAR–2005–NM–0007. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at 214–665–7253 to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will be a 15 cent per page fee for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas.

The State submittal is also available for public inspection at the State Air Agency listed below during official business hours by appointment:

City of Albuquerque Environmental Health Department, Air Quality

Division, Office of Air Quality, One Civic Plaza Northwest, Albuquerque, New Mexico 87103.

FOR FURTHER INFORMATION CONTACT: Jeffrey Riley, Air Planning Section (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, telephone 214–665–8542; fax number 214–665–7263; e-mail address *riley.jeffrey@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, whenever "we" "us" or "our" is used, we mean the EPA.

Outline

I. What Is Transportation Conformity?
II. What Is the Background for This Action?
III. What Did the State Submit and How Did We Evaluate It?
IV. Final Action
V. Statutory and Executive Order Reviews

I. What Is Transportation Conformity?

Transportation conformity is required under section 176(c) of the Clean Air Act to ensure that Federally supported highway, transit projects, and other activities are consistent with (conform to) the purpose of the approved SIP. Conformity currently applies to areas that are designated nonattainment, and those areas redesignated to attainment after 1990 (maintenance areas), with plans developed under section 175A of the Clean Air Act for the following transportation related criteria pollutants: Ozone, particulate matter ($PM_{2.5}$ and PM_{10}), carbon monoxide (CO), and nitrogen dioxide (NO_2). Conformity with the purpose of the SIP means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the relevant National Ambient Air Quality Standards (NAAQS). The Federal transportation conformity regulations (Federal Rule) are found in 40 CFR part 93 and provisions related to conformity SIPs are found in 40 CFR 51.390.

II. What Is the Background for This Action?

The transportation conformity SIP enables the area to implement and enforce the Federal transportation conformity requirements per 40 CFR 51 subpart T and 40 CFR 93 subpart A. The AEHD initially complied with this requirement by submitting a SIP to EPA on December 19, 1994; we approved this SIP on November 8, 1995 (60 FR 56241). A revision to the conformity SIP was submitted on December 9, 1998 and approved by EPA on July 8, 1999 (64 FR 36786). Since the July 8, 1999 approval, the Governor of New Mexico has submitted three further revisions to the conformity SIP. The most recent of these, the December 4, 2008 submittal, supersedes the previous revisions submitted on May 15, 2003 and August 4, 2005. These previous revisions were also made to incorporate Federal conformity rule changes into the state conformity SIP for Bernalillo County, but contained language that was in conflict with the Federal rules that were in effect at the time of EPA's review of the conformity SIP. Therefore, EPA could not approve the language in question. EPA and AEHD agreed that rather than EPA acting to partially approve the submittals, AEHD would develop a subsequent submittal to supersede the previous submittal, address the conflicting language, and capture any revisions made to the Federal rules in the elapsed time since state adoption of revisions to the Bernalillo County transportation conformity SIP. This approach was taken on both the August 4, 2005 submittal (to supersede the May 15, 2003 submittal) and the December 4, 2008 submittal (to supersede the August 4, 2005 submittal) to keep pace with necessary revisions to the Bernalillo County transportation conformity SIP.

On January 9, 2002, the AEHD adopted changes to the conformity SIP to include a definition for Land Use Measures (LUM) along with requirements for using LUMs as air quality credits in conformity determinations. This revision also incorporated language regarding an acceptable Transportation Control Measure (TCM) substitution process and provided clarity on when emission reduction credits for TCMs may be used in the conformity process. These revisions were approved by the AEHD on January 9, 2002 and they were submitted to EPA by the Governor of New Mexico on May 15, 2003. EPA did not take action on these revisions, and the December 4, 2008 submittal is intended to supersede these revisions.

On July 1, 2004, EPA published significant revisions to our conformity regulations (69 FR 4004) to address criteria and procedures for the new 8-hour ozone and fine particulate ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS). In the same **Federal Register** notice, EPA also addressed a March 2, 1999 ruling by the U.S. Court of Appeals for the District of Columbia (*Environmental Defense Fund* v. *EPA, et al.,* 167 F. 3d 641 D.C. Cir. 1999); the July 1 revisions served to bring our regulatory language in line with this court decision. The SIP revision package adopted by the AEHD on May 11, 2005, and submitted by the Governor of New Mexico on August 4, 2005, addressed these mandatory revisions, as well as EPA's August 6, 2002 revision to the Federal conformity rule (67 FR 50808). EPA did not take action on these revisions, and the December 4, 2008 submittal is intended to supersede these revisions.

On August 10, 2005, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) was signed into law. SAFETEA–LU revised certain provisions of section 176(c) of the Clean Air Act, related to transportation conformity. Prior to SAFETEA–LU, states were required to address all of the Federal Rule's provisions in their conformity SIPs. After SAFETEA–LU, state's SIPs were required to contain all or portions of only the following three sections of the Federal Rule, modified as appropriate to each state's circumstances: 40 CFR 93.105 (consultation procedures); 40 CFR 93.122(a)(4)(ii) (written commitments to implement certain kinds of control measures); and 40 CFR 93.125(c) (written commitments to implement certain kinds of mitigation measures). Pursuant to SAFETEA–LU, states are no longer required to submit conformity SIP revisions that address the other sections of the Federal conformity rule. However, as with previous SIP revisions, the AEHD has maintained its practice of incorporating federal language into local rules and customizing such rules to meet the standard required by the New Mexico Administrative Code (NMAC) style guidance, rather than incorporating by reference the federal rules.

EPA promulgated amendments to the Federal conformity rule on January 24, 2008 (73 FR 4420). The December 4, 2008 revision serves to update Albuquerque's regulations and bring them in line with these most recent changes to the Federal conformity rule, as well as EPA's May 6, 2005 (70 FR 24279) and March 10, 2006 (71 FR 12467) revisions to the Federal conformity rule.

III. What Did the State Submit, and How Did We Evaluate It?

On December 4th, 2008, the Governor of New Mexico submitted a revision to the Bernalillo County, New Mexico State Implementation Plan (SIP) for Transportation Conformity purposes. The SIP revision consists of language to address the three provisions of the EPA Conformity Rule required under SAFETEA–LU: 40 CFR 93.105 (consultation procedures); 40 CFR 93.122(a)(4)(ii) (certain control measures), and 40 CFR 93.125(c)

(mitigation measures). As previously stated, the AEHD did not incorporate the Federal conformity rule by reference, but submitted language intended to mirror the content of the Federal conformity rule, while placing greater specificity on the roles and expectations of state and local agencies/entities which have responsibility for undertaking transportation conformity in conjunction with transportation planning activities along with the three Federal Agencies (EPA, Federal Highway Administration, and Federal Transit Administration) who are participating members in the conformity consultation process.

We reviewed the submittal to assure consistency with the January 2009, "Guidance for Developing Transportation Conformity State Implementation Plans". The guidance document can be found at *http://www.epa.gov/otaq/stateresources/transconf/policy/420b09001.pdf*. The guidance document states that each state is only required to address and tailor the afore-mentioned three sections of the Federal Conformity Rule in their state conformity SIPs.

EPA's review of New Mexico's Bernalillo County Transportation Conformity SIP revision indicates that it is consistent with EPA's guidance in that it included the three elements specified by SAFETEA–LU and EPA's guidance. Consistent with the EPA Conformity Rule at 40 CFR 93.105 (consultation procedures), NMAC 20.11.3.202 establishes the requirements for the appropriate agencies, procedures and allocation of responsibilities as required under 40 CFR 93.105 for consultation procedures. In addition, this chapter provides for appropriate public consultation/public involvement consistent with 40 CFR 93.105. With respect to 40 CFR 93.122(a)(4)(ii) and 40 CFR 93.125(c), NMAC 20.11.3.219(A)(4)(b) and NMAC 20.11.3.222(C) of the executed MOUs specifies that written commitments for control measures and mitigation measures for meeting these requirements will be provided as needed.

IV. Final Action

EPA is hereby approving the Bernalillo County SIP revision for Transportation Conformity, which was submitted on December 4, 2008. We have evaluated the State's submittal and have determined that it meets the applicable requirements of the Clean Air Act and EPA regulations, and is consistent with EPA policy. The December 4, 2008 submission supersedes the May 15, 2003 and August 4, 2005 submissions, so no action is necessary on these earlier submissions.

EPA is publishing this rule without prior proposal because we view this as a non-controversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision if relevant adverse comments are received. This rule will be effective on June 21, 2010 without further notice unless we receive adverse comment by May 24, 2010. If we receive adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so now. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 21, 2010. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to

enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Nitrogen dioxides, Particulate matter, Reporting and recordkeeping requirements, Transportation conformity, Transportation—air quality planning, Volatile organic compounds.

Dated: April 9, 2010.

Lawrence E. Starfield,

Acting Regional Administrator, Region 6.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart GG—New Mexico

■ 2. The second table in § 52.1620(c) entitled "EPA Approved Albuquerque/Bernalillo County, NM Regulations" is amended by revising the entry for Part 3 (20.11.3 NMAC), Transportation Conformity, to read as follows:

§ 52.1620 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED ALBUQUERQUE/BERNALILLO COUNTY, NM REGULATIONS

State citation	Title/subject	State approval/effective date	EPA approval date	Explanation
*	*	*	*	*
New Mexico Administrative Code (NMAC) Title 20—Environment Protection Chapter 11—Albuquerque/Bernalillo County Air Quality Control Board				
*	*	*	*	*
Part 3 (20.11.3 NMAC)	Transportation Conformity	12/17/2008	April 22, 2010 [Insert FR page number where document begins].	
*	*	*	*	*

[FR Doc. 2010–9196 Filed 4–21–10; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 580

[Docket No. NHTSA–2009–0174; Notice 2]

Petition for Approval of Alternate Odometer Disclosure Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final determination.

SUMMARY: The State of Texas has petitioned for approval of alternate requirements to certain requirements under Federal odometer law. NHTSA is issuing this final determination granting Texas's petition.

DATES: *Effective Date:* May 24, 2010. Request for reconsideration due no later than June 7, 2010.

ADDRESSES: Requests for reconsideration must be submitted in writing to Administrator, National Highway Traffic Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590. Requests should refer to the docket and notice number above.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://DocketInfo.dot.gov.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: Andrew DiMarsico, Office of the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590 (Telephone: 202–366–5263) (Fax: 202–366–3820).

SUPPLEMENTARY INFORMATION:

I. Introduction

Federal odometer law, which is largely based on the Motor Vehicle Information and Cost Savings Act (Cost Savings Act) [1] and the Truth in Mileage Act of 1986,[2] as amended (TIMA), contains a number of provisions to limit odometer fraud and assure that the purchaser of a motor vehicle knows the true mileage of the vehicle. The Cost Savings Act requires the Secretary of Transportation to promulgate regulations requiring the transferor (seller) of a motor vehicle to provide a written statement of the vehicle's mileage registered on the odometer to the transferee (buyer) in connection with the transfer of ownership. This written statement is generally referred to as the odometer disclosure statement. Further, under TIMA, vehicle titles themselves must have a space for the odometer disclosure statement and States are prohibited from licensing vehicles unless a valid odometer disclosure statement on the title is signed and dated by the transferor. Titles must also be printed by a secure printing process or other secure process. TIMA also contains specific disclosure provisions on transfers of leased vehicles. Federal law also contains document retention requirements for motor vehicle dealers and lessors.

TIMA's motor vehicle mileage disclosure requirements apply in a State unless the State has alternative requirements approved by the Secretary. The Secretary has delegated administration of the odometer program to NHTSA. A State may petition NHTSA for approval of such alternate odometer disclosure requirements.

[1] Pub. L. 92–513, 86 Stat 947, 961 (1972).

[2] Pub. L. 99–579, 100 Stat. 3309 (1986).

The State of Texas has petitioned NHTSA for approval of alternate odometer disclosure requirements under TIMA. The Texas Department of Transportation proposes a paperless electronic title transfer scheme, described more fully in section IV, similar to the Commonwealth of Virginia's alternate odometer disclosure program, approved by NHTSA on January 2, 2009. 74 FR 643, 650 (January 7, 2009). Texas's proposal would not apply to, or in lieu of the provisions of Federal odometer law related to, leased vehicles, disclosures by power of attorney where the title is held by a lien holder, or transactions involving at least one out-of-State party.

NHTSA initially determined that Texas's proposal satisfied Federal odometer law with limited exceptions, and preliminarily decided to grant Texas' petition on the condition that it amend its program or demonstrate that it meets the requirements of Federal law. *See* 74 FR 59503 (November 18, 2009). To gain approval, Texas had to demonstrate that its program provides transferees a means for obtaining a paper title complying with TIMA's requirements,[3] incorporates the "brand" requirement in its electronic titling process (the brand states whether the odometer reflects the actual mileage, reflects the mileage in excess of the designated odometer limit or differs from the actual mileage and should not be relied upon)[4] and permits dealers to satisfy their obligation under Federal law to retain copies of odometer disclosure statements that they issue or receive.[5] After careful consideration of comments, and the entire record, NHTSA has determined to grant Texas's petition. NHTSA's final determination analysis is set forth below in Section VI.

II. Statutory Background

NHTSA reviewed the statutory background of Federal odometer law in its consideration and approval of Virginia's petition for alternate odometer disclosure requirements. *See* 73 FR 35617 (June 24, 2008) and 74 FR 643 (January 7, 2009). The statutory background of the Cost Savings Act and TIMA, and the purposes behind TIMA, are discussed at length in NHTSA's Final Determination granting Virginia's petition. 74 FR 643, 647–48. A brief summary of the statutory background of Federal odometer law and the purposes of TIMA follows.

In 1972, Congress enacted the Cost Savings Act, among other things, to prohibit tampering of odometers on motor vehicles and to establish certain safeguards for the protection of purchasers with respect to the sale of motor vehicles having altered or reset odometers. *See* Public Law 92–513, § 401, 86 Stat. 947, 961–63 (1972). The Cost Savings Act required that, under regulations to be published by the Secretary, the transferor of a motor vehicle provide a written vehicle mileage disclosure to the transferee, prohibited odometer tampering and provided for enforcement. *See Id.* at § 408, 86 Stat. at 947.[6] In general, the purpose for the disclosure was to assist purchasers to know the true mileage of a motor vehicle.

A major shortcoming of the odometer provisions of the Cost Savings Act was that they did not require that the odometer disclosure statement be on the title. In a number of States, they were on separate documents that could be altered easily or discarded and did not travel with the title. *See* 74 FR 644. Consequently, the disclosure statements did not necessarily deter odometer fraud employing altered documents, discarded titles, and title washing. *Id.*

Congress enacted TIMA in 1986 to address the Cost Savings Act's shortcomings. It amended the Cost Savings Act to prohibit States from licensing vehicles after transfers of ownership unless the new owner (transferee) submitted a title from the seller (transferor) containing the seller's signed and dated statement of the vehicle's mileage, as previously required by the Cost Savings Act. *See* Public Law 99–579, 100 Stat. 3309 (1986); 74 FR 644 (Jan. 7, 2009). TIMA also prohibits the licensing of vehicles, for use in any State, unless the title issued to the transferee is printed using a secure printing process or other secure process, indicates the vehicle mileage at the time of transfer and contains additional space for a subsequent mileage disclosure by the transferee when it is sold again. *Id.* Other provisions created similar safeguards for leased vehicles.

TIMA added a provision to the Cost Savings Act, allowing States to have alternate requirements to those required under TIMA respecting the disclosure of mileage, with the approval of the Secretary of Transportation. It amended Section 408 of the Cost Savings Act to add a new subsection (f) which provided that the requirements of subsections (d) and (e)(1) respecting the disclosure of motor vehicle mileage when motor vehicles are transferred or leased shall apply in a State unless the State has in effect alternate motor vehicle mileage disclosure requirements approved by the Secretary. Subsection (f) further provided that the Secretary shall approve alternate motor vehicle mileage disclosure requirements submitted by a State unless the Secretary determines that such requirements are not consistent with the purpose of the disclosure required by subsection (d) or (e), as the case may be.

In 1988, Congress amended section 408(d) of the Cost Savings Act to permit the use of a secure power of attorney in circumstances where the title was held by a lienholder. The Secretary was required to publish a rule to implement the provision. *See* Public Law 100–561 § 40, 102 Stat. 2805, 2817 (1988), which added Section 408(d)(2)(C). In 1990, Congress amended section 408(d)(2)(C) of the Cost Savings Act. The amendment addressed retention of powers of attorneys by States and provided that the rule adopted by the Secretary not require that a vehicle be titled in the State in which the power of attorney was issued. *See* Public Law 101–641 § 7(a), 104 Stat. 4654, 4657 (1990).

In 1994, in the course of the recodification of various laws pertaining to the Department of Transportation, the Cost Savings Act, as amended, was repealed, reenacted and recodified without substantive change. *See* Public Law 103–272, 108 Stat. 745, 1048–1056, 1379, 1387 (1994). The odometer statute is now codified at 49 U.S.C. 32701 *et seq.* In particular, Section 408(a) of the Cost Savings Act was recodified at 49 U.S.C. 32705(a). Sections 408(d) and (e), which were added by TIMA (and later amended), were recodified at 49 U.S.C. 32705(b) and (c). The provisions pertaining to approval of State alternate motor vehicle mileage disclosure requirements were recodified at 49 U.S.C. 32705(d).

III. Statutory Purposes

As discussed above, the Cost Savings Act, as amended by TIMA in 1986, contains a specific provision on approval of State alternate odometer disclosure programs. Subsection 408(f)(2) of the Cost Savings Act (recodified in 1994 to 49 U.S.C. 32705(d)) provides that NHTSA "shall approve alternate motor vehicle mileage

[3] *See* Section 408(d)(2)(A)(i) of the Cost Savings Act, as added by TIMA, recodified at 49 U.S.C. 32705(b)(3)(A)(i) and 49 CFR 580.4.

[4] *See* Section 408 of the Cost Savings Act, recodified at 49 U.S.C. 32705, and 49 CFR 580.5(e).

[5] *See* Section 408 of the Cost Savings Act, recodified at 49 U.S.C. 32705, and 49 CFR 580.8(a).

[6] In general, section 408 states that the Secretary shall prescribe rules requiring any transferor of a motor vehicle to provide a written disclosure to the transferee that includes the cumulative mileage on the odometer and if the odometer reading is known to be different than the miles the vehicle has actually traveled, a statement that the actual mileage is unknown.

disclosure requirements submitted by a State unless [NHTSA] determines that such requirements are not consistent with the purpose of the disclosure required by subsection (d) or (e) as the case may be." (Subsections 408(d), (e) of the Cost Savings Act were recodified to 49 U.S.C. 32705(b) and (c)). In light of this provision, we now turn to our interpretation of the purposes of these subsections, as germane to Texas's petition.[7]

Our Final Determination granting Virginia's petition for alternate odometer disclosure requirements, after notice and comment, identified the purposes of TIMA germane to petitions for approval of certain alternate odometer disclosure requirements.[8] 74 FR 643, 647–48 (January 7, 2009). We restated these purposes in the notice of initial determination on the Texas petition, and provided an opportunity for comment. *See* 74 FR at 59503, 59505. We did not receive any comment on them. We ratify our previous adoption of the TIMA statutory purposes, which are summarized below.

One purpose of TIMA was to assure that the form of the odometer disclosure precluded odometer fraud. To prevent odometer fraud facilitated by disclosure statements that were separate from titles, TIMA required mileage disclosures to be on a secure vehicle title instead of a separate document. These titles also had to contain space for the seller's attested mileage disclosure and a new disclosure by the purchaser when the vehicle was sold again. This discouraged mileage alterations on titles and limited opportunities for obtaining new titles with lower mileage than the actual mileage.

A second purpose of TIMA was to prevent odometer fraud by processes and mechanisms making the disclosure of an odometer's mileage on the title a condition of the application for a title, and a requirement for the title issued by the State. This provision was intended to eliminate or significantly reduce abuses associated with lack of control of the titling process.

Third, TIMA sought to prevent alterations of disclosures on titles and to preclude counterfeit titles through secure processes. In furtherance of these purposes, in the context of paper titles, under TIMA, the title must be set forth by means of a secure printing process or protected by "other secure process."[9]

Another purpose was to create a record of vehicle mileage and a paper trail. The underlying purposes of this record and paper trail were to enable consumers to be better informed and provide a mechanism for tracing odometer tampering and prosecuting violators. TIMA's requirement that new applications for titles include the prior owner's signed mileage disclosure statement on the title creates a permanent record that is easily checked by subsequent owners or law enforcement officials. This record provides critical snapshots of the vehicle's mileage at every transfer, which are the fundamental links of this paper trail.

Finally, the general purpose of TIMA was to protect consumers by assuring that they received valid representations of the vehicle's actual mileage at the time of transfer based on odometer disclosures.

IV. The Texas Program

As explained in NHTSA's initial determination, Texas proposes an electronic title transfer system and to maintain electronic records of titles in the Texas Department of Transportation (TxDOT), Division of Vehicle Title and Registration (VTR) computer system. 74 FR 59503. According to Texas's petition, the "title" will exist as an electronic record with the TxDOT, but "hard" copies of the title can be generated if needed. The scope of its program is limited; Texas does not have alternate disclosure requirements for leased vehicles, disclosures of odometer statements by power of attorney for vehicles subject to a lien holder, or transactions involving at least one out-of-State party. Accordingly, this final determination does not address odometer disclosure requirements germane to those transactions.

The petition also states that the proposed system would require sellers to accurately disclose vehicle mileage and allow buyers to record, view and acknowledge receipt of the disclosure through a secure on-line transaction with TxDOT using the TexasOnline Authentication Service (TOAS). TOAS is described as a secure identity verification service that establishes electronic signatures[10] by authenticating individuals against a database. TOAS allows TexasOnline to collect user data, which is then matched against four personal data elements and two forms of identification in the TexasOnline Authentication Database (TOAD)[11] to authenticate and verify the identity of the user. TOAD data elements include: A Texas driver license or identification card number, current driver license or identification card audit number, date of birth, and the last four digits of the individual's social security number.

A purchaser or seller cannot access the proposed electronic title system unless the purchaser's or seller's identity, and status as a Texas resident, holding a valid Texas driver's license or identification card, is authenticated by TOAS. Therefore, the Texas petition asserts that out-of-state parties would be unable to initiate an electronic title transfer in an on-line transaction with TxDOT.

Under Texas's proposal, completing a motor vehicle sale would require that the seller (transferor) and the purchaser (transferee) perform several steps. First, the seller's identity must be authenticated using TOAS. Once authenticated, the seller can access the TxDOT VTR Registration and Titles System (VTR system). The seller then selects a "transfer of ownership" transaction and enters the Vehicle Identification Number (VIN). The vehicle's information is automatically populated on the screen. The transferor is prompted to enter the vehicle sales price and odometer reading.[12] After these data are entered, the VTR system will provide the transferor with a unique transaction number. The transferor must provide the unique transaction number to the transferee to complete the transaction.

[7] Texas's petition does not address disclosures in leases or disclosures by power of attorney. In view of the scope of Texas's petition, Texas will continue to be subject to current Federal requirements as to leases and disclosures by power of attorney, and we do not address the purposes of the related provisions.

[8] Since Virginia's program did not cover disclosures in leases or disclosures by power of attorney, the purposes of Sections 408(d)(2)(C) and 408(e) of the Cost Savings Act, as amended, were not germane and were not addressed in the notice approving the Virginia program. *See* 74 FR 647 n. 12.

[9] Congress intended to encourage new technologies by including the language "other secure process." The House Report accompanying TIMA noted that "'other secure process' is intended to describe means other than printing which could securely provide for the storage and transmittal of title and mileage information." H.R. Rep. No. 99–833, at 33 (1986). "In adopting this language, the Committee intends to encourage new technologies which will provide increased levels of security for titles." *Id. See also* Cost Savings Act, as amended by TIMA, § 408(d), recodified at 49 U.S.C. 32705(b).

[10] The term "electronic signature" means an electronic sound, symbol or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record. 15 U.S.C. 7006(5) (2004).

[11] Currently, TexasOnline permits users to perform several services online, such as renewal of driver licenses, voter registration address changes, and ordering driving records.

[12] Texas's initial petition did not address the brand requirement. *See* 49 CFR 590.5(e). In response to NHTSA's initial determination, Texas submitted comments stating that it will continue to indicate/show the odometer reading and brand on paper titles and maintain an electronic record of the odometer reading and the brand.

The transaction would remain in "pending" status until the transferee logs on to complete the transfer of ownership transaction. Meanwhile, the VTR system would automatically check the odometer reading entered by the transferor against VTR odometer records. If the odometer reading entered by the transferor is lower than in the State's records, the transaction will be immediately rejected.

Once transferees log on to TexasOnline and are authenticated, TOAS will transfer them to the TxDOT VTR system where they can select "vehicle transfer of ownership" and enter the unique transaction number obtained from the transferor. The transferee must enter the correct transaction number to continue. Once access is obtained, the transferee would verify the sales price, odometer reading and brand entered by the transferor. If all the data entered by the transferor are verified and acknowledged as correct by the transferee, ownership of the vehicle would pass to the transferee and an electronic title record would be established by the VTR system. The VTR system would then contact the transferor and request that the transferor's original paper title be mailed to the VTR for destruction.[13]

If the transferee does not agree with the information entered by the transferor, then the VTR system will reject the transaction. The transferor will have the opportunity to correct the sales price and odometer reading for the rejected transaction. The transferee would then re-verify the information to ensure its accuracy. A second discrepancy would result in cancellation of the electronic transaction.

Texas's petition states that the same process, along with additional safeguards, will be used in dealer assignments and reassignments of vehicle ownership. According to Texas, such safeguards include requiring the dealership to notify VTR of the employees authorized to do titling activities for the dealership.[14] This authorization will be stored in the TxDOT VTR system. To complete a transaction, the authorized employee will be required to enter his or her authorization number and the dealer number.

Texas asserts that its proposed alternate odometer disclosure is consistent with Federal odometer law. As advanced by TxDOT, Texas's alternative ensures that a fraudulent odometer disclosure can readily be detected and reliably traced to a particular individual by providing a means for TxDOT to validate and authenticate individual identities through electronic signatures. As described above, the parties' electronic signatures are established and their identities authenticated through the four TOAD data elements: Texas driver's license or identification card number, driver's license or identification card audit number, date of birth, and the last four digits of social security number. TOAS then verifies the identity of the transferor and transferee through the submission of the required information. To conduct any transaction, both the transferor and transferee will have to authenticate their identity by submitting the correct data elements.

Texas also asserts that its proposal provides a level of security equivalent to that of an existing disclosure on secure paper titles and that on-line identity authentication acts in lieu of an actual signature on the title. Furthermore, Texas states that the electronic odometer disclosure provided by the transferor will be available to the transferee at the time ownership of the vehicle is transferred.

The Texas petition maintains that the electronic record and signature components of the proposal comport with the Electronic Signatures in Global and National Commerce Act (E-Sign), 15 U.S.C. 7001 *et seq.* Current State law permits the creation of electronic certificates of title, but requires a paper certificate of title for all transfers of vehicle ownership. Tex. Transp. Code Ann. § 501.117. If its proposal were approved, Texas could pass pending legislation that would implement its proposed electronic title system.

V. Summary of Public Comments

NHTSA received comments from three entities: (1) The State of Texas, (2) the Alabama Department of Revenue (Alabama), and (3) the National Auto Auction Association (NAAA). In general, Alabama and NAAA supported the Texas's petition.

Texas's comments responded to NHTSA's requirements, in its initial determination, that Texas meet certain conditions for approval of its petition. Texas's comments respond to NHTSA's conditions that Texas demonstrate that its program (1) enables transferees to obtain a paper copy of the title that meets the requirements of TIMA, (2) permits dealers to retain a copy of all odometer disclosures that they issue and receive, and (3) requires disclosure of the brand, or demonstrates that these requirements are met. Texas submitted comments that indicate that the alternate odometer program will enable transferees to obtain a paper copy of the title if requested by the owner or lien holder. In addition, Texas stated that dealers will be provided with a paper or electronic record of the odometer disclosure. Finally, Texas responded that it will continue to require the odometer reading and brand on paper titles and maintain electronic copies of the odometer reading and brand.

In addition to supporting Texas's petition, the State of Alabama requests that NHTSA allow all states to enact similar disclosure systems without the need to file separate petitions. Alabama adds that it recently implemented an electronic title application system, but must require paper as part of the process due, in part, to Federal odometer law. In Alabama's view, NHTSA's authorization for electronic titling will permit each State to determine its own method of secure identification and title transfers between motor vehicle owners.

NAAA raises a concern that the Texas title transfer system could be an impediment for out-of-state wholesale purchasers and sellers because Texas's system differs from other States' title transfer systems.

VI. NHTSA'S Final Determination

In this part, NHTSA considers the Texas program in light of the purposes of the disclosure required by subsection (d) of section 408 of the Cost Savings Act.[15] We also respond to comments.

Under the Cost Savings Act, as amended by TIMA, the standard is that NHTSA "shall" approve alternate motor vehicle mileage disclosure requirements submitted by a State unless NHTSA determines that such requirements are not consistent with the purpose of the disclosure required by subsection (d) or (e) as the case may be. The purposes are discussed above, as is the Texas alternate program.

The State of Alabama and NAAA agreed with the initial determination. Alabama also proposed that NHTSA authorize all states to implement

[13] According to the Texas petition, the previous title, regardless if it were electronic or paper, would be superseded by the "new" electronic title. The "old" title is invalidated in the VTR system and would be unable to transfer title in Texas.

[14] Texas's petition did not address the dealer retention requirements as set forth in 49 CFR 580.8(a). In response to NHTSA's initial determination, Texas submitted comments stating that dealers will be provided with a paper or electronic record of any odometer disclosure.

[15] Since Texas's program does not cover disclosures by power of attorney or transfers involving leased vehicles, the purposes of sections 408(d)(1)(c) and (e) of the Cost Savings Act as amended by TIMA are not germane. Thus, Texas continues to be subject to all Federal requirements that are not based on sections 408(d)(1)(A), (B), and (2).

electronic odometer disclosure so each state could determine its own methodology for odometer disclosure. This approach is not within the scope of Texas's petition or NHTSA's initial determination. NHTSA is, therefore, unable to address such a request. In addition, while we appreciate Alabama's view that NHTSA should provide a general authorization for electronic odometer disclosure, the Cost Savings Act does not authorize such an approach. The Cost Savings Act established odometer disclosure requirements for general application. Alternate odometer requirements in individual states are authorized under Section 408(f)(2), which requires individual state petitions.

NAAA added that Texas's alternate program could create an impediment for out-of-state wholesale purchasers and sellers who are unaware of the electronic transfer requirements. These comments fall outside of the scope of Texas's petition and do not implicate whether or not Texas's proposed alternate requirements are consistent with TIMA's purposes. As a practical matter, NAAA would prefer uniform State systems and that Texas's alternate electronic odometer program accommodate practices in other States. That approach is not consistent with TIMA's requirement that NHTSA approve individual State alternate mileage disclosure requirements if statutory conditions are met.

We now turn to whether the Texas program is consistent with TIMA's purposes. As explained above, a purpose of TIMA is assuring that the form of the odometer disclosure precludes odometer fraud. NHTSA has determined that Texas's proposed alternate disclosure requirements satisfy this purpose. Under Texas's proposal, the "title" will reside as an electronic record with the TxDOT, but a hard copy of the title will be generated upon request. Texas's proposed system will, therefore, continue to have the odometer disclosure on the virtual "title" itself, as required by TIMA, and not as a separate document. As to TIMA's requirement that the title contain a space for the transferor to disclose the vehicle's mileage, the Texas electronic title contains a data element that is required for the transaction, which is consistent with the space requirement. Hard copies of these electronic titles will provide a separate space for owners to execute a proper odometer disclosure in keeping with TIMA and current practice.

Another purpose of TIMA is to prevent odometer fraud by processes and mechanisms making the disclosure of an odometer's mileage on the title a condition of the application for a title and a requirement for the title issued by the State. NHTSA has determined that Texas's proposed process satisfies this purpose. The proposed on-line title transfer process requires disclosure of odometer information before the transaction can be completed. One item of odometer information omitted from Texas's initial submission was the statement whether the odometer reflects the actual mileage or if the actual mileage is unknown, commonly referred to as the "brand." *See* 49 CFR 580.5(e). Texas's comments indicate that its electronic disclosure requirements will require the transferor to state the brand. Following the disclosure of the odometer information and if the transaction is successful, the VTR system will retain an electronic title, which includes a record of the transaction and the odometer disclosure information. Once the transaction is complete, transferors are instructed to mail the existing title to the VTR for destruction.[16]

Another purpose of TIMA is to prevent alterations of disclosures on titles and to preclude counterfeit titles through secure processes. VTR's alternate disclosure requirements appear to be as secure as current paper titles. Electronic recording of odometer readings and disclosures decreases the likelihood of any subsequent odometer disclosure being altered by erasures or other methods. As we understand Texas's proposal, once the transaction is completed, the VTR system stores an electronic version of the title unless the transferee requests it.

Under the VTR system, all subsequent transfers may be performed through the on-line process. Each time an on-line transfer occurs, the VTR system stores the electronic version of the title, and issues a paper title only upon request. Since the title remains in electronic form under State care and custody, the likelihood of an individual altering, tampering or counterfeiting the title is significantly decreased. These electronic records are maintained in a secure environment and any attempted alteration would be detected by the system. Finally, if a transferee requests a paper title, the VTR will issue a paper title that complies with TIMA's requirements.

Another purpose of TIMA is to create a record of the mileage on vehicles and a paper trail. The underlying purposes of this record trail are to better inform consumers and provide a mechanism to trace odometer tampering and prosecute violators. In NHTSA's view, the proposed electronic title transfer system will create a scheme of records equivalent to the current "paper trail" now assisting law enforcement in identifying and prosecuting odometer fraud. Under the Texas proposal, creation of a paper trail starts with the establishment of the electronic signatures of the parties. The system's procedures for validating and authenticating the electronic signature of each individual through TOAS and TOAD and the electronic signatures of the transferor and transferee are reliable, readily detectable and can easily be linked to particular individuals.[17] Because using an electronic signature employs data elements such as the Texas driver license or identification card number, driver license or identification card audit number, date of birth and last four digits of the individual's social security number, the VTR system can validate and authenticate such individual electronic signatures. This authentication process also allows the VTR system to trace the individuals involved in the transaction. Furthermore, Texas's comments indicate that the VTR system will enable dealers to retain a paper or electronic copy of all odometer disclosures that they issue and receive. The Texas system meets the purposes of creating a paper trail since the VTR system will have histories of odometer disclosures linked to individuals for each title transfer. These electronic records will create an electronic equivalent to a paper based system that will be equally valuable to law enforcement.

Finally, TIMA's overall purpose is protecting consumers by assuring that they receive valid representations of actual vehicle mileage at the time of transfer. Here, Texas's proposed alternate disclosure requirements include several characteristics that would assure that representations of a vehicle's actual mileage would be as valid as those found in current paper title transfers. These characteristics include identity and residency authentication, an automatic system check of the reported mileage against previously reported mileage, and

[16] If the transferor does not return the existing title to VTR, the existing title will be invalid once the vehicle transfers to the transferee.

[17] Electronic signatures are generally valid under applicable law. Congress recognized the growing importance of electronic signatures in interstate commerce when it enacted the Electronic Signatures in Global and National Commerce Act (E–Sign). *See* Public Law 106–229, 114 Stat. 464 (2000). E–Sign established a general rule of validity for electronic records and electronic signatures. 15 U.S.C. 7001. It also encourages the use of electronic signatures in commerce, both in private transactions and transactions involving the Federal Government. 15 U.S.C. 7031(a).

transferee verification of the data reported by the transferor.[18] In addition, by providing rapid access to records of past transfers, the scheme proposed by Texas could potentially provide superior deterrence to odometer fraud when compared to the current paper title system.

For the foregoing reasons, and upon review of the entire record, NHTSA hereby issues a final determination granting Texas's petition for requirements that apply in lieu of the Federal requirements adopted under section 408(d) of the Cost Savings Act. Other requirements of the Cost Savings Act continue to apply in Texas. NHTSA reserves the right to rescind this determination in the event that future information indicates, in operation, Texas's alternative requirements do not satisfy one or more applicable requirements.

Issued on: April 7, 2010.

David Strickland,

Administrator.

[FR Doc. 2010–8320 Filed 4–21–10; 8:45 am]

BILLING CODE 4910–59–P

[18] Further protection is provided by the VTR system itself. The system automatically cross references the odometer reading entered by the transferor against the odometer reading on the VTR system. If the odometer reading entered by the transferor is lower than the mileage recorded in the VTR system, the VTR system will immediately reject the transaction.

Proposed Rules

Federal Register
Vol. 75, No. 77
Thursday, April 22, 2010

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–0426; Directorate Identifier 2009–SW–34–AD]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France (ECF) Model SA–365N1, AS–365N2, AS 365 N3, EC 155B, and EC155B1 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the specified ECF model helicopters. This proposed AD results from a mandatory continuing airworthiness information (MCAI) AD issued by the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community. The MCAI AD reports the separation and loss of a stainless steel ring (75 millimeter (mm) in diameter) from a tail rotor blade (blade) sleeve resulting in severe, high-frequency vibrations, which can lead to damage to the fenestron blades, loss of yaw control, and subsequent loss of control of the helicopter.

DATES: We must receive comments on this proposed AD by May 24, 2010.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You may get the service information identified in this proposed AD from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, TX 75053–4005, telephone (800) 232–0323, fax (972) 641–3710, or at *http://www.eurocopter.com.*

Examining the Docket: You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (telephone (800) 647–5527) is stated in the **ADDRESSES** section of this proposal. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: DOT/FAA Southwest Region, Gary Roach, ASW–111, Aviation Safety Engineer, Rotorcraft Directorate, Regulations and Guidance Group, 2601 Meacham Blvd, Fort Worth, Texas 76137, telephone (817) 222–5130, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written data, views, or arguments about this proposed AD. Send your comments to an address listed in the **ADDRESSES** section of this proposal. Include "Docket No. FAA–2010–0426; Directorate Identifier 2009–SW–34–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

The EASA, which is the Technical Agent for the Member States of the European Community, has issued EASA AD No. 2006–0099, dated April 24, 2006, to correct an unsafe condition for the specified ECF model helicopters. EASA issued an AD following a case of separation and loss of a stainless steel ring (75 mm in diameter) from a blade sleeve resulting in severe, high-frequency vibrations, which can lead to damage to the fenestron blades, loss of yaw control, and subsequent loss of control of the helicopter.

You may obtain further information by examining the MCAI AD and any related service information in the AD docket.

Related Service Information

Eurocopter has issued Alert Service Bulletin No. 05A011 for the Model EC 155B and B1 helicopters and No. 05.00.49 for the Model SA–365N1, AS–365N2, and AS 365 N3 helicopters. Both service bulletins are dated March 1, 2006. The service information specifies checking the blade sleeve for slippage of the stainless steel ring (75 mm in diameter) and replacing the blade if the stainless steel ring has slipped. The actions described in the MCAI AD are intended to correct the unsafe condition identified in the service information.

FAA's Evaluation and Unsafe Condition Determination

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, their Technical Agent, has notified us of the unsafe condition described in the MCAI AD. We are proposing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs. This proposed AD would require:

- For the Model SA–365N1, AS–365N2, and AS 365 N3 helicopters, within 50 hours time-in-service (TIS), unless done previously, and thereafter at intervals not to exceed 10 hours TIS, inspect each blade of the fenestron tail rotor to determine whether there has been any outward slippage (toward the shroud) of the stainless steel ring that is

around the sleeve of each blade where the blade enters the fenestron hub.

• For the Model EC 155B or B1 helicopters, within 50 hours time-in-service (TIS), unless done previously, and thereafter at intervals not to exceed 15 hours TIS, inspect each blade for slippage of the fenestron tail rotor to determine whether there has been any outward slippage (toward the shroud) of the stainless steel ring that is around the sleeve of each blade where the blade enters the fenestron hub.

• If the stainless steel ring has slipped outward, before further flight, replace the blade with an airworthy blade.

Differences Between This AD and the MCAI AD

We refer to flying hours as hours time-in-service. Also, we use "inspect" rather than "check" to describe the actions required by this AD. We use a different initial compliance time.

Costs of Compliance

We estimate that this proposed AD would affect about 33 helicopters of U.S. registry. We also estimate that it would take about 15 minutes per helicopter to inspect for slippage of the stainless steel ring of the blade sleeve. The average labor rate is $80 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators would be $660 assuming none of the blades would have to be replaced.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on helicopters identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

Therefore, I certify this proposed AD:

1. Is not a "significant regulatory action" under Executive Order 12866;

2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared an economic evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new AD:

Eurocopter France: Docket No. FAA–2010–0426; Directorate Identifier 2009–SW–34–AD.

Comments Due Date

(a) We must receive your comments by May 24, 2010.

Other Affected ADs

(b) None.

Applicability

(c) This AD applies to Model SA–365N1, AS–365N2, AS 365 N3, EC 155B, and EC155B1 helicopters, with a fenestron tail rotor blade (blade), part number 365A12–0060–01 or 365A12–0070–00, installed, certificated in any category.

Reason

(d) The mandatory continuing airworthiness information (MCAI) AD reports the separation and loss of a stainless steel ring (75 mm in diameter) from a blade sleeve resulting in severe, high-frequency vibrations, which can lead to damage to the fenestron blades, loss of yaw control, and subsequent loss of control of the helicopter.

Actions and Compliance

(e) Required as indicated:

(1) For the Model SA–365N1, AS–365N2, and AS 365 N3 helicopters, within 50 hours time-in-service (TIS), unless done previously, and thereafter at intervals not to exceed 10 hours TIS, inspect each blade of the fenestron tail rotor to determine whether there has been any outward slippage (toward the shroud) of the stainless steel ring that is around the sleeve of each blade where the blade enters the fenestron hub as depicted in Appendix 1 and by following the Accomplishment Instructions, paragraph 2.B.1., of Eurocopter Alert Service Bulletin No. 05.00.49, dated March 1, 2006.

(2) For the Model EC 155B or B1 helicopters, within 50 hours time-in-service (TIS), unless done previously, and thereafter at intervals not to exceed 15 hours TIS, inspect each blade of the fenestron tail rotor to determine whether there has been any outward slippage (toward the shroud) of the stainless steel ring that is around the sleeve of each blade where the blade enters the fenestron hub as depicted in Appendix 1 and by following paragraph 2.B.1., of Eurocopter Alert Service Bulletin No. 05A011, dated March 1, 2006.

(3) If the stainless steel ring has slipped outward, before further flight, replace the blade with an airworthy blade.

Differences Between This AD and the MCAI AD

(f) We refer to flying hours as hours time-in-service. Also, we use "inspect" rather than "check" to describe the action to be taken in the AD. We use a different initial compliance time.

Other Information

(g) *Alternative Methods of Compliance (AMOCs):* The Manager, Rotorcraft Directorate, Safety Management Group, *Attn:* DOT/FAA Southwest Region, Gary Roach, ASW–111, Aviation Safety Engineer, Regulations and Guidance Group, 2601 Meacham Blvd, Fort Worth, Texas 76137, telephone (817) 222–5130, fax (817) 222–5961, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

Related Information

(h) European Aviation Safety Agency MCAI Airworthiness Directive No. 2006–0099, dated April 24, 2006, contains related information.

Joint Aircraft System/Component (JASC) Code

(i) The JASC Code is 6400: Tail Rotor.

Issued in Fort Worth, Texas, on April 14, 2010.

Mark R. Schilling,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2010–9292 Filed 4–21–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–0427; Directorate Identifier 2008–SW–72–AD]

RIN 2120–AA64

Airworthiness Directives; Arrow Falcon Exporters, Inc. (previously Utah State University); California Department of Forestry; Firefly Aviation Helicopter Services (previously Erickson Air-Crane Co.); Garlick Helicopters, Inc.; Global Helicopter Technology, Inc.; Hagglund Helicopters, LLC (previously Western International Aviation, Inc.); International Helicopters, Inc.; Precision Helicopters, LLC; Robinson Air Crane, Inc.; San Joaquin Helicopters (previously Hawkins and Powers Aviation, Inc.); S.M.&T. Aircraft (previously US Helicopters, Inc., UNC Helicopter, Inc., Southern Aero Corporation, and Wilco Aviation); Smith Helicopters; Southern Helicopter, Inc.; Southwest Florida Aviation International, Inc. (previously Jamie R. Hill and Southwest Florida Aviation); Tamarack Helicopters, Inc. (previously Ranger Helicopter Services, Inc.); US Helicopter, Inc. (previously UNC Helicopter, Inc.); West Coast Fabrication; and Williams Helicopter Corporation (previously Scott Paper Co.) Model AH–1G, AH–1S, HH–1K, TH–1F, TH–1L, UH–1A, UH–1B, UH–1E, UH–1F, UH–1H, UH–1L, and UH–1P Helicopters; and Southwest Florida Aviation Model UH–1B (SW204 and SW204HP) and UH–1H (SW205) Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes superseding an existing airworthiness directive (AD) for Model HH–1K, TH–1F, TH–1L, UH–1A, UH–1B, UH–1E, UH–1F, UH–1H, UH–1L, and UH–1P helicopters; and Southwest Florida Aviation Model SW204, SW204HP, SW205, and SW205A–1 helicopters, manufactured by Bell Helicopter Textron, Inc. (BHTI) for the Armed Forces of the United States. That AD currently requires updating the product identification, extending the application of the AD to other helicopter models, continuing the existing retirement time for certain main rotor tension-torsion (TT) straps, and adding the TT strap part numbers to the applicability. This action proposes to require removing certain serial-numbered TT straps from service, reduce the retirement life for other TT straps, and establish a retirement life in terms of calendar time in addition to hours time-in-service (TIS) for certain other affected TT straps. This action would also add two model helicopters to the applicability of the AD. This proposal is prompted by fatigue cracking in certain TT straps that have stainless steel filament windings and a determination that corrosion damage, which is related to calendar time, necessitates a calendar time retirement life for certain TT straps in addition to the retirement life based on hours TIS. This proposal is also prompted by fatigue cracking in other TT straps with encased thin stainless steel plates. These proposals are based on the service history of helicopters that are the same or similar in type design to the helicopters to which this AD would apply. The actions specified by the proposed AD are intended to prevent failure of a TT strap, loss of a main rotor blade, and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before June 21, 2010.

ADDRESSES: Use one of the following addresses to submit comments on this proposed AD:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You may examine the comments to this proposed AD in the AD docket on the Internet at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Michael Kohner, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Certification Office, 2601 Meacham Blvd., Fort Worth, Texas 76193, telephone (817) 222–5170, fax (817) 222–5783.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any written data, views, or arguments regarding this proposed AD. Send your comments to the address listed under the caption **ADDRESSES**. Include the docket number "FAA– 2010–0427, Directorate Identifier 2008–SW–72–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed rulemaking. Using the search function of our docket Web site, you can find and read the comments to any of our dockets, including the name of the individual who sent or signed the comment. You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Examining the Docket

You may examine the docket that contains the proposed AD, any comments, and other information in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Operations office (telephone (800) 647–5527) is located in Room W12–140 on the ground floor of the West Building at the street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

Discussion

On July 31, 1980, we issued AD 80–17–09, Amendment 39–3876 (45 FR 54014, August 14, 1980), Docket No. 80–ASW–25. That AD required replacing certain TT straps on or before attaining 1,200 hours TIS or 24 months, whichever occurs first, for the BHTI Model 204B, 205A–1, 212, 214B, 214B–1, and the Model UH–1 series military surplus helicopters. That action was prompted by an offshore accident of a BHTI Model 212 helicopter in which a TT strap reportedly failed in flight after 2,140 hours TIS with resulting loss of the main rotor blade. The requirements of that AD were intended to prevent failure of a TT strap, loss of a main rotor blade, and subsequent loss of control of the helicopter.

On September 18, 2002, we issued AD 2002–20–01, Amendment 39–12895 (67 FR 61771, October 2, 2002), Docket No. 2001–SW–41–AD, for the restricted category Model HH–1K, SW204, SW204HP, SW205, SW205A–1, TH–1F,

TH–1L, UH–1A, UH–1B, UH–1E, UH–1F, UH–1H, UH–1L, and UH–1P helicopters to require updating the product identification, extending the applicability to other helicopter models, continuing the existing retirement time for certain TT straps, and adding the TT strap part numbers to the applicability. That action was prompted by the need to expand the applicability to additional restricted category helicopters and to add two part numbers to the applicability. The requirements of that AD are intended to prevent failure of a TT strap, loss of a main rotor blade, and subsequent loss of control of the helicopter. AD 2002–20–01 contains the requirements from AD 80–17–09 for the Model UH–1 series military surplus helicopters.

Since issuing AD 2002–20–01, we have determined that an unsafe condition exists if TT straps, BHTI part number (P/N) 204–012–112–5 or Bendix Energy Controls Co. (Bendix) P/N 2601399, with a serial number (S/N) of 41623 through 54362, or BHTI P/N 204–012–112–7 or Bendix P/N 2601400, with a S/N of 11415 or higher, are allowed to remain in service. These TT straps have stainless steel filament windings encased in a urethane cover and were manufactured using Caytur 21 as the urethane-curing accelerator. Caytur 21 contains chlorides which are retained in the urethane cover after cure resulting in corrosion problems with the encased steel wires. Those part-numbered TT straps made outside the affected S/N ranges were manufactured using a MOCA curing agent and do not pose the same aggravated corrosion problem.

An unsafe condition also exists if TT straps, P/N 204–011–113–1 or 204–012–112–1, are used beyond a certain number of hours TIS due to the possibility of fatigue cracks occurring in either the encased thin stainless steel plates or filament windings, respectively. These particular TT straps are of older designs and a reduced life in hours TIS is needed to preclude a fatigue failure. TT straps, P/N 204–011–113–1, have the encased stack of thin steel stainless plates. TT straps, P/N 204–012–112–1, have encased filament windings with a lower strength, smaller diameter wire and a different urethane coating which is more susceptible to react with the wire material than the other TT straps of the same design. Service history has shown that the retirement life for both TT straps, P/N 204–011–113–1 or 204–012–112–1, needs to be reduced.

We have also determined that an unsafe condition exists if certain other TT straps with encased stainless steel filament windings are allowed to remain in service beyond a specified calendar time or beyond a specified number of hours TIS. The calendar time retirement life is needed to prevent failure caused by corrosion. The hours TIS retirement life is needed to prevent a fatigue failure in the filament windings. In addition, a need exists to clarify the TT strap manufacturer, acknowledge the current Type Certificate owners, and add the model AH–1G and AH–1S helicopters to the applicability.

The previously described unsafe conditions are likely to exist or develop on other helicopters of the same type designs. Therefore, the proposed AD would supersede AD 2002–20–01 and require removing certain serial-numbered TT straps from service, replacing certain TT straps at specified intervals, revising the Airworthiness Limitations section of the maintenance manual or the Instructions for Continued Airworthiness (ICAs) by establishing new or maintaining current retirement lives for certain TT straps, and recording the life limit of the TT straps on the component history cards or equivalent records.

These proposed actions are based on the service history of certain TT straps manufactured with stainless steel filament windings or thin stainless steel plates encased in a urethane coating. TT strap failures have occurred in both types of TT straps. Some of the failures were attributed to undetected moisture penetration through the urethane coating which led to corrosion pitting in the stainless steel wires and subsequent fatigue failure of the TT strap. Other failures were attributed to fatigue cracking in the stainless steel plates or filament windings which led to a fatigue failure of the TT strap. A fatigue failure of the TT strap during flight will result in a loss of main rotor blade and subsequent loss of control of the helicopter.

We estimate that 716 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 8 work hours per helicopter to replace a set of TT straps (2 TT straps), and that the average labor rate is $85 per work hour. Required parts would cost approximately $12,500 for 2 TT straps. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $329,500, assuming that 25 TT strap sets (50 TT straps) would be replaced.

Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. Additionally, this proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;

2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared an economic evaluation of the estimated costs to comply with this proposed AD. See the AD docket to examine the draft economic evaluation.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–12895 (67 FR

61771, October 2, 2002), and by adding a new airworthiness directive (AD), to read as follows:

Arrow Falcon Exporters, Inc. (previously Utah State University); California Department of Forestry; Firefly Aviation Helicopter Services (previously Erickson Air-Crane Co.); Garlick Helicopters, Inc.; Global Helicopter Technology, Inc.; Hagglund Helicopters, LLC (previously Western International Aviation, Inc.); International Helicopters, Inc.; Precision Helicopters, LLC; Robinson Air Crane, Inc.; San Joaquin Helicopters (previously Hawkins and Powers Aviation, Inc.); S.M.&T. Aircraft (previously US Helicopters, Inc., UNC Helicopter, Inc., Southern Aero Corporation, and Wilco Aviation); Smith Helicopters; Southern Helicopter, Inc.; Southwest Florida Aviation International, Inc. (previously Jamie R. Hill and Southwest Florida Aviation); Tamarack Helicopters, Inc. (previously Ranger Helicopter Services, Inc.); US Helicopter, Inc. (previously UNC Helicopter, Inc.); West Coast Fabrication; and Williams Helicopter Corporation (previously Scott Paper Co.) Model AH–1G, AH–1S, HH–1K, TH–1F, TH–1L, UH–1A, UH–1B, UH–1E, UH–1F, UH–1H, UH–1L, and UH–1P Helicopters; and Southwest Florida Aviation Model UH–1B (SW204 and SW204HP) and UH–1H (SW205) Helicopters: Docket No. FAA–2010–0427; Directorate Identifier 2008–SW–72–AD. Supersedes AD 2002–20–01, Amendment 39–12895, Docket No. 2001–SW–41–AD.

Applicability: Model AH–1G, AH–1S, HH–1K, TH–1F, TH–1L, UH–1A, UH–1B, UH–1E, UH–1F, UH–1H, UH–1L, and UH–1P helicopters, with Bell Helicopter Textron, Inc. (BHTI) main rotor tension-torsion (TT) strap, part number (P/N) 204–011–113–1, 204–012–112–1. 204–012–112–5, 204–012–112–7, 204–012–122–1, 204–012–122–5, 204–310–101–101, or Bendix Energy Controls Co. (Bendix) P/N 2601139, 2601399, 2601400, or 2606650, installed, certificated in any category.

Compliance: Within 25 hours time-in-service (TIS), or one month, whichever occurs first, unless accomplished previously.

To prevent failure of a TT strap, loss of a main rotor blade, and subsequent loss of control of the helicopter, accomplish the following:

(a) Remove any TT strap, P/N 204–012–112–5 or 2601399, with a serial number (S/N) of 41623 through 54362, or P/N 204–012–112–7 or 2601400, with a S/N of 11415 or higher, and replace it with an airworthy TT strap. Any TT strap required to be removed in accordance with this paragraph is unairworthy and is not eligible for reinstallation on any helicopter.

(b) Remove any TT strap P/N that has been in service for the length of time or longer than the retirement life listed in Table 1 of this AD and replace it with an airworthy TT strap.

TABLE 1

P/N	Retirement life
204–011–113–1	200 hours TIS.
204–012–112–1	1,000 hours TIS.
204–012–112–5 or 2601399, S/N 1 through 41622	1,200 hours TIS or 24 months since the initial installation on any helicopter, whichever occurs first.
204–012–112–5 or 2601399, S/N 54363 and higher	
204–012–112–7 or 2601400, S/N 1 through 11414	
204–012–122–1	
204–012–122–5	
204–310–101–101	
2601139	
2606650	

(c) Revise the Airworthiness Limitations section of the maintenance manual or the Instructions for Continued Airworthiness (ICAs) by establishing or maintaining the current retirement life for each TT strap listed in Table 1 of this AD by marking pen and ink changes or inserting a copy of this AD into the maintenance manual or ICAs.

(d) Record the life limit for each TT strap listed in Table 1 of this AD on the component history cards or equivalent record.

(e) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Manager, Rotorcraft Directorate, Rotorcraft Certification Office, FAA, ATTN: Michael Kohner, Aviation Safety Engineer, 2601 Meacham Blvd., Fort Worth, Texas 76193, telephone (817) 222–5170, fax (817) 222–5783, for information about previously approved alternative methods of compliance.

(f) Special flight permits will not be issued.

Issued in Fort Worth, Texas, on April 14, 2010.

Mark R. Schilling,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2010–9293 Filed 4–21–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 655

[FHWA Docket No. FHWA–2009–0139]

RIN 2125–AF34

National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Maintaining Minimum Retroreflectivity of Longitudinal Pavement Markings

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed amendments (NPA).

SUMMARY: The Manual on Uniform Traffic Control Devices (MUTCD) is incorporated by reference in 23 CFR part 655, subpart F, approved by the Federal Highway Administration, and recognized as the national standard for traffic control devices used on all streets, highways, bikeways, and private roads open to public travel. The FHWA proposes to amend the MUTCD to include standards, guidance, options, and supporting information relating to maintaining minimum levels of retroreflectivity for pavement markings. The proposed revisions would establish a uniform minimum level of nighttime pavement marking performance based on the visibility needs of nighttime drivers. The proposed revisions will promote safety, enhance traffic operations, and facilitate comfort and convenience for all drivers, including older drivers. The proposed revisions described herein would be designated as Revision 1 to the 2009 Edition of the MUTCD.

DATES: Comments must be received on or before August 20, 2010.

ADDRESSES: Mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, 1200 New Jersey Avenue, SE., Washington, DC 20590, or submit electronically at *http://www.regulations.gov* or fax comments to (202) 493–2251. All comments should include the docket number that appears in the heading of this document. All

comments received will be available for examination and copying at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard or may print the acknowledgment page that appears after submitting comments electronically. Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70, Pages 19477–78) or you may visit *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Cathy Satterfield, Office of Safety, (708) 283–3552; or Raymond Cuprill, Office of the Chief Counsel (202) 366–0791, Federal Highway Administration, 1200 New Jersey Ave., SE., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

You may submit or access all comments received by the DOT online through *http://www.regulations.gov.* Electronic submission and retrieval help and guidelines are available on the Web site. It is available 24 hours each day, 365 days each year. Please follow the instructions. An electronic copy of this document may also be downloaded from the Office of the **Federal Register**'s home page at: *http://www.archives.gov* and the Government Printing Office's Web page at: *http://www.access.gpo.gov/nara.*

Background

On December 21, 2007, at 72 FR 72574, the FHWA published in the **Federal Register** a final rule amending the MUTCD to include standards, guidance, options, and supporting information relating to maintaining minimum levels of retroreflectivity for traffic signs. The final rule was issued in response to section 406 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Pub. L. 102–388; October 6, 1992). Section 406 of this Act directed the Secretary of Transportation to revise the MUTCD to include a standard for minimum levels of retroreflectivity that must be maintained for traffic signs and pavement markings, which apply to roads open to public travel.

The FHWA is now proposing the establishment of minimum pavement marking retroreflectivity levels in the MUTCD. The FHWA has analyzed and considered technical research results as well as input from participants of FHWA-sponsored workshops (as discussed later in this document) and developed proposed minimum maintained pavement marking retroreflectivity levels for the MUTCD.

The FHWA sponsored research to establish recommended minimum pavement marking retroreflectivity levels.[1] This research included a literature review as well as the use of the latest visibility modeling techniques and tools. The findings of the literature review were used to establish criteria for key factors related to the visibility of pavement markings. Some of the major factors included in the study are shown below.

- Pavement marking configuration (3 levels: white dashed line left of the vehicle, yellow dashed line left of the vehicle, and yellow dashed line left of the vehicle with a solid white line right of the vehicle),[2]
- Vehicle type (2 levels: passenger car, commercial truck),
- Vehicle speed (3 levels: 40, 55, and 70 mph),
- Pavement surface (2 levels: concrete, asphalt),
- Driver age (1 level: 62 years, which was the average age of the study participants used to establish the minimum sign retroreflectivity levels),
- Preview time (1 level: 2.2 seconds determined to be an absolute minimum for safe vehicle operations), and
- Pavement marking width (1 level: set at the nominal dimension of 4 inches for longitudinal pavement markings).

The visibility modeling outputs were used to generate research recommendations for minimum retroreflectivity levels for pavement markings. The recommendations were based on maintaining a minimum preview time of 2.2 seconds for nighttime drivers with visual capabilities of a typical 62-year-old driver.

The findings were then vetted through FHWA-sponsored workshops in the summer of 2007.[3] The workshops included participants from State and local agencies from around the country. The goal of the workshops was to obtain input from public agencies regarding efforts to establish a minimum retroreflectivity requirement for pavement markings.

In 2008, the FHWA developed a synthesis of the benefits of pavement markings, including safety studies, vehicle operations studies, and visibility-related studies.[4] While early landmark studies are referenced in the synthesis, the emphasis was directed to more recent studies offering new insights into the benefits of pavement markings that were previously undetectable (more data are now available for advanced analysis techniques). Regarding minimum pavement marking retroreflectivity, the synthesis shows that drivers judge pavement markings as being marginally adequate when retroreflectivity levels range from 80 to 130 mcd/m^2/lux. The safety benefits of adding edgelines was demonstrated for nighttime conditions, low-visibility conditions, and highways with narrow pavement widths and low traffic volumes.

The synthesis also included a critical review of the results of a National Cooperative Highway Research Program (NCHRP) study which included the following language in the findings: "* * * the difference in safety between new markings and old markings during non-daylight conditions on non-intersection locations is approximately zero."[5] The synthesis includes key concerns of the NCHRP study approach regarding inadequate samples of pavement markings with retroreflectivity levels at or near the proposed minimum retroreflectivity levels. It was concluded that the NCHRP study provides little if any information regarding the link between minimum pavement marking retroreflectivity and safety.

Finally, in anticipation of this NPA, the American Association of State Highway and Transportation Officials (AASHTO) developed a task force on minimum retroreflectivity for pavement

[1] The report titled, "Updates to Research on Recommended Minimum Levels for Pavement Marking Retroreflectivity to Meet Driver Night Visibility Needs" can be viewed at the following Internet Web site: *http://www.tfhrc.gov/safety/pubs/07059/.*

[2] Additional configurations and pavement marking types (such as transverse markings, arrows, or intersection markings) were not studied because they were not incorporated in the visibility modeling software used for the referenced research.

[3] A summary of the 2007 workshops can be viewed at the following Internet Web site: *http://safety.fhwa.dot.gov/roadway_dept/night_visib/pavement_visib/fhwasa08003/fhwasa08003.pdf.*

[4] Carlson, Park, Andersen. Benefits of Pavement Markings: Renewed Perspective Based on Recent and Ongoing Research, Paper No. 09–0488, Transportation Research Board Annual Meeting, Washington, DC, January 2009. This document can be viewed at the following Internet Web site: *http://safety.fhwa.dot.gov/roadway%5Fdept/night_visib/pavement_visib/no090488/.*

[5] Pavement Marking Materials and Markers: Real-World Relationship Between Retroreflectivity and Safety Over Time, NCHRP Web Only Report 92, can be viewed at the following Internet Web site: *http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_webdoc_92.pdf.*

markings. This task force prepared AASHTO Policy Resolution HW–07–18, dated January 24, 2008, and titled, "Minimum Levels of Retroreflectivity for Pavement Markings" that outlines their opinions.[6] The National Committee on Uniform Traffic Control Devices (NCUTCD) also developed MUTCD language for unspecified minimum levels of retroreflectivity for pavement markings and submitted that recommendation to FHWA. The NCUTCD recommendation did not include a table of values for minimum pavement marking retroreflectivity.[7]

Proposed Amendment

The goal of this NPA is to amend the MUTCD to include methods to maintain minimum pavement marking retroreflectivity and associated minimum maintained values for longitudinal pavement marking retroreflectivity. The FHWA seeks comment on the proposed changes to the Introduction, Section 1A.11 Relation to Other Publications, and new Section 3A.03 Maintaining Minimum Retroreflectivity of Longitudinal Pavement Markings.

Discussion of Proposed Amendments to the Introduction

1. In the Introduction, the FHWA proposes to add the STANDARD statement compliance dates for new Section 3A.03 Maintaining Minimum Retroreflectivity of Longitudinal Pavement Markings. The FHWA proposes a phase-in compliance period of 4 years from the date of Final Rule for implementation and continued use of a maintenance method that is designed to maintain pavement marking retroreflectivity at or above the established minimum levels and 6 years from date of the Final Rule for replacement of pavement markings that are identified using the maintenance method as failing to meet the established minimum levels. Considering the comments regarding budget cycles, particularly those of local agencies, that were received during the sign retroreflectivity rulemaking process, the FHWA believes that a 4-year compliance period for establishing and implementing a maintenance method that is designed to maintain pavement marking retroreflectivity at or above the established levels is appropriate. This compliance period will allow transportation agencies to make allowances for budgets (including working with the States or regional organizations to access funds and/or develop partnerships) to achieve the minimum levels of pavement marking retroreflectivity. The 6-year compliance period applies to the replacement of pavement markings that have been identified using a maintenance method as failing to meet the minimum retroreflectivity levels. The FHWA believes 6 years is appropriate because this allows time for agencies to prioritize how to spend limited resources on those pavement markings that should be replaced. Longer compliance replacement periods were provided for signs because retroreflective sign materials have longer service lives than pavement markings.

Discussion of Proposed Amendments to Part 1—General

2. In Section 1A.11 Relation to Other Publications, the FHWA proposes to add the publication "Summary of the MUTCD Pavement Marking Retroreflectivity Standard" to the list of other publications that are useful sources. A draft version of this document is available on the docket. This draft publication is a supplemental document for informational purposes and the final version of this document will reflect any necessary changes made to this proposed rule and will be published and distributed by FHWA.

Discussion of Proposed Amendments to Part 3—Pavement Markings

3. The FHWA proposes a new section titled, Section 3A.03 Maintaining Minimum Retroreflectivity of Longitudinal Pavement Markings. The FHWA proposes to include STANDARD, SUPPORT, GUIDANCE, and OPTION statements in this section that refer to maintaining minimum pavement marking retroreflectivity.

4. In the STANDARD statement, FHWA proposes to require that public agencies or officials having jurisdiction shall use a method designed to maintain retroreflectivity of white and yellow longitudinal pavement markings that are required or recommended in Sections 3B.01, 3B.04 or 3B.07 of the MUTCD at or above the minimum levels in proposed Table 3A–1. This proposed statement is very similar to the STANDARD statement adopted in the sign retroreflectivity final rule requiring the use of a maintenance method.[8]

The FHWA received numerous comments during the sign retroreflectivity rulemaking process regarding the placement of retroreflectivity requirements in a STANDARD statement. The FHWA proposes to include the reference to minimum levels for pavement marking retroreflectivity in a STANDARD statement because the statute requires the Secretary to revise the MUTCD to include a standard for minimum levels of retroreflectivity that must be maintained for pavement markings. Under the MUTCD's current organization, the best way to do this is by including it in a STANDARD statement, because Standards represent requirements.[9]

The intent of the proposed STANDARD statement is to establish minimum levels of nighttime pavement marking performance based on the visibility needs of nighttime drivers. Pavement markings excluded from the proposed STANDARD are not to be excluded from any other MUTCD standards. For instance, Section 3A.02 of the MUTCD already requires that pavement markings that must be visible at night shall be retroreflective unless ambient illumination assures that the markings are adequately visible.

5. As part of the STANDARD, the FHWA proposes a new table numbered and titled, "Table 3A–1 Minimum Maintained Retroreflectivity Levels for Longitudinal Pavement Markings." The information in the table is based upon research conducted on pavement marking retroreflectivity in the report titled, "Updates to Research on Recommended Minimum Levels for Pavement Marking Retroreflectivity to Meet Driver Night Visibility Needs."[10] The proposed table applies only to white and yellow longitudinal pavement markings on roads where they are required or recommended in Sections 3B.01, 3B.04 or 3B.07 of the MUTCD. In the MUTCD, standard statements are used to denote those

[6] Additional information about AASHTO can be found at the following Internet Web site: *http://transportation.org.*

[7] NCUTCD's recommended language can be viewed at the following Internet Web site: *https://ceprofs.civil.tamu.edu/ghawkins/MTC-Files/2009-01_Meeting/Min%20Mkg%20Retro%20Ballot.approved%20by%20Council.pdf.*

[8] Sign retroreflectivity final rule was published in the **Federal Register** at 72 FR 72574 on December 21, 2007, and can be viewed at the following Internet Web site: *http://www.regulations.gov.*

[9] In the context of this NPA, the definitions of STANDARD and GUIDANCE are identical to the definitions provided in the Introduction of the MUTCD (*http://mutcd.fhwa.dot.gov*). Specifically, a STANDARD is a statement of required, mandatory or specifically prohibitive practice regarding a traffic control device, while a GUIDANCE is a statement of recommended, but not mandatory, practice in typical situations, with deviations allowed if engineering judgment or engineering study indicates the deviation to be appropriate.

[10] The report titled, "Updates to Research on Recommended Minimum Levels for Pavement Marking Retroreflectivity to Meet Driver Night Visibility Needs" can be viewed at the following Internet Web site: *http://www.tfhrc.gov/safety/pubs/07059/.*

items that are required, while guidance statements are used to denote items that are recommended. The MUTCD does not require or recommend pavement markings on all types of roads. Therefore, this proposed rulemaking applies to white and yellow longitudinal pavement markings, including temporary longitudinal pavement markings, on certain types of roads and on roads exceeding certain minimum volumes and/or widths that are described in standard and guidance statements in Sections 3B.01, 3B.04, or 3B.07 of the MUTCD. This includes center lines, lane lines, and edge lines, as described below.

Center line markings typically separate opposing traffic flows, such as the solid and/or broken yellow lines used to designate:

- Passing and no passing zones
- Two-way left turn lanes
- Reversible lanes
- Flush medians formed by yellow markings.

Center line markings are required or recommended by Section 3B.01 on:

(1) All paved urban arterials and collectors that have a traveled way of 20 feet or more in width and average daily traffic (ADT) of 4,000 vehicles per day or greater.

(2) All rural arterials and collectors that have a traveled way of 18 ft or more in width and an ADT of 3,000 vehicles per day or greater.

(3) All paved two-way streets or highways that have three or more lanes for moving motor vehicle traffic. This includes the one- or two-direction no-passing zone markings that separate two lanes in one direction from one lane in the other direction.

(4) Other traveled ways where an engineering study indicates such a need.

Lane line markings separate traffic flows in the same direction, such as the solid, broken, or dotted white lines used to separate more than one lane in a given direction, including turn lanes, through lanes, and preferential lanes.

Lane line markings are required or recommended by Section 3B.04 on:

(1) Freeways and Interstate highways.

(2) All roadways that are intended to operate with two or more adjacent traffic lanes that have the same direction of travel, except as otherwise required for reversible lanes.

(3) Congested locations where the roadway will accommodate more traffic lanes with lane line markings than without the markings.

Edge line markings are solid lines that delineate the right or left edge of a roadway, such as:

- Yellow left edge lines
- White right edge lines
- White channelizing lines that function in place of edge lines in delineating a gore, divergence, or obstruction that can be passed on either side by traffic in one direction.

Edge lines are required or recommended by Section 3B.07 on:

(1) Freeways

(2) Expressways

(3) Rural arterials and collectors with a traveled way of 20 ft or more in width and an ADT of 3,000 vehicles per day or greater.

(4) Paved streets and highways where an engineering study indicates a need for edge line markings.

The proposed retroreflectivity levels are measured at the standard 30-meter geometry and shown in units of millicandelas per square meter per lux (mcd/m^2/lx). The proposed table addresses two types of pavement marking configurations: (1) Two-lane roads with centerline markings only, and (2) all other roads. Studies have shown that nighttime drivers report significantly shorter pavement marking visibility distances on roadways marked with only centerline markings versus roadways with both centerline and edge line markings.[11] Therefore, the proposed retroreflectivity levels are higher for two-lane roads with centerline markings only. In addition, visibility and safety studies indicate that visibility distance is increased and run-off-the-road crashes are decreased with the presence of edge line markings.

For each roadway type, the FHWA proposes minimum retroreflectivity values for two posted speed categories: (1) 35 to 50 mph, and (2) 55 mph and higher. Research shows that roadways with higher speed limits should have pavement markings with higher retroreflectivity levels in order to maintain adequate visibility in terms of preview time.[12] After considering workshop comments suggesting simplicity in the table, the FHWA believes that more than two speed categories may not be reasonable. The FHWA proposes the posted speed category of 55 mph and higher as the break point for higher speed roadways and thus higher minimum retroreflectivity levels because 55 mph represents a natural break point that will include nearly 70 percent of rural two-lane roadways in the United States. The FHWA proposes that minimum retroreflectivity values not apply on roads with posted speed limits 30 mph or less because low-beam headlight illumination provides sufficient visibility at these low speeds.

For both the two-lane roads with only centerline markings and all other roads, the FHWA proposes exceptions to the minimum retroreflectivity levels for pavement markings. When retroreflective raised pavement markers (RRPMs) supplement or substitute for a longitudinal pavement marking, the FHWA proposes that the minimum pavement marking retroreflectivity levels would not be applicable to that line as long as the RRPMs are maintained so that at least three are visible from any position along that line during nighttime conditions. The FHWA proposes this exception because when RRPMs are maintained they provide more roadway preview time than pavement markings alone.[13] The FHWA proposes that three RRPMs must be visible along a line, because research has shown that a minimum of three point sources of delineation is needed for drivers to estimate roadway alignment, particularly roadway curvature, as well as provide the necessary preview time based on roadway speed and typical application practices.[14] Sections 3B.13 and 3B.14 of the MUTCD include information regarding RRPMs supplementing or substituting for longitudinal pavement markings. The FHWA also proposes to exempt pavement markings from meeting minimum maintained retroreflectivity levels on roadways where continuous roadway lighting assures that the markings are visible, because Section 3A.02 of the MUTCD provides a similar exemption, which is appropriate and is not proposed to be changed.[15]

[11] TRR1605—Visibility of New Centerline and Edge Line Pavement Markings, Zwahlen & Schnell, can be viewed at the following Internet Web site: *http://trb.metapress.com/content/u4v7227l667x5610/fulltext.pdf.*

[12] Carlson, Park, Andersen. Benefits of Pavement Markings: Renewed Perspective Based on Recent and Ongoing Research, Paper No. 09–0488, Transportation Research Board Annual Meeting, Washington, DC, January 2009. This document can be viewed at the following Internet Web site: *http://safety.fhwa.dot.gov/roadway_dept/night_visib/pavement_visib/no090488/.*

[13] Carlson, P., J. Miles, A. Pike, and E. Park. "Evaluation of Wet Weather Pavement Markings: First Year Report," Report 0–5008–1. Texas Transportation Institute, College Station, 2005. This document can be viewed at the following Internet Web site: *http://tti.tamu.edu/documents/0–5008–1.pdf.*

[14] The report titled, "Review and Development of Recommended Minimum Pavement Marking Retroreflectivity Levels" by Chris Debaillon, Paul J. Carlson, H. Gene Hawkins, Jr., Yefei He, Tom Schnell, and Fuat Aktan, In Transportation Research Record 2055, TRB, National Research Council,Washington, DC 2008 can be viewed at the following Internet Web site: *http://trb.metapress.com/content/nv26lj157627g372/.*

[15] Paragraph 3 in Section 3A.02 states, "Markings that must be visible at night shall be retroreflective unless ambient illumination assures that the markings are adequately visible."

The FHWA understands, based on input from stakeholder workshops as well as some comments received during the sign retroreflectivity rulemaking process, that there may be some agencies that are not comfortable with including Table 3A–1 Minimum Maintained Retroreflectivity Levels for Longitudinal Pavement Markings in the MUTCD. The FHWA believes that including minimum retroreflectivity values in the MUTCD is necessary to satisfy the statutory requirement that the MUTCD be amended to include a standard on minimum maintained retroreflectivity levels. The FHWA also believes inclusion of the table will provide clarity and convenience to the users of the MUTCD. An additional advantage of placing the table in the MUTCD is that updates or changes to the minimum retroreflectivity levels would be subject to public notice and comment during the rulemaking process to revise the MUTCD.

6. Following Table 3A–1, the FHWA proposes a SUPPORT statement that describes compliance with the STANDARD. The FHWA proposes to include an explanation that compliance with the STANDARD is achieved by having a method in place and using the method to maintain the minimum levels established in Table 3A–1. Provided that a method is being used, an agency or official having jurisdiction would be in compliance with the Standard, even if there are pavement markings that do not meet the minimum retroreflectivity levels at a particular location or at a particular point in time. This proposed SUPPORT statement is very similar to the one adopted in the sign retroreflectivity final rule. The FHWA proposes to include this statement based on comments from organizations and agencies during the sign retroreflectivity rulemaking process.

During the pavement marking workshop series, the FHWA received input from several agencies who stated that winter conditions are especially problematic for maintaining pavement marking retroreflectivity. In many areas of the country, snow and/or ice can cover pavement markings for long periods of time and low temperatures or precipitation can make it impractical to replace markings. In addition, snow removal and roadway preparation operations, such as sanding and salting, can damage pavement markings. In addition, the FHWA understands that many factors, including environmental conditions and pavement resurfacing, must be considered before a responsible agency can be expected to restore their markings in accordance with Table 3A–1. For example, agencies involved with resurfacing a specific roadway should not have to restore their markings along that roadway immediately before resurfacing. The FHWA recognizes that it is not a practical use of resources to restore markings immediately before a resurfacing project because new markings will be applied immediately after resurfacing is completed. The proposed maintenance methods allow agencies the flexibility to choose a maintenance method, and FHWA believes a responsible agency will determine a reasonable time period for restoring markings in accordance with Table 3A–1.

The FHWA recognizes that there is liability concern on the part of some jurisdictions with the establishment of pavement retroreflectivity levels and methods in the MUTCD. However, the FHWA believes that the selection of a reasonable method for maintaining pavement marking retroreflectivity and strict adherence to the same might serve to defend highway agencies in tort liability claims and litigation. Public agencies and officials that implement and follow a reasonable method in conformance with the national MUTCD would appear to be in a better position to successfully defend tort litigation involving claims of improper pavement marking retroreflectivity than jurisdictions that lack any method. Including the table in the MUTCD does not imply that an agency needs to measure the retroreflectivity of every pavement marking in its jurisdiction. Instead, agencies must implement methods designed to provide options on how to maintain the minimum retroreflectivity levels using the criteria in Table 3A–1.

7. The FHWA proposes to include a GUIDANCE statement that recommends that one or more of the maintenance methods listed should be used to maintain pavement marking retroreflectivity at or above the levels identified in Table 3A–1. The methods listed are: (1) Calibrated visual nighttime inspection, (2) consistent parameters visual nighttime inspection, (3) measured retroreflectivity, (4) service life based on monitored pavement markings, (5) blanket replacement, and (6) other methods. The GUIDANCE statement includes a brief description of each method and references "Summary of the MUTCD Pavement Marking Retroreflectivity Standard," which provides more information about these methods and their association to minimum maintained retroreflectivity levels for pavement markings. As part of the descriptions of the various methods in the GUIDANCE, the FHWA proposes to include a statement indicating that pavement markings identified as below the proposed minimum levels are to be replaced. The FHWA proposes to allow agencies to establish other methods than those specifically described; however, such methods must be designed to maintain pavement marking retroreflectivity at or above the proposed minimum levels listed in Table 3A–1, and must be based on an engineering study.

The FHWA believes there is sufficient flexibility in the proposed maintenance methods that allow agencies to choose the most appropriate method or combination of methods. The proposed minimum retroreflectivity levels listed in Table 3A–1 do not infer a requirement to measure every pavement marking. Current retroreflectivity measurement practices include mobile measurement at highway speeds and handheld stationary measurement. However, mobile and handheld pavement marking retroreflectometers produce inconsistent results when measuring certain types of pavement markings such as profiled or textured pavement markings, rumble stripes, and RRPMs. In those cases, an agency may select a method other than actual measurements.

In the OPTION statement, the FHWA proposes to list several pavement marking types that agencies may exclude from the proposed maintenance methods and minimum maintained pavement marking retroreflectivity levels. The FHWA proposes to exclude these markings because additional research is needed to support establishment of minimum retroreflectivity levels for these markings. The pavement marking types that the FHWA proposes to exclude are: (1) Words, symbols, and arrows, (2) crosswalks and other transverse markings, (3) black markings used to enhance the contrast of pavement markings on a light colored pavement, (4) diagonal or chevron markings within a neutral area of a flush median, shoulder, gore, divergence, or approach to an obstruction, (5) dotted extension lines that extend a longitudinal line through an intersection or interchange area, (6) curb markings, (7) parking space markings, and (8) shared use path markings. This list will not exclude those markings from existing MUTCD retroreflectivity requirements and guidance.

Rulemaking Analyses and Notices

All comments received before the close of business on the comment closing date indicated above will be considered and will be available for examination using the docket number

appearing at the top of this document in the docket room at the above address. The FHWA will file comments received after the comment closing date and will consider late comments to the extent practicable. In addition, the FHWA will also continue to file in the docket relevant information becoming available after the comment closing date, and interested persons should continue to examine the docket for new material. A final rule may be published at any time after the close of the comment period.

Executive Order 12866 (Regulatory Planning and Review) and U.S. DOT Regulatory Policies and Procedures

The FHWA has determined that this action is a nonsignificant regulatory action within the meaning of Executive Order 12866 and under the regulatory policies and procedures of the U.S. Department of Transportation. It is anticipated that the economic impact of this rulemaking would cause minimal additional expense to public agencies. In 2008, the FHWA published its preliminary analyses of the cost impacts to State and local agencies to reflect material costs and overall mileage of State and local roads. The findings of the revised analysis, accounting for the current language and minimum retroreflectivity levels (published concurrently with this NPA), show that the costs of the proposed action to States and local agencies would be less than $100 million per year. The proposed 6-year regulation implementation period would allow replacement of non-compliant pavement markings under currently planned maintenance cycles and provides for the most recently placed markings to reach the end of their useful service life.

The FHWA has considered the costs and benefits associated with this rulemaking and believes that the benefits outweigh the costs. The MUTCD already requires that pavement markings that must be visible at night shall be retroreflective unless ambient illumination assures that the markings are adequately visible. The changes proposed in this notice provide additional guidance, clarification, and flexibility in maintaining longitudinal pavement markings. The pavement markings excluded from the proposed rulemaking are not to be excluded from any other MUTCD standards. The FHWA expects the proposed maintenance methods will help to promote safety and mobility on the Nation's roads and will result in minimum expense to public agencies or the motoring public.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601–612), the FHWA has evaluated the effects of this proposed action on small entities, including small governments. The FHWA certifies that this proposed action will not have a significant economic impact on a substantial number of small entities.

This proposed action would apply to State departments of transportation in the execution of their highway programs, specifically with respect to the retroreflectivity of pavement markings. Additionally, pavement marking improvement is eligible for up to 100 percent Federal-aid funding. This also applies to local jurisdictions and tribal governments, pursuant to 23 U.S.C. 120(c). The implementation of this proposed action would not affect the economic viability or sustenance of small entities, as States are not included in the definition of a small entity that is set forth in 5 U.S.C. 601.

Executive Order 13132 (Federalism)

The FHWA analyzed this proposed amendment in accordance with the principles and criteria contained in Executive Order 13132, dated August 4, 1999, and the FHWA has determined that this proposed action would not have a substantial direct effect or sufficient federalism implications on States and local governments that would limit the policymaking discretion of the States and local governments. Nothing in the MUTCD directly preempts any State law or regulation.

The MUTCD is incorporated by reference in 23 CFR part 655, subpart F. These proposed amendments are in keeping with the Secretary of Transportation's authority under 23 U.S.C. 109(d), 315, and 402(a) to promulgate uniform guidelines to promote the safe and efficient use of the highway.

Unfunded Mandates Reform Act of 1995

This proposed rule does not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 109 Stat. 48, March 22, 1995). The impacts analysis shows that State and local agencies would be likely to incur impacts of roughly $64 million per year after the 6-year implementation period for maintaining the proposed minimum levels of pavement marking retroreflectivity. The estimates are based upon the assumption that the distribution of marking materials on a national basis is 75 percent paint, 20 percent thermoplastic, and 5 percent epoxy. The labor, equipment, and mileage costs for pavement marking replacement were excluded under the assumption that the proposed implementation period of 6 years is long enough to allow replacement of non-compliant pavement markings under currently planned maintenance cycles. Therefore, this proposed rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $141.3 million or more in any 1 year. In addition, pavement marking replacement is eligible for up to 100 percent Federal-aid funding. This applies to local jurisdictions and tribal governments, pursuant to 23 U.S.C. 120(c). Further, the definition of "Federal Mandate" in the Unfunded Mandates Reform Act excludes financial assistance of the type in which State, local, or tribal governments have authority to adjust their participation in the program in accordance with changes made in the program by the Federal Government. The Federal-aid highway program permits this type of flexibility.

Executive Order 13175 (Tribal Consultation)

The FHWA has analyzed this proposed action under Executive Order 13175, dated November 6, 2000, and believes that it will not have substantial direct effects on one or more Indian tribes, will not impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal law. Therefore, a tribal summary impact statement is not required.

Executive Order 13211 (Energy Effects)

The FHWA has analyzed this proposed action under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. The FHWA has determined that this is not a significant energy action under that order because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects under Executive Order 13211 is not required.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget for each collection of information they conduct, sponsor, or require through regulations. The FHWA has determined that this proposed action does not contain a collection of information requirement for the purposes of the PRA.

Executive Order 12988 (Civil Justice Reform)

This proposed action meets applicable standards in Sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, to eliminate ambiguity, and to reduce burden.

Executive Order 13045 (Protection of Children)

The FHWA has analyzed this proposed action under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This is not an economically significant action and does not concern an environmental risk to health or safety that might disproportionately affect children.

Executive Order 12630 (Taking of Private Property)

This proposed action would not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

National Environmental Policy Act

The agency has analyzed this proposed action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that it will not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 655

Design Standards, Grant programs—Transportation, Highways and roads, Incorporation by reference, Pavement Markings, Traffic regulations.

Issued on: April 15, 2010.

Victor M. Mendez,

Administrator.

In consideration of the foregoing, the FHWA is amending title 23, Code of Federal Regulations, part 655 as follows:

PART 655—TRAFFIC OPERATIONS

1. The authority citation for part 655 continues to read as follows:

Authority: 23 U.S.C. 101(a), 104, 109(d), 114(a), 217, 315 and 402(a); 23 CFR 1.32; and 49 CFR 1.48(b).

Subpart F—[Amended]

2. Revise § 655.601(a), to read as follows:

§ 655.601 Purpose.

* * * * *

(a) Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), [date to be inserted], including Revision No. 1, FHWA, dated [date to be inserted]. This publication is incorporated by reference in accordance with 5 U.S.C. 522(a) and 1 CFR part 51 and is on file at the National Archives and Record Administration (NARA). For information on the availability of this material at NARA call (202) 741–6030, or go to *http://www.archives.gov/Federal_register/code_of_Federal_regulations/ibr_locations.html.* It is available for inspection and copying at the Federal Highway Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590, as provided in 49 CFR Part 7. The text is also available from the FHWA Office of Transportation Operation's Web site at: *http://mutcd.fhwa.dot.gov.*

* * * * *

[FR Doc. 2010–9294 Filed 4–21–10; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–134235–08]

RIN 1545–BI28

Furnishing Identifying Number of Tax Return Preparer; Hearing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of public hearing on proposed rulemaking.

SUMMARY: This document provides notice of public hearing on a notice of proposed rulemaking providing guidance to tax return preparers on furnishing an identifying number on tax returns and claims for refund of tax that they prepare.

DATES: The public hearing is being held on Thursday, May 6, 2010, at 1:30 p.m. The IRS must receive outlines of the topics to be discussed at the hearing by Thursday, April 29, 2010.

ADDRESSES: The public hearing is being held in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Send submissions to: CC:PA:LPD:PR (REG–134235–08), room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–134235–08), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC. Alternatively, taxpayers may submit electronic outlines of oral comments via the Federal eRulemaking Portal at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Stuart Murray at (202) 622–4940 (not a toll-free number); concerning submissions of comments, the hearing, and/or to be placed on the building access list to attend the hearing, Richard A. Hurst at *Richard.A.Hurst@irscounsel.treas.gov.*

SUPPLEMENTARY INFORMATION: The subject of the public hearing is the notice of proposed rulemaking (REG–134235–08) that was published in the **Federal Register** on Friday, March 26, 2010 (75 FR 14539).

Persons, who wish to present oral comments at the hearing that submitted written comments, must submit an outline of the topics to be discussed and the amount of time to be devoted to each topic (signed original and eight (8) copies) by Thursday, April 29, 2010.

A period of 10 minutes is allotted to each person for presenting oral comments. After the deadline for receiving outlines has passed, the IRS will prepare an agenda containing the schedule of speakers. Copies of the agenda will be made available, free of charge, at the hearing or in the Freedom of Information Reading Room (FOIA RR) (Room 1621) which is located at the 11th and Pennsylvania Avenue NW. entrance, 1111 Constitution Avenue, NW., Washington, DC.

Because of access restrictions, the IRS will not admit visitors beyond the immediate entrance area more than 30 minutes before the hearing starts. For information about having your name placed on the building access list to

attend the hearing, *see* the **FOR FURTHER INFORMATION CONTACT** section of this document.

LaNita Van Dyke,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, Procedure and Administration.

[FR Doc. 2010–9338 Filed 4–21–10; 8:45 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2005–NM–0007; FRL–9140–1]

Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Transportation Conformity Requirement for Bernalillo County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a revision to the New Mexico State Implementation Plan (SIP) at New Mexico Administrative Code 20.11.3, concerning transportation conformity rules for Bernalillo County, New Mexico. The plan revision is intended to ensure consistency with amendments to the federal Transportation Conformity Rule. These plan revisions meet statutory and regulatory requirements, and are consistent with EPA's guidance.

DATES: Written comments should be received on or before May 24, 2010.

ADDRESSES: Please see the related direct final rule, which is located in the "Rules and Regulations" section of this **Federal Register**, for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Jeffrey Riley, Air Planning Section (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, telephone 214–665–8542; fax number 214–665–7263; e-mail address *riley.jeffrey@epa.gov*.

SUPPLEMENTARY INFORMATION: This document proposes to take action on SIP revisions submitted by the Governor of New Mexico on behalf of the Albuquerque Environmental Health Department. We have published a direct final rule approving the State's SIP revisions in the "Rules and Regulations" section of this **Federal Register** because we view this as a noncontroversial action and anticipate no adverse comment. We have explained our reasons for this action in the preamble to the direct final rule.

If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we will withdraw the direct final rule and it will not take effect. We would address all public comments in any subsequent final rule based upon this proposed rule.

We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please see the information provided in the **ADDRESSES** section of this document.

Dated: April 9, 2010.

Lawrence E. Starfield,

Acting Regional Administrator, Region 6.

[FR Doc. 2010–9197 Filed 4–21–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 261, 268 and 302

[EPA–HQ–RCRA–2010–0310, FRL–9140–3]

RIN 2050–AG55

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Removal of Saccharin and Its Salts From the Lists of Hazardous Constituents, Hazardous Wastes, and Hazardous Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is proposing to amend its regulations under the Resource Conservation and Recovery Act (RCRA) to remove saccharin and its salts from the lists of hazardous constituents and commercial chemical products which are hazardous wastes when discarded or intended to be discarded. EPA is also proposing to amend the regulations under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to remove saccharin and its salts from the list of hazardous substances. This proposed rule is in response to a petition submitted to EPA by the Calorie Control Council (CCC), to remove saccharin and its salts from the above lists. EPA is proposing to grant CCC's petition based on a review of the evaluations conducted by key public health agencies concerning the carcinogenic and other potential toxicological effects of saccharin and its salts, as well as EPA's own assessment of the waste generation and management information for saccharin and its salts, which demonstrate that saccharin and its salts do not meet the criteria in the hazardous waste regulations for remaining on EPA's lists of hazardous constituents, hazardous wastes, and hazardous substances.

DATES: Comments must be received on or before June 21, 2010.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–RCRA–2009–0310 by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail:* Comments may be sent by electronic mail (e-mail) to *rcra.docket@epamail.epa.gov,* Attention Docket ID No. EPA–HQ–RCRA–2009–0310.
- *Mail:* Comments may be submitted by mail to: OSWER Docket, Office of Resource Conservation and Recovery, U.S. Environmental Protection Agency, Mailcode: 28221T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, Attention Docket ID No. EPA–HQ–RCRA–2009–0310. Please include a total of two copies of your comments.
- *Hand Delivery:* Deliver your comments to: EPA Docket Center, Public Reading Room, Room 3334, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC 20460, Attention Docket ID No. EPA–HQ–RCRA–2009–0310. Such deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays) and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–RCRA–2009–0310. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as a part of the comment

that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the OSWER Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20460. The Public Meeting Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the OSWER Docket and the Public Reading Room is (202) 566–1744.

FOR FURTHER INFORMATION CONTACT: Mr. Narendra Chaudhari, Office of Resource Conservation and Recovery (5304W), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: 703–308–0454; e-mail address: *chaudhari.narendra@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

This proposed rule could directly affect businesses that generate or manage unused commercial products that contain saccharin or its salts as the sole active ingredient. The wastes affected by this proposed rule are listed as EPA Hazardous Waste No. U202 (*see* 40 CFR 261.33(f)). If finalized, these wastes will no longer be listed hazardous wastes. This action may also affect entities that need to respond to releases of these wastes as CERCLA hazardous substances, since saccharin and its salts will no longer be CERCLA hazardous substances. Persons in charge of vessels or facilities from which saccharin or its salts are released will no longer be required to immediately notify the National Response Center of the release under section 103 of CERCLA and will not be subject to the liability provisions under section 107 of CERCLA. The table below provides a guide for readers regarding entities that likely would be directly or indirectly affected by this action, based on the information available from the 2007 Biennial Report.[1]

Industry Sectors Potentially Affected by the Proposed Rule

NAICS Code	Industry description for NAICS Code
5417	Scientific Research and Development Services.
31193	Flavoring Syrup and Concentrate Manufacturing.
32541	Pharmaceutical and Medicine Manufacturing.
32562	Toilet Preparation Manufacturing.[2]
54171	Research and Development in the Physical, Engineering, and Life Sciences.
49311	General Warehousing and Storage.
61131	Colleges, Universities, and Professional Schools.
312111	Soft Drink Manufacturing.
325411	Medicinal and Botanical Manufacturing.
325412	Pharmaceutical Preparation Manufacturing.
325199	All Other Basic Organic Chemical Manufacturing [manufacturers of saccharin].

This action,however, may affect other entities not listed in the table. To determine whether your facility is affected by this action, you should examine 40 CFR parts 261, 268 and 302 carefully, along with the final regulatory language amending Chapter I of the Code of Federal Regulations (CFR). This language is found at the end of this **Federal Register** notice. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding section entitled **FOR FURTHER INFORMATION CONTACT**.

[1] EPA, in partnership with the States, biennially collects information regarding the generation, management, and final disposition of hazardous wastes regulated under RCRA. *See* the 2007 Biennial Report on the EPA Web site *http://www.epa.gov/epawaste/inforesources/data/index.htm.*

[2] Saccharin and its salts are used in personal-care products such as mouthwash, dental cleaners, and lipstick, which come under Toilet Preparation Manufacturing (NAICS Code 32562).

B. What Should I Consider as I Prepare My Comments for EPA?

1. Submitting CBI

Do not submit this information to EPA through *http://www.regulations.gov* or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information submitted on a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with the procedures set forth in 40 CFR part 2. For further information on the procedures for submitting CBI data, contact Ms. LaShan Haynes (5305W), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (e-mail address and telephone number: *haynes.lashan@epa.gov,* (703) 605–0516).

2. Tips for Preparing Your Comments

When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternative and substitute language for your requested changes.
- Describe any assumptions that you used and provide any technical information and/or data that you used.
- If you estimate potential burden or costs, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns and suggest alternatives.
- Explain your views as clearly as possible.
- Make sure to submit your comments by the comment period deadline identified.

Preamble Outline

I. Statutory Authority
II. List of Abbreviations and Acronyms
III. Overview
A. What Is EPA Proposing in This Rule?

B. Why Is EPA Proposing This Rule?
C. What Information Did EPA Consider in Its Decision To Propose This Rule?
IV. Background
A. How Does EPA Identify a Chemical Substance as a Hazardous Constituent, Hazardous Waste, or Hazardous Substance?
B. What Is the History of the Listings for Saccharin and Its Salts?
C. Who Submitted a Petition to the EPA and What Do They Seek?
V. EPA's Evaluation of the Petition Based on the Available Toxicological Information and Waste Generation and Management Information for Saccharin and Its Salts
A. Evaluation of Toxicological Information for Saccharin and Its Salts To Assess the Petition
1. Evaluation of Information on the Carcinogenicity of Saccharin and Its Salts by NTP and IARC
2. Evaluation of Information on Other Toxicological Effects of Saccharin and Its Salts by NTP and IARC
B. Evaluation of Waste Generation and Management Information for Saccharin and Its Salts To Assess the Petition
1. Quantity and Types of Wastes Generated
2. Factors Considered for Waste Listing
VI. EPA's Conclusions and Rationale for Proposing To Grant the Petition
VII. Status of Land Disposal Restrictions for U202 Listed Wastes
VIII. State Authorization
A. Applicability of the Rule in Authorized States
B. Effect on State Authorization
IX. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Designation and List of Hazardous Substances and Reportable Quantities
X. Relationship to Other Rules
XI. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review
B. Paperwork Reduction Act
C. Regulatory Flexibility Act
D. Unfunded Mandates Reform Act
E. Executive Order 13132: Federalism
F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks
H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use
I. National Technology Transfer and Advancement Act
J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

I. Statutory Authority

EPA proposes these regulations under the authority of §§ 1006, 2002(a), 3001 and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), as amended, by the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. 6905, 6912(a), 6921 and 6922. These statutes combined are commonly referred to as the "Resource Conservation and Recovery Act" (RCRA) and will be referred to as such for the remainder of this action.

Section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. 9602, is the authority under which the CERCLA aspects of this rule are promulgated.

II. List of Abbreviations and Acronyms

BRS Biennial Reporting System
CAG Carcinogen Assessment Group
CBI Confidential Business Information
CCC Calorie Control Council
CERCLA Comprehensive Environmental Response, Compensation, and Liability Act
CFR Code of Federal Regulations
DHHS Department of Health and Human Services
EPA U.S. Environmental Protection Agency
EPCRA Emergency Planning and Community Right-to-Know Act of 1986
FDA Food and Drug Administration
HSWA Hazardous and Solid Waste Amendments of 1984
IARC International Agency for Research on Cancer
LC 50 Lethal Concentration 50%
LD 50 Lethal Dose 50%
LDRs Land Disposal Restrictions
NAICS North American Industrial Classification System
NOEL No Effect Level
NTP National Toxicology Program
OMB Office of Management and Budget
ROC Report on Carcinogens
RQ Reportable Quantity
WHO World Health Organization

III. Overview

A. What Is EPA Proposing in This Rule?

EPA is proposing to grant a petition submitted by the Calorie Control Council (CCC) under 40 CFR 260.20 to remove saccharin and its salts from the lists of hazardous constituents (40 CFR part 261, Appendix VIII), hazardous wastes (40 CFR 261.33(f)), and hazardous substances (40 CFR 302.4).

B. Why Is EPA Proposing This Rule?

Under § 260.20, any person may petition the EPA Administrator to modify or revoke any provision in Parts 260 through 266, 267, 268, and 273 of 40 CFR. The CCC argued in a petition it submitted to EPA (which is included in the docket for this proposed rule) that the current scientific evidence, as viewed by key public health agencies, such as the National Toxicology Program (NTP) and the International Agency for Research on Cancer (IARC), does not support classifying saccharin as a potential human carcinogen, which was EPA's original basis for placing saccharin and its salts on its lists. EPA's evaluation of this petition considered the original basis for the listing, NTP's and IARC's more recent conclusions about the risk of carcinogenicity of saccharin and its salts, and other factors or criteria required for making a listing determination. Based on this evaluation, EPA has determined that saccharin and its salts do not present any significant risk to human health or the environment. Therefore, EPA is proposing to grant CCC's petition by proposing to remove saccharin and its salts from the lists of hazardous constituents (40 CFR part 261, Appendix VIII), hazardous wastes (40 CFR 261.33(f)), and hazardous substances (40 CFR 302.4).

C. What Information Did EPA Consider in Its Decision To Propose This Rule?

EPA's analysis of whether or not to remove saccharin and its salts from its lists began with a review of the information in CCC's petition. This was followed by a review of the supporting information referred to in CCC's petition. The key supporting information for assessing the potential health risks from saccharin and its salts came from NTP and IARC. The NTP and IARC recently re-evaluated the available scientific evidence for saccharin and its salts and provided their findings on the carcinogenicity of these substances. (*See* Section V.A.) Since EPA originally listed saccharin based solely upon the evidence that it is a potential human carcinogen, it was important to consider the recent findings of NTP and IARC. In addition, EPA considered all other factors that could cause it to list saccharin and its salts as hazardous wastes, as well as hazardous constituents (Appendix VIII of Part 261) and hazardous substances (Part 302).

IV. Background

A. How Does EPA Identify a Chemical Substance as a Hazardous Constituent, Hazardous Waste, or Hazardous Substance?

EPA's regulations establish two ways of identifying solid wastes as hazardous wastes under RCRA. A waste may be considered hazardous if it exhibits certain hazardous properties ("characteristics") or if it is included on a specific list of wastes that EPA has determined are hazardous ("listing" a waste as hazardous) because the Agency has concluded that they may pose a substantial present or potential hazard to human health or the environment if improperly managed. EPA's regulations in the Code of Federal Regulations (40 CFR) define four hazardous waste characteristic properties: Ignitability,

corrosivity, reactivity, and toxicity (*see* 40 CFR 261.21–261.24). As a generator, you must determine whether or not a waste exhibits any of these characteristics by testing, or by using your knowledge of the process that generated the waste (*see* § 262.11(c)).

EPA "lists" wastes as hazardous if they meet the criteria set out in 40 CFR 261.11. The regulations at 40 CFR 261.31 through 261.33 contain the various hazardous wastes the Agency has listed to date. Under § 261.33(e) and (f), the Agency includes two lists of commercial chemical products or manufacturing chemical intermediates, or off-specification commercial chemical products or manufacturing chemical intermediates, that are hazardous wastes if and when they are discarded or intended to be discarded. The phrase "commercial chemical product or manufacturing chemical intermediate" refers to a chemical substance that is manufactured or formulated for commercial or manufacturing use, and consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient.

The Agency lists a chemical in § 261.33(e) as an acutely hazardous waste if it meets the criteria in § 261.11(a)(2), which states that the waste "has been found to be fatal to humans in low doses or, in the absence of data on human toxicity, it has been shown in studies to have an oral LD 50 toxicity (rat) of less than 50 milligrams per kilogram, an inhalation LC 50 toxicity (rat) of less than 2 milligrams per liter, or a dermal LD 50 toxicity (rabbit) of less than 200 milligrams per kilogram or is otherwise capable of causing or significantly contributing to an increase in serious irreversible, or incapacitating reversible, illness."

The Agency lists a chemical in § 261.33(f) as a hazardous waste if it meets the criteria in § 261.11(a)(1) and/or § 261.11(a)(3). Section 261.11(a)(1) requires that the waste "exhibits any of the characteristics of hazardous waste identified in subpart C." Section 261.11(a)(3) requires that the waste contains hazardous constituents identified in 40 CFR part 261, Appendix VIII, and after considering a number of factors, "* * * the Administrator concludes that the waste is capable of posing a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed." EPA places chemicals on the list of hazardous constituents in Appendix VIII "if they have been shown in scientific studies to have toxic, carcinogenic, mutagenic or teratogenic effects on humans or other life forms."

Whenever a hazardous waste or waste stream is identified or listed as hazardous under section 3001 of RCRA, it automatically becomes a hazardous substance under the statutory provisions of section 101(14) of CERCLA.

B. What Is the History of the Listings for Saccharin and Its Salts?

In 1980, as part of its final and interim final regulations implementing § 3001 of RCRA, EPA promulgated the lists of hazardous constituents (40 CFR part 261, Appendix VIII) and commercial chemical products or manufacturing chemical intermediates identified as hazardous wastes (40 CFR 261.33(f)) that included saccharin and its salts (45 FR 33084, May 19, 1980 and 45 FR 78532, November 25, 1980). The hazardous constituents listed in Appendix VIII were those which had been shown in scientific studies to have toxic, carcinogenic, mutagenic, or teratogenic effects on humans or other life forms, and included substances that had been identified by the Agency's Carcinogen Assessment Group (CAG). Saccharin was one of the constituents identified by CAG as a potential human carcinogen. The identification of saccharin by CAG, which lead to its inclusion in Appendix VIII of Part 261, is the sole reason the Agency listed saccharin as EPA Hazardous Waste No. U202 in 40 CFR 261.33(f). The Agency added "and salts" to the saccharin listing in the November 25, 1980 rulemaking, since normal commercial use includes both forms. The substances listed on 40 CFR 261.33(f) are commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products that are hazardous wastes if and when they are discarded or intended to be discarded.

Saccharin and its salts are included in 40 CFR 302.4 and designated as hazardous substances under section 102(a) of CERCLA, if they are listed under section 3001 of RCRA.

C. Who Submitted a Petition to the EPA and What Do They Seek?

On April 30, 2003, the CCC submitted a rulemaking petition to EPA, under 40 CFR 260.20, seeking removal of saccharin and its salts from the lists of hazardous constituents (40 CFR part 261, Appendix VIII), hazardous wastes (40 CFR 261.33(f)), and hazardous substances (40 CFR 302.4). In the petition, CCC argued that the key public health agencies, such as NTP and IARC had recently concluded, based on the current scientific evidence, that saccharin is not a potential human carcinogen. CCC also argued that, since EPA listed saccharin and its salts on the lists of hazardous constituents, hazardous wastes, and hazardous substances based solely on their potential as human carcinogens, there is no longer any basis for EPA to continue to include saccharin and its salts on these lists, and, therefore, believe that they should be removed from these lists. To examine CCC's complete petition, *see* the docket for this proposed rule.

V. EPA's Evaluation of the Petition Based on the Available Toxicological Information and Waste Generation and Management Information for Saccharin and Its Salts

Saccharin is a white crystalline powder which is about 300 times sweeter than sucrose. It is typically available commercially either in the acid form (saccharin) or as salts (sodium saccharin or calcium saccharin). The use of the name saccharin has been applied to all three forms of this chemical. Saccharin and its salts are used primarily as non-nutritive sweeteners. The most common uses are in diet soft drinks, as a table-top sweetener, and in products, such as juices, sweets, chewing gum and jellies. They are also used in cosmetics (*e.g.,* toothpaste, mouthwash, and lipstick), pharmaceuticals (*e.g.,* for coatings on pills), and electroplating (*e.g.,* as a brightener in nickel-plating baths).

EPA listed saccharin and its salts on the lists of hazardous constituents (40 CFR part 261, Appendix VIII), hazardous wastes (40 CFR 261.33(f)), and hazardous substances (40 CFR 302.4) based solely upon the evidence that it is a potential human carcinogen. EPA's evaluation of CCC's petition includes consideration of the original basis for the listings in light of the most recent scientific evidence about the risk of carcinogenicity of saccharin and its salts. However, EPA has also evaluated the petitioner's requests against the listing criteria and factors that would need to be considered today under the regulations.

A. Evaluation of Toxicological Information for Saccharin and Its Salts To Assess the Petition

There have been numerous scientific studies conducted over the past several decades for the purpose of determining the toxicological effects, in particular carcinogenic effects, from the use of saccharin and its salts. The NTP and IARC have recently re-evaluated the available scientific information on saccharin and its salts relevant to its

carcinogenic and other toxicological effects. In 1996, CCC submitted a nomination to (or petitioned) the NTP to consider removing saccharin from its Report on Carcinogens (ROC) "based upon mechanistic data related to development of urinary bladder cancers in rats." NTP re-evaluated the available scientific information for saccharin and published its decision on CCC's petition in 2000, as part of its 9th ROC. In 1999, IARC published the results of its latest re-evaluation of the available scientific information for saccharin and its salts. The evaluations on the carcinogenicity and other toxicological effects of saccharin and its salts by NTP and IARC are summarized below. *See* the "NTP Report on Carcinogens Background Document for Saccharin" (which will now be referred to as NTP's Background Document) and part of the IARC Monographs Volume 73 concerning saccharin and its salts, which are included in the docket for this rulemaking. EPA believes it is appropriate to accept the saccharin evaluations performed by NTP and IARC. The NTP decision to delist saccharin from the ROC included scientific peer reviews, as well as public comment. IARC's evaluation on the carcinogenicity of saccharin and its salts provides additional support in EPA's assessment of CCC's petition.

1. Evaluation of Information on the Carcinogenicity of Saccharin and Its Salts by NTP and IARC

NTP initially listed saccharin as "reasonably anticipated to be a human carcinogen" in its 2nd ROC, published in 1981, based on sufficient evidence, at that time, of carcinogenicity in experimental animals. Specifically, the listing was based on increased incidence of bladder tumors in experimental animals, especially male rats, when they were fed sodium saccharin. However, saccharin was removed, or delisted, by NTP in its 9th ROC, published in 2000. The delisting decision for saccharin was made on the basis of a formal review process adopted by NTP, which included two Federal and one non-government scientific peer review and public comment and review.

In the ROC and its background document, NTP summarized its evaluation supporting the decision to remove saccharin as "reasonably anticipated to be a human carcinogen" as follows:

> There is evidence of the carcinogenicity of saccharin in rats but less convincing evidence in mice. Mechanistic studies indicate that the observed urinary bladder cancers in rat studies are related to urinary pH, osmolality, volume, presence of precipitate and urothelial damage with attendant hyperplasia following dietary concentrations of 3% or higher with inconsistent findings at lower dietary concentrations. The factors thought to contribute to tumor induction by sodium saccharin in rats would not be expected to occur in humans. The mouse data are inconsistent and require verification by additional studies. Results of several epidemiology studies indicate no clear association between saccharin consumption and urinary bladder cancer. Although it is impossible to absolutely conclude that it poses no threat to human health, sodium saccharin is not reasonably anticipated to be a human carcinogen under conditions of general usage as an artificial sweetener.

The available epidemiology studies, according to NTP, mostly examined associations between urinary bladder cancer and artificial sweetners, rather than saccharin *per se.* The time trend data for bladder cancer from these studies were thought to be essentially noninformative with no clear indication that the increased use of saccharin or artificial sweetners, beginning in the 1940's, was associated with any general increase in bladder cancer when controlled for confounding factors, mainly smoking. NTP's decision to delist saccharin, as stated in the ROC, was as follows:

> Saccharin will be delisted from the Report on Carcinogens, because the rodent cancer data are not sufficient to meet the current criteria to list this chemical as *reasonably anticipated to be a human carcinogen.* This is based on the perception that the observed bladder tumors in rats arise by mechanisms not relevant to humans, and the lack of data in humans suggesting a carcinogenic hazard.

IARC first evaluated saccharin in 1980 and concluded the following:

> There is *sufficient evidence* that saccharin alone, given at high doses, produces tumours of the urinary tract in male rats * * * (IARC, 1980).

In 1999, IARC presented its last re-evaluation, taking into consideration all new data on saccharin and its salts. It found that, based on a review of human studies on the carcinogenicity of artificial sweetners, that there is "no consistent pattern of dose-response relationship between use of artificial sweetners and cancers of the urinary bladder or lower urinary tract is apparent in the available literature." The animal studies in rats with sodium saccharin did show urinary bladder tumors in the 2-generation studies. However, the incidence of bladder tumors was significant only at higher doses (greater than 3% of the diet). Based on this re-evaluation, IARC concluded the following:

> There is *inadequate evidence* in humans for the carcinogenicity of saccharin salts used as sweetners.
>
> There is *sufficient evidence* in experimental animals for the carcinogenicity of sodium saccharin.
>
> There is *inadequate evidence* in experimental animals for the carcinogenicity of saccharin (acid form) and calcium saccharin.

In making its overall evaluation of the carcinogenic risk from saccharin and its salts, IARC stated the following:

> In making its evaluation, the Working Group concluded that sodium saccharin produces urothelial bladder tumours in rats by a non-DNA-reactive mechanism that involves the formation of urinary calcium phosphate-containing precipitate, cytotoxicity and enhanced cell proliferation. This mechanism is not relevant to humans because of critical interspecies differences in urine composition.
>
> Saccharin and its salts are *not classifiable as to their carcinogenicity to humans (Group 3).*

2. Evaluation of Information on Other Toxicological Effects of Saccharin and Its Salts by NTP and IARC

In addition to the evaluation of information on saccharin's carcinogenicity, NTP's Background Document and IARC's 1999 re-evaluation (as presented in IARC Monograph Volume 73) included information and analysis on other toxicological effects of saccharin and its salts. Specifically, saccharin, in the form of sodium saccharin, has generally been tested in rats by feeding the rats diets containing specified amounts of sodium saccharin. It has not been found to be acutely toxic in rats based on the criterion for listing hazardous wastes under § 261.11(a)(2). The LD 50 values for sodium saccharin by oral administration in rats ranged from 14 g/kg (14,000 mg/kg) to 17 g/kg (17,000 mg/kg) of body weight, which is significantly higher than the oral LD 50 value for rats of less than 50 mg/kg specified under the listing criterion. A 2-generation feeding study in rats that were given 1% to 7.5% sodium saccharin in their diet indicated that a 1% dietary level (500 mg/kg of body weight) of sodium saccharin represented a no-effect level (NOEL). There was also no significant increase in the incidence of urinary bladder tumors at the 3% dietary level of sodium saccharin. Generally, the studies on mutagenicity, genotoxicity, developmental and reproductive toxicity using saccharin and sodium saccharin have shown negative results. For more detailed information and analysis on other toxicological effects of saccharin and its salts, *see* NTP's Background Document

and IARC's 1999 re-evaluation in the docket for this proposed rule.

B. Evaluation of Waste Generation and Management Information for Saccharin and Its Salts To Assess the Petition

1. Quantity and Types of Wastes Generated

Saccharin and its salts are listed hazardous wastes, if the waste arises from the discard of a commercial chemical product, manufacturing chemical intermediate, or off-specification material (EPA Hazardous Waste No. U202 in 40 CFR 261.33(f)). The U-waste code applies only if the chemical is present in a pure or technical grade form, or is the sole active ingredient in the chemical formulation; in addition, the chemical must be unused.

The U202 listing is narrow and does not apply to other discarded materials that merely contain saccharin or its salts, *e.g.,* discarded products that contain saccharin as a sweetening agent. Nor does the listing apply to manufacturing process wastes that may contain saccharin or its salts, except for unused or off-specification saccharin or its salts that are discarded. Therefore, U202 is primarily generated by companies that manufacture saccharin or its salts, use saccharin or its salts in product formulations (*e.g.,* soft drinks, cosmetics, pharmaceuticals), and by companies that are discarding small quantities of unused or off-specification saccharin or its salts, such as some laboratories.

Facilities are required by EPA to report the amount of hazardous waste, including U202 generated biennially (every two years) as part of the Biennial Report System, or BRS. Based on the information available from the BRS for the years 2001, 2003, 2005, and 2007, generators reported a total of 123 specific wastes listed as U202 during this time period (some generators reported multiple U202 wastes over the years in question). The total amount of U202 waste generated over this time period was 20 tons for all industries/NAIC Codes; for 2007, there were 4.1 tons of U202 reported for 29 separate wastes.

Most of the U202 wastes appear to be discarded unused or off specification material and "lab packs," which package hazardous items for shipping and disposal. A limited number of other wastes are also reported, including contaminated debris/soil, organic and aqueous liquids, and other unidentified material. Although wastes were reported as "generated" by hazardous waste treatment, storage, and disposal facilities, the BRS data indicate that nearly all of these wastes were not generated onsite, but rather were received from offsite for storage/packing and subsequent transfer for treatment or disposal. To avoid counting wastes twice (*i.e.,* the reported wastes from the generator and again from the waste facility packing/transferring the waste), one can subtract out the amounts of waste reported by hazardous waste collection and treatment facilities. Removing the U202 wastes generated at these hazardous waste handling facilities gives a total of 14.7 tons generated from 2001 through 2007, and a total of 2.9 tons for 2007 alone. Therefore, the total quantity of U202 generated is quite small compared to the total volume of hazardous waste generated, both on an annual basis and over the course of four reporting years.[3]

2. Factors Considered for Waste Listing

Saccharin and its salts were listed as hazardous waste under the criterion for listing given in 40 CFR 261.11(a)(3). Under this criterion, the Agency can list a waste if it contains any of the toxic constituents identified in 40 CFR part 261, Appendix VIII and, after considering a number of factors, the Agency concludes that the waste poses a "substantial present or potential hazard to human health or the environment" when improperly managed. The nature of the toxicity of a chemical contained in a waste is one of the factors to be considered in listing a waste as "toxic" (*see* § 261.11(a)(3)(i)). The Agency cited toxicity as the "decisive" factor in listing commercial chemical products under § 261.33(f), because the waste is typically the chemical itself (*see* EPA's Background Document for § 261.33, April 1981). Saccharin and its salts were listed as toxic constituents on Appendix VIII of part 261 and subsequently identified as hazardous wastes in § 261.33(f) based solely on their potential for carcinogenic effect in humans. Therefore, if the toxicological basis for listing saccharin and its salts on Appendix VIII of Part 261 is removed, then the basis for listing in § 261.33(f) no longer exists.

Other factors considered in listing a waste under § 261.11(a)(3) are related to the potential of the chemical to migrate if improperly managed, and include the chemical's persistence and accumulation potential. However, these other factors are not critical in a listing evaluation for commercial chemical products containing saccharin and its salts, because the low toxicity of these chemicals revealed in scientific studies, including a lack of potential carcinogenic effect in humans, means that any risk from a plausible management scenario (*e.g.,* disposal in a landfill) would not be sufficient to cause a substantial present or potential hazard. In addition, the quantity of waste generated from the discard of saccharin and its salts by individual facilities and on a nationwide basis (§ 261.11(a)(3)(viii)) is relatively small, as described previously, which further reduces any potential hazard that might arise from disposal of the waste. The generators are distributed across the nation, located in 42 different counties according to the BRS data, reducing the likelihood of significant codisposal in the same landfill.

Additionally, one of the other factors for EPA to consider is action taken by other governmental agencies and regulatory programs (§ 261.11(a)(3)(x)). These actions also demonstrate that saccharin and its salts do not present a substantial hazard. These actions include: (1) The determinations by NTP and IARC that saccharin is not a potential human carcinogen, as discussed previously; (2) the State of California's removal of saccharin and its salts from its list of chemicals known to cause cancer or reproductive toxicity (under its Safe Drinking Water and Toxic Enforcement Act of 1986, known as "proposition 65")[4]; and (3) the FDA's approval of a variety of uses of saccharin in food, cosmetics, and drugs, and elimination of the warning label on food containing saccharin.[5] Saccharin and its salts continue to be used widely as a non-nutritive sweetener in food products and are also used in products, such as toothpaste, mouthwash, chewing gum, confections, and pharmaceuticals.

Furthermore, as noted previously in section V.A.2., the information reviewed indicates that saccharin and its salts are not acutely toxic, and as such, they would not meet the criterion for listing hazardous wastes under § 261.11(a)(2). Moreover, saccharin and its salts do not

[3] For comparison, BRS shows that approximately 47 million tons of hazardous waste was generated in 2007 (*see http://www.epa.gov/osw/inforesources/data/br07/national07.pdf*). Also in 2007, approximately 137 million tons of municipal waste went to landfills and other disposal (*see http://www.epa.gov/epawaste/nonhaz/municipal/msw99.htm*).

[4] California EPA, Office of Environmental Health Hazard Assessment, Notice to Interested Parties for Chemical Delisted Effective April 6, 2001 and Notice to Interested Parties for Chemical Delisted Effective January 17, 2003 (available in the docket for this proposed rulemaking).

[5] Section 517, Title V, Appendix A, Consolidated Appropriations Act of 2001 (Pub. L. 106–554, 114 Stat. 2763), repealed 21 U.S.C. 343(o), the saccharin warning statement requirement.

meet the criterion under § 261.11(a)(1), because saccharin and its salts are not expected to exhibit any of the characteristics of hazardous waste, *i.e.,* ignitability, corrosivity, reactivity, and toxicity, as described in 40 CFR 261.21 through 261.24.

Finally, the Agency needed to consider only one factor in listing saccharin and its salts as hazardous substances under CERCLA. Under the statutory provisions of section 101(14) of CERCLA, a hazardous waste that exhibits one or more of the hazardous waste characteristics or specifically is listed as a hazardous waste under RCRA becomes a hazardous substance under CERCLA.[6] As a result, saccharin and its salts were listed in 40 CFR 302.4 and designated as hazardous substances under section 102(a) of CERCLA. Therefore, if the U202 hazardous waste listing under RCRA is removed, there would be no basis for listing saccharin and its salts as hazardous substances under CERCLA.

VI. EPA's Conclusions and Rationale for Proposing To Grant the Petition

EPA believes that saccharin and its salts, based on the results of the latest reviews of the available scientific information performed by NTP and IARC, do not pose a present or potential risk of causing toxic, carcinogenic, mutagenic or teratogenic effects on humans or other life forms. This is because saccharin and its salts: (1) Are not found to be highly toxic in scientific studies; (2) are not reasonably expected to have carcinogenic effects in humans and carcinogenic effects in experimental animals (*i.e.,* rats) have been observed mainly at higher doses (greater than 3% of the diet) that cannot reasonably be expected to be available in the environment outside of laboratory conditions; and (3) are not reasonably expected to be mutagenic or teratogenic. Therefore, there is no basis for retaining saccharin and its salts as a hazardous constituent listed on Appendix VIII of Part 261.

EPA also believes that saccharin and its salts, based on a review of the evaluations conducted by NTP and IARC concerning the carcinogenic and other potential toxicological effects of saccharin and its salts, as well as EPA's own assessment of the waste generation and management information for saccharin and its salts, do not meet the criteria for listing them as hazardous wastes under 40 CFR 261.11. This is because saccharin and its salts: (1) Are not known to exhibit any of the characteristics of hazardous wastes identified in 40 CFR 261.21 through 261.24; (2) are not found to be acutely toxic in studies with animals; (3) are not found to be highly toxic in non-acute (longer-term) scientific studies; (4) are not discarded annually in a quantity which could reasonably be considered to pose a "substantial present or potential hazard to human health or the environment" when improperly treated, stored, transported, or disposed of, or otherwise managed; and (5) are not considered hazardous by other government agencies and regulatory programs. Therefore, there is no basis for retaining the listing for saccharin and its salts as a hazardous waste under 40 CFR 261.33(f).

EPA's listing of saccharin and its salts as hazardous substances under CERCLA (40 CFR 302.4) was based solely upon these substances being listed as U202 hazardous wastes under RCRA (40 CFR 261.33(f)). Therefore, since the Agency is proposing to remove saccharin and its salts as U202 listed hazardous wastes and saccharin and its salts are not designated or listed as hazardous substances on any of the other environmental statutes identified in section 101(14) of CERCLA that defines the term "hazardous substance," there exists no basis for retaining saccharin and its salts on CERCLA's list of hazardous substances (40 CFR 302.4). Based on the above conclusions, EPA is proposing to grant CCC's petition to remove saccharin and its salts from the lists of hazardous constituents (40 CFR part 261, Appendix VIII), hazardous wastes (40 CFR 261.33(f)), and hazardous substances (40 CFR 302.4).

VII. Status of Land Disposal Restrictions for U202 Listed Wastes

As discussed in the previous section, the Agency is proposing to remove saccharin and its salts from the list of commercial chemical products which are hazardous wastes when discarded or intended to be discarded (40 CFR 261.33(f)). These chemicals are specifically listed as RCRA Hazardous Waste No. U202 under 40 CFR 261.33(f). The regulations under 40 CFR part 268, prohibit the land disposal of RCRA hazardous waste unless they meet a certain level or have been treated by a technology specified by EPA prior to land disposal. *See* the table "Treatment Standards for Hazardous Wastes" in § 268.40. The land disposal restrictions (LDRs) only apply to solid wastes that are RCRA hazardous wastes. Therefore, if saccharin and its salts are removed from the list of hazardous wastes based on this proposal, they would not be subject to the LDRs. Therefore, EPA is also proposing to remove saccharin and its salts from the table "Treatment Standards for Hazardous Wastes" in § 268.40.

VIII. State Authorization

A. Applicability of the Rule in Authorized States

Under section 3006 of RCRA, EPA may authorize a qualified State to administer and enforce a hazardous waste program within the State in lieu of the Federal program, and to issue and enforce permits in the State. Following authorization, EPA retains enforcement authority under sections 3008, 3013, and 7003 of RCRA, although authorized States have primary enforcement responsibility. The standards and requirements for State authorization are found at 40 CFR part 271.

Prior to enactment of the Hazardous and Solid Waste Amendments of 1984 (HSWA), a State with final RCRA authorization administered its hazardous waste program entirely in lieu of EPA administering the Federal program in that State. The Federal requirements no longer applied in the authorized State, and EPA could not issue permits for any facilities in that State, since only the State was authorized to issue RCRA permits. When new, more stringent Federal requirements were promulgated, the State is obligated to enact equivalent authorities within specified timeframes. However, the new Federal requirements do not take effect in an authorized State until the State adopted the Federal requirements as State law.

In contrast, under RCRA section 3006(g), (42 U.S.C. 6926(g)), new Federal requirements and prohibitions imposed pursuant to HSWA authority take effect in authorized States at the same time that they take effect in unauthorized States. Although authorized States still are required to update their hazardous waste programs to remain equivalent to the Federal program, EPA is directed by the statute to implement the requirements and prohibitions in authorized States, including the issuance of new permits implementing those requirements, until EPA authorizes the State to do so.

[6] In addition, hazardous substances include: (1) Any substance designated pursuant to section 311(b)(2)(A) of the Federal Water Pollution Control Act; (2) any element, compound, mixture, solution, or substance designated pursuant to section 102 of the Comprehensive Emergency Response, Compensation, and Liability Act; (3) any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act; (4) any hazardous air pollutant listed under section 112 of the Clean Air Act; and (5) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act. Saccharin and its salts are not included on any of these lists.

Authorized States are required to modify their programs only when EPA promulgates Federal requirements that are more stringent or broader in scope than existing Federal requirements. RCRA section 3009 allows the States to impose standards more stringent than those in the Federal program. *See also* 40 CFR 271.1(i). Therefore, authorized States may, but are not required to adopt Federal regulations, both HSWA or non-HSWA, that are considered less stringent than previous Federal requirements.

B. Effect on State Authorization

This rule is promulgated pursuant to non-HSWA authority. The changes proposed in this rule are less stringent than the current Federal requirements. Therefore, States will not be required to adopt and seek authorization for these changes. EPA will implement the changes in this rule only in those States which are not authorized for the RCRA program. Nevertheless, EPA believes that this rule has considerable merit, and the Agency thus strongly encourages States to amend their programs and become Federally-authorized to implement this rule once it becomes final.

IX. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Designation and List of Hazardous Substances and Reportable Quantities

Section 101(14) of CERCLA defines the term "hazardous substance" as those substances designated or listed under several other environmental statutes and those substances designated by EPA as hazardous under CERCLA section 102(a). In particular, CERCLA section 101(14)(C) incorporates by reference any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act. CERCLA section 102(a) authorizes EPA to designate as hazardous those substances that, when released into the environment, may present substantial danger to the public health, welfare or the environment, and to establish the reportable quantity (RQ) for all CERCLA hazardous substances. CERCLA section 102(b) sets a RQ of one pound (statutory RQ) for hazardous substances, except those for which RQs have been established pursuant to section 311(b)(4) of the Clean Water Act (CWA). A list of CERCLA hazardous substances with their corresponding RQs is provided in Table 302.4 at 40 CFR part 302. CERCLA section 103 requires any person who releases a CERCLA hazardous substance in an amount equal to or greater than its RQ to report the release immediately to the National Response Center.

On April 4, 1985, EPA issued a final rule, "Notification Requirements, Reportable Quantity Adjustments; Final Rule and Proposed Rule" (*see* 50 FR 13456). The final rule retained the statutory RQ of one pound for saccharin and its salts with a note that the final RQ is subject to change when the assessment of potential carcinogenicity and/or chronic toxicity is completed.

On March 16, 1987, EPA proposed to adjust the statutory RQ for saccharin and its salts to 100 pounds (45.5 kg) (*see* 52 FR 8140), which EPA finalized on August 14, 1989 (*see* 54 FR 33418). Saccharin and its salts, at the time of RQ adjustment, were classified as weight of evidence Group C,[7] potency Group 3 [8] substances and received a "low" hazard ranking.

In this proposal, the Agency is proposing to remove saccharin and its salts from the list of CERCLA hazardous substances in conjunction with the removal of saccharin and its salts from the list of hazardous constituents (40 CFR part 261, Appendix VIII) and the list of commercial chemical products deemed hazardous waste (40 CFR 261.33(f)). With removal of the RCRA hazardous waste listing, the Agency does not have an independent basis upon which to retain saccharin and salts as CERCLA hazardous substances. That is, the Agency's designation of saccharin and its salts under section 102(a) was based solely upon its inclusion as a hazardous substance under section 101(14)(C) of CERCLA.

X. Relationship to Other Rules

This action is not intended, and should not be inferred to affect the status of saccharin under any statute or program other than RCRA and CERCLA. The granting of CCC's petition does not remove saccharin from the EPCRA § 313 list, which requires annual reporting of environmental releases of toxic chemicals.

XI. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order (EO) 12866 (58 FR 51735, October 4, 1993), this action is a "significant regulatory action." Pursuant to the terms of Executive Order 12866, although the annual effect of this proposed rule is expected to be less than $100 million, the Agency has determined that this proposed rule is a significant regulatory action because it contains novel policy issues. Accordingly, EPA submitted this action to the Office of Management and Budget (OMB) for review under EO 12866 and any changes made in response to OMB recommendations have been documented in the docket for this action.

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320.3(b). In fact, EPA expects that the total annual respondent burden from this proposed rule would result in a net reduction in national annual paperwork burden to the affected facilities because of elimination of hazardous waste, and CERCLA hazardous substance reporting requirements. EPA also expects this rule to result in net annual cost savings to these same facilities from reduced waste management costs, by the expected shift of waste management from RCRA Subtitle C hazardous waste management, to RCRA Subtitle D nonhazardous waste management.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's proposed rule on small entities, I certify that this action will not have a significant economic

[7] Group C (possible human carcinogen) includes hazardous substances with "limited" evidence of carcinogenicity in animals and "inadequate evidence," "no data," or "no evidence" from human epidemiologic studies.

[8] Group 3—"low" hazard category. RQ levels are assigned to the hazard rankings as follows: High (one pound RQ), medium (10 pound RQ), and low (100 pound RQ).

impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant *adverse* economic impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives "which minimize any significant economic impact of the proposed rule on small entities" (5 U.S.C. sections 603 and 604). Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on small entities subject to the rule.

This action is designed to lower the cost of waste management for affected entities, by removing saccharin and its salts from the lists of hazardous constituents and commercial chemical products which are hazardous wastes when discarded or intended to be discarded under RCRA and from the list of hazardous substances under CERCLA. We have therefore concluded that today's proposed rule will relieve regulatory burden for all affected small entities. We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

D. Unfunded Mandates Reform Act

This action contains no Federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538 for State, local, or Tribal governments or the private sector. This is because this proposed rule imposes no enforceable duty on any State, local, or Tribal governments or the private sector. Therefore, this action is not subject to the requirements of sections 202 or 205 of the UMRA.

This action is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This proposed rule primarily affects generators of certain hazardous wastes from the discard of unused commercial products that contain saccharin and its salts. There are no State and local government bodies that incur direct compliance costs by this rulemaking. State and local government implementation expenditures are expected to be less than $500,000 in any one year. Thus, Executive Order 13132 does not apply to this action.

In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicits comment on this proposed rule from State and local officials.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have Tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This proposed rule does not significantly or uniquely affect the communities of Indian Tribal governments, nor would it impose substantial direct compliance costs on them. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This action is not subject to EO 13045 (62 FR 19885, April 23, 1997) because it is not economically significant as defined in EO 12866, and because the Agency does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This proposed rule is not a "significant energy action" as defined in Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. This proposed rule reduces regulatory burden and should not adversely affect energy supply, distribution or use.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104–113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities, unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This proposed rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order (EO) 12898 (59 FR 7629 (Feb. 16, 1994)) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. EPA is committed to addressing environmental justice concerns and has assumed a leadership role in environmental justice initiatives to enhance environmental quality for all citizens of the United States. The Agency's goals are to ensure that no segment of the population, regardless of race, color, national origin, income, or net worth bears disproportionately high and adverse human health and environmental impacts as a result of EPA's policies, programs, and activities. Our goal is to ensure that all citizens live in clean and sustainable communities. In response to Executive Order 12898, and to concerns voiced by many groups outside the Agency, EPA's Office of Solid Waste and Emergency Response (OSWER) formed an Environmental Justice Task Force to analyze the array of environmental justice issues specific to waste programs and to develop an overall strategy to identify and address these issues (OSWER Directive No. 9200.3–17).

The Agency's assessment, based on the small quantity of saccharin and its salts that are estimated to be discarded by affected facilities and their relatively

low toxicity, is that there is no significant risk to human health or the environment from managing saccharin and its salts in nonhazardous waste landfills (the plausible management scenario). As noted previously in section V.B.2., the facilities that generate these small quantities of waste are distributed across the nation, which makes it unlikely that any one segment of the population would be impacted disproportionately from management of this nonhazardous waste. However, the Agency continues to be interested in any potential environmental justice concerns as a result of this proposed rule and welcomes comments on issues related to such concerns.

List of Subjects

40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

40 CFR Part 268

Environmental protection, Hazardous waste, Reporting and recordkeeping requirements.

40 CFR Part 302

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Natural resources, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: April 15, 2010.

Lisa P. Jackson,

Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is proposed to be amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, 6924(y) and 6938.

§ 261.33 [Amended]

2. Section 261.33 is amended by removing the entries for the U202 hazardous waste in the table under paragraph (f).

Appendix VIII [Amended]

3. Appendix VIII to part 261 is amended by removing the entries for "Saccharin" and "Saccharin salts" from the table "Hazardous Constituants."

PART 268—LAND DISPOSAL RESTRICTIONS

4. The authority citation for part 268 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, and 6924.

§ 268.40 [Amended]

5. Section 268.40 is amended by removing the entry for waste code U202 from the table "Treatment Standards for Hazardous Wastes."

Appendix VII [Amended]

6. Appendix VII to part 268 is amended by removing the entry for waste code U202 from Table 1, "Effective Dates of Surface Disposed Wastes (Non-Soil and Debris) Regulated in the LDRs—Comprehensive List."

PART 302—DESIGNATION, REPORTABLE QUANTITIES, AND NOTIFICATION

7. The authority citation for part 302 continues to read as follows:

Authority: 42 U.S.C. 9602, 9603, and 9604; 33 U.S.C. 1321 and 1361.

§ 302.4 [Amended]

8. In § 302.4, the table is amended by removing the entry for "Saccharin, & salts."

[FR Doc. 2010–9167 Filed 4–21–10; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 97

[WP Docket No. 10–72; FCC 10–45]

Amendment of the Commission's Rules Regarding Amateur Radio Service Communications During Government Disaster Drills

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this document, the Commission adopted a document seeking comment on its proposal to amend the Commission's amateur radio service rules with respect to amateur radio operations during government-sponsored emergency preparedness and disaster readiness drills and tests. Specifically, the Commission proposes to amend the rules to provide that, under certain limited conditions, amateur radio operators may transmit messages during emergency and disaster preparedness drills, regardless of whether the operators are employees of entities participating in the drill.

DATES: Comments are due on or before May 24, 2010 and reply comments are due on or before June 7, 2010.

ADDRESSES: You may submit comments, identified by WP Docket No. 10–72 by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Federal Communications Commission's Web Site: http://www.fcc.gov/cgb/ecfs/.* Follow the instructions for submitting comments.
- *Mail:* Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- *People With Disabilities:* Contact the Commission to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432. For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Jeffrey Cohen, Senior Legal Counsel, Public Safety and Homeland Security Bureau, at (202) 418–0799, or by e-mail at *Jeff.Cohen@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Federal Communication Commission's *Notice of Proposed Rulemaking (NPRM)* in WP Docket No. 10–72, FCC 10–45, adopted on March 18, 2010, and released on March 24, 2010. This document is available to the public at *http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-10-45A1.doc.*

Synopsis of the *NPRM*

1. In this *NPRM,* the Commission proposes to amend its amateur radio service rules with respect to amateur radio operations during government-sponsored emergency preparedness and disaster readiness drills and tests. Although public safety land mobile radio systems are the primary means of radio-based communications for emergency responders, experience has shown that amateur radio has played an important role in preparation for, during, and in the aftermath of, natural and man-made emergencies and disasters. Current rules provide for amateur radio use during emergencies. At the same time, the rules prohibit

communications in which the station licensee or control operator has a pecuniary interest, including communications on behalf of an employer. While there are some exceptions to this prohibition, there is none that would permit amateur station control operators who are employees of public safety agencies and other entities, such as hospitals, to participate in drills and tests in preparation for such emergency situations and transmit messages on behalf of their employers during such drills and tests. Accordingly, the Commission proposes to amend the rules to provide that, under certain limited conditions, amateur radio operators may transmit messages during emergency and disaster preparedness drills, regardless of whether the operators are employees of entities participating in the drill.

I. Background

2. One of the fundamental principles underlying the amateur radio service is the "[r]ecognition and enhancement of the value of the amateur service to the public as a voluntary noncommercial communication service, particularly with respect to providing emergency communications." 47 CFR 97.1(a). Further, the rules state that "[n]o provision of these rules prevents the use by an amateur station of any means of radio communication at its disposal to provide essential communication needs in connection with the immediate safety of human life and immediate protection of property when normal communication systems are not available." 47 CFR 97.403. Indeed, amateur radio operators provide essential communications links and facilitate relief actions in disaster situations. While land mobile radio services are the primary means of conducting emergency communications, amateur radio plays a unique and critical role when these primary facilities are damaged, overloaded, or destroyed. For example, during Hurricane Katrina, amateur radio operators volunteered to support many agencies, such as the Federal Emergency Management Agency, the National Weather Service, and the American Red Cross. Amateur radio stations provided urgently needed wireless communications in many locations where there was no other means of communicating and also provided other technical aid to the communities affected by Hurricane Katrina.

3. Since amateur radio is often an essential element of emergency preparedness and response, many state and local governments and public safety agencies incorporate amateur radio operators and the communication capabilities of the amateur service into their emergency planning. In this regard, some entities, such as hospitals, emergency operations centers, and police, fire, and emergency medical service stations, have emphasized the participation of their employees who are amateur station operators in emergency and disaster drills and tests. For example, a representative of the New Orleans Urban Area Security Initiative recently emphasized the importance of conducting emergency drills and the need for amateur participation.

4. The Commission's rules expressly permit operation of amateur stations for public service communications during emergencies, and on a voluntary basis during drills and exercises in preparation for such emergencies. Given, however, that the Amateur Radio Service is primarily designated for "amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest," *see* 47 CFR 97.3(a)(4), the rules expressly prohibit amateur stations from transmitting communications "in which the station licensee or control operator has a pecuniary interest, including communications on behalf of an employer." *See* 47 CFR 97.113(a)(3). Accordingly, public safety entities seeking to have employees operate amateur stations during government-sponsored emergency preparedness and disaster drills presently must request a waiver.

II. Discussion

5. The Commission seeks comment on whether to amend the rules to permit amateur radio operators to participate in government-sponsored emergency and disaster preparedness drills and tests, regardless of whether the operators are employees of the entities participating in the drill or test. The rules already recognize the importance of amateur radio in emergencies, and permit participation in such drills and tests by volunteers (*i.e.,* non-employees of participating entities). As noted above, experience has shown that amateur operations can and have played an essential role in protecting the safety of life and property during emergency situations and disasters. And as evidenced by recent waiver requests, state and local government public safety agencies and other entities often conduct disaster and emergency preparedness drills to be best-prepared for such eventualities. The proposed rule would obviate the need for a waiver in such instances by allowing employees of public safety agencies and other entities to operate amateur stations for testing and drilling of emergency communications preparedness. The Commission thus tentatively concludes that employee status should not preclude or prevent participation in government-sponsored emergency and disaster tests and drills. Further, the Commission tentatively concludes that extending authority to operate amateur stations during such drills will enhance emergency preparedness and thus serve the public interest.

6. In reaching these tentative conclusions, the Commission does not disturb the core principle of the amateur radio service as a voluntary, non-commercial communication service carried out by duly authorized persons interested in radio technique with a personal aim and without pecuniary interest. Rather, the Commission believes that the public interest will be served by a narrow exception to the prohibition on transmitting amateur communications in which the station control operator has a pecuniary interest or employment relationship, and that such an exception is consistent with the intent of the amateur radio service rules. Accordingly, the Commission proposes that amateur operations in connection with emergency drills be limited to the duration and scope of the drill, test or exercise being conducted, and operational testing immediately prior to the drill, test or exercise.

7. Furthermore, the Commission proposes that the emergency tests and drills must be sponsored by Federal, State, or local governments or agencies, in order to limit the narrow exception to ensure that drills further public safety. The Commission notes, however, that there may be circumstances where conducting emergency drills for disaster planning purposes, even if not government-sponsored, would serve the public interest. Accordingly, the Commission seeks comment on whether it should permit employee operation of amateur stations during non-government-sponsored emergency drills, if the purpose of the drill is to assess communications capabilities, including amateur radio, in order to improve emergency preparedness and response.

8. A large number of agencies and organizations at the state and local levels coordinate with their local volunteer amateur radio operators to conduct drills and exercises in concert with other modes of communication. This joint activity is essential to allow for a practiced response on the part of the first responder community. Because some of those drills and exercises

include transmission of amateur communications by employees of participating entities, the Commission believes the proposed rule changes would be in the public interest, consistent with ongoing national emergency preparedness and response priorities. The Commission therefore seeks comment on the tentative conclusions contained herein.

III. Procedural Matters

A. Ex Parte Presentations

9. This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. Other requirements pertaining to oral and written presentations are set forth in section 1.1206(b) of the Commission's rules, 47 CFR 1.1206(b).

B. Comment Filing Procedures

10. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. All filings related to this Notice of Proposed Rulemaking should refer to WP Docket No. 10–72. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

11. *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *http://www.fcc.gov/cgb/ecfs/* or the Federal eRulemaking Portal: *http://www.regulations.gov.* Filers should follow the instructions provided on the website for submitting comments.

12. For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to *ecfs@fcc.gov*, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

13. *Paper Filers:* Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

14. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

15. Effective December 28, 2009, all hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW., Room TW–A325, Washington, DC 20554. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.

Please Note: The Commission's former filing location at 236 Massachusetts Avenue, NE. is permanently closed.

16. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

17. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW., Washington DC 20554.

C. Accessible Formats

18. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

IV. Initial Regulatory Flexibility Analysis

19. The Regulatory Flexibility Act (RFA) requires an initial regulatory flexibility analysis to be prepared for notice and comment rulemaking proceedings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. A "small business concern" is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

20. Because "small entities," as defined in the RFA, are not persons eligible for licensing in the amateur service, this proposed rule does not apply to "small entities." Rather, it applies exclusively to individuals who are the control operators of amateur radio stations. Therefore, we certify that the proposals in this *Notice of Proposed Rulemaking,* if adopted, will not have a significant economic impact on a substantial number of small entities. The Commission will send a copy of the *Notice of Proposed Rulemaking,* including a copy of this Initial Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the SBA. This initial certification will also be published in the **Federal Register.**

V. Ordering Clauses

21. Accordingly, *it is ordered,* pursuant to sections 4(i), 303(r), and 403 of the Communications Act of 1934, 47 U.S.C. 154(i), 303(r), and 403, that this *Notice of Proposed Rulemaking* is *hereby adopted.*

22. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Center, *shall send* a copy of this *Notice of Proposed Rulemaking,* including the Initial Regulatory Flexibility Analyses, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Proposed Rule

For the reasons set forth in the preamble, FCC proposes to amend 47 CFR part 97 as follows:

PART 97—AMATEUR RADIO SERVICE

1. The authority citation for part 97 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609, unless otherwise noted.

2. In § 97.113, revise paragraph (a)(3) to read as follows:

§ 97.113 Prohibited transmissions.

(a) * * *

(3) Communications in which the station licensee or control operator has a pecuniary interest, including communications on behalf of an employer, with the following exceptions:

(i) A control station operator may participate on behalf of an employer in a government-sponsored emergency preparedness or disaster readiness test or drill, limited to the duration and scope of such test or drill, and operational testing immediately prior to such test or drill.

(ii) An amateur operator may notify other amateur operators of the availability for sale or trade of apparatus normally used in an amateur station, provided that such activity is not conducted on a regular basis.

* * * * *

[FR Doc. 2010–9092 Filed 4–21–10; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 202, 203, 212, and 252

RIN 0750–AG63

Defense Federal Acquisition Regulation Supplement; Organizational Conflicts of Interest in Major Defense Acquisition Programs (DFARS Case 2009–D015)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement section 207 of the Weapons System Acquisition Reform Act of 2009.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before June 21, 2010, to be considered in the formation of the final rule.

ADDRESSES: You may submit comments, identified by DFARS Case 2009–D015, using any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

E-mail: dfars@osd.mil. Include DFARS Case 2009–D015 in the subject line of the message.

Fax: 703–602–0350.

Mail: Defense Acquisition Regulations System, Attn: Ms. Amy Williams, OUSD (AT&L) DPAP (DARS), 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, 703–602–0328.

SUPPLEMENTARY INFORMATION:

A. Background

DoD is proposing to amend the DFARS to implement section 207 of the Weapons System Acquisition Reform Act of 2009 (WSARA) (Pub. L. 111–23). Section 207 requires DoD to revise the DFARS to provide uniform guidance and tighten existing requirements for organizational conflicts of interest (OCIs) by contractors in major defense acquisition programs. The law sets out situations that must be addressed and allows DoD to establish such limited exceptions as are necessary to ensure that DoD has continued access to advice on systems architecture and systems engineering matters from highly qualified contractors, while ensuring that such advice comes from sources that are objective and unbiased.

In developing regulatory language, DoD is directed to consider the recommendation presented by the Panel on Contracting Integrity. DoD has reviewed the provisional recommendations of the Panel in the formation of this proposed rule and will consider the final recommendations of the Panel in the formation of the final rule. DoD must also consider any findings and recommendations of the Administrator of the Office of Federal Procurement Policy (OFPP) and the Director of the Office of Government Ethics (OGE) pursuant to section 841(b) of the Duncan Hunter National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2009 (Pub. L. 110–417). Section 841(b) of the NDAA for FY 2009 required review by OFPP, in consultation with OGE, of FAR coverage of OCIs. Neither OFPP nor OGE has issued recommendations to date pursuant to section 841, but are working with the FAR Acquisition Law Team, which includes representatives from DoD and the civilian agencies, to draft a proposed rule under FAR Case 2007–018. As part of this process, OFPP, OGE, and the Team are reviewing comments received in response to an Advance Notice of Proposed Rulemaking, published in the **Federal Register** at 73 FR 15962 on March 26, 2008.

A public meeting was held on December 8, 2009 (*see* 74 FR 57666) to provide opportunity for dialogue on the possible impact on DoD contracting of the section 207 requirements relating to OCIs. In the formation of this proposed rule, DoD considered the comments provided at the public meeting, as well as other unsolicited comments received from the public. Various presenters at the public meeting (1) Expressed a desire for policy and regulation to emphasize the importance of using mitigation strategies to address OCIs, (2) sought a more consistent approach within the Government to resolve OCIs, and (3) voiced a strong interest in ensuring any rule is published for comment prior to taking effect.

To implement section 207 and its call for the tightening of existing OCI requirements effectively, DoD felt it was necessary to review the FAR's coverage on OCIs in subpart 9.5 carefully. FAR subpart 9.5 is intended to provide the foundational principles and processes for identifying and addressing OCIs. At the same time, FAR subpart 9.5 is essentially unchanged from the days when the coverage was located in an appendix to the Defense Acquisition Regulation (DAR). The existing FAR coverage relies primarily upon examples to describe OCI; some in the contracting community incorrectly thought the examples in FAR 9.505 contained the universe of conflicts. Further, the existing FAR coverage does not provide any standard provisions or clauses addressing OCIs, and the requirements of FAR subpart 9.5 were often overlooked by the contracting community.

DoD has concluded from its review that—

- The many decisions issued in the past 15 years by the Government Accountability Office (GAO) and the Court of Federal Claims (CoFC) on OCIs should be reflected in any updated coverage;
- The coverage of OCIs should be better organized and relocated to a new subpart 203.12 to be addressed along with improper business practices and personal conflicts of interest;
- Standard provisions and clauses will be beneficial, as long as there is opportunity for contracting officers to tailor the provisions and clauses for particular circumstances, as appropriate; and
- Expanding coverage to address unique issues associated with task and delivery order (indefinite-delivery/indefinite-quantity) contracts is also useful.

DoD proposes to use DFARS subpart 203.12 in lieu of the present FAR subpart 9.5. However, when the FAR is revised, pursuant to the section 841(b) review, to incorporate broader OCI changes, DoD will follow the FAR and

revise the DFARS to address only those aspects of OCIs that relate specifically to major defense acquisition programs.

B. Details of Proposed Revised Coverage on OCIs.

202.101 Definition: Adding a new definition of "organizational conflict of interest" refers to the types of conflicts first defined in *Aetna Government Health Plans* (B–254397, July 27, 1995). Further details necessary to identify conflicts are contained in section 203.1204, entitled *Types of organizational conflicts of interest.* DoD believes it would be more useful to the contracting community if these details are in subpart 203.12 instead of in the part 202 definition.

203.1200 Scope. This section is comparable to the scope statement at FAR 9.500(a); however, there are meaningful differences between the proposed and current coverage. The proposed coverage adopts principles from case law to define conflicts rather than relying primarily on examples. This proposed section continues to implement section 8141 of the National Defense Appropriations Act for Fiscal Year 1989 (Pub. L. 100–463), which was codified as 41 U.S.C. 405b.

203.1201 Definitions.

The proposed new coverage includes the following definitions:

- *Contractor,* clarifying that the entire contractor organization is included when protecting against OCIs. GAO stated in its decision on *Aetna Government Health Plans, supra,* that there is no basis to distinguish between a firm and its affiliates, at least where concerns about potentially biased ground rules and impaired objectivity are at issue. (*See ICF Inc.,* B–241372, February 6, 1991.)
- *Firewall,* one of the techniques to mitigate an OCI.
- *Resolve,* explaining that there are ways to acquire needed goods and services and also address OCIs.

Unlike current FAR subpart 9.5., the proposed DFARS coverage does not include a definition of "marketing consultant" because the coverage is expanded beyond contracts only for marketing consultants.

203.1202 Applicability. DoD proposes that this rule should continue to apply to contracts with both profit and nonprofit organizations (current FAR 9.502(a)).

DoD addresses the applicability of part 12, proposing that, except for commercially available off-the-shelf (COTS) items, the rule should also apply to acquisitions of commercial items. DoD made this determination, in part, based on the belief that the acquisition of commercial services might not be free from OCI concerns.

203.1203 Policy. DoD proposes including a policy statement that reflects the harm that can be caused by OCIs. It is, therefore, the policy of DoD to protect its interests by identifying and resolving OCIs. It is also DoD policy that mitigation is generally the preferred method of resolution.

203.1204 Types of organizational conflicts of interest. This section explains the three types of OCIs as recognized by the GAO and the Court of Federal Claims—

- Impaired objectivity;
- Unfair access to non-public information; and
- Biased ground rules.

Subsequent case law has amplified and refined the principles first articulated in the *Aetna* decision. This section reflects these further amplifications when they would help contracting officers identify conflicts of interest.

The section organizes OCIs by type of conflict of interest, rather than type of task. However, an example taken from section 9.505 of the FAR is provided for each type of OCI. DoD believes that the expanded explanation reflecting the tenets from case law will improve contracting officers' understanding of OCIs and their ability to both identify them and to work with contractors to address them. This approach should also help to address the criticism made by some that contracting officers believe no OCI exists when a contract differs from the examples listed in FAR subpart 9.5.

"Unfair access to non-public information" is one of the three types of conflicts discussed in section 203.1204. Different sources sometimes refer to "unfair access to data." DoD selected the term "information" because it is (a) broader than "data," which is defined in the FAR clause at 52.227–14, Rights in Data—General, to mean recorded information, and (b) used most frequently in case law. The section also includes a statement that natural competitive advantages are not conflicts which contracting officers are required to resolve.

203.1205 Contracting officer responsibilities. This section addresses comments from several respondents to the Advance Notice of Proposed Rulemaking that the section on contracting officer responsibilities in current FAR subpart 9.5 does not encompass all the contracting officer responsibilities with regard to OCIs. Rather, these responsibilities are spread throughout the current subpart. One respondent requested that the coverage provide better direction to contracting officers to ensure more predictable results, and to ensure that the contracting officer roles and responsibilities are identified and fulfilled.

203.1205–1 General. This subsection uses the principles in the current FAR 9.504 to set forth the overarching responsibilities of contracting officers, which are to identify and evaluate OCIs prior to contract award, using common sense and good judgment, and the DoD preference for mitigation.

203.1205–2 Identification of OCIs. This new subsection provides specific guidance on the identification of OCIs and introduces the differences between a potential OCI and an actual OCI. The subsection segregates the solicitation phase of acquisitions from the evaluation phase.

In the solicitation phase of the process, contracting officers must examine the nature of the work to determine whether it may create a conflict, applying the principles in the new section 203.1204. Subsection 203.1205–2 requires that a statement be placed in the file documenting a finding of no conflicts. This subsection also provides that contracting officers should obtain the assistance of the program office, appropriate technical specialists, and legal counsel to identify potential conflicts of interest.

During the evaluation phase, contracting officers are required to examine the financial interests of the offerors to determine whether there is a conflict of interest. However, contracting officers are cautioned not to rely solely on information provided by the offeror in making this determination. Other sources of information are identified in this subsection.

Overlook Systems Technologies, B–298099.4, B–298099.5, November 28, 2006, held that communications regarding OCI do not constitute discussions. Implementation of *Overlook* means that, even in a sealed bidding situation, it is possible to converse about an OCI mitigation plan to arrive at an acceptable solution without such conversation being considered to be "discussions." It should be noted that *Overlook's* holding on communications only applies when OCI is an eligibility factor, which is accomplished by the provision at 252.203–70XX, Notice of Potential Organizational Conflicts of Interest.

203.1205–3 Resolution of organizational conflicts of interest. This section covers the three methods of resolution: avoidance, limitation on future contracting (neutralization), and mitigation. It addresses a response to the

Advance Notice of Proposed Rulemaking that requested more coverage regarding resolution. The new coverage replaces the phrase "neutralization" with the phrase "limitation on future contracting" for purposes of clarity.

To assist the contracting officer in fashioning an appropriate resolution, subsection 203.1205–3 describes the methods of resolution and provides illustrative examples (many of which are taken from case law) of each method. These examples are not intended to be all-inclusive lists. The subsection also makes it clear that a combination of resolution methods may be appropriate in some circumstances.

It is not uncommon for a company to have both advisory and production (or implementation) capabilities, and for such dual capabilities to raise potential conflict of interest concerns. The rule requires that such conflicts be addressed adequately to protect the Government's interest, but also provides that careful consideration be given to the manner in which conflicts are resolved. In particular, the rule restricts use of the avoidance method to exclude a class of contractors unless no less restrictive approach will protect the interests of the Government adequately.

203.1205–4 Waiver. The proposed DFARS 203.1205–4 addresses the use of waivers. The coverage in current FAR subpart 9.5 is carried over. The proposed rule also makes it clear that waivers should be for residual conflicts that exist after all the techniques of resolution have been attempted to lessen a conflict.

The proposed rule provides that waivers cannot be used in a competitive situation unless the solicitation specifically informed offerors that the Government reserves the right to waive the requirement to resolve an OCI. The reservation of the right to waive these requirements is incorporated in paragraph (i) of the provision at 252.203–70XX, Notice of Potential Organizational Conflict of Interest, and implements a fundamental tenet that awards must be made using the evaluation factors stated in a solicitation.

203.1205–5 Award. The proposed rule establishes that—

(1) The contracting officer shall award the contract to the apparent successful offeror only if all organizational conflicts of interest are resolved (with limited exceptions);

(2) Establishes what specific actions shall be taken if a contracting officer determines that award should be withheld from the apparent successful offeror based on conflict of interest considerations; and

(3) If an organizational conflict of interest is identified at the time of task or delivery order contract award, the contracting officer shall include a resolution plan (mitigation plan, or limitation on future contracting) in the basic contract.

DoD proposes to address in this subsection the unique OCI concerns created by task and delivery order contracts. The confluence of OCI concerns and task or delivery order contracting principles affects single-award and multiple-award task and delivery order contracts differently, resulting in a different balance between the need to resolve OCIs at time of award and timing of knowing the actual requirement.

For multiple-award task or delivery order contracts (against which other agencies may place orders and for GSA Schedules), the contracting officer for the ordering agency may determine that an organizational conflict of interest precludes award of an order unless a Government-approved resolution plan (mitigation plan or limitation on future contracting) is incorporated into the order. The contracting officer placing the order is responsible for administering the plan.

203.1206 Solicitation provision and contract clauses. DoD used the requirements currently in FAR 9.506 and 9.507 as the basis for the new provision and clauses on OCI. DoD determined that it was preferable to have a provision and clauses that can be tailored rather than providing no provision or clauses. Recognizing the variability among OCIs, DoD recommends the provision and clauses be prescribed "substantially the same as" so that contracting officers can tailor them, as appropriate. Further, the provision contains specific fill-ins that the contracting officer is required to complete, and the actual OCI mitigation plan is referenced in 252.203–70YY, Resolution of Organizational Conflicts of Interest.

Section 203.1270 specifically implements section 207 of WSARA. It cites the definition of "lead system integrator" in the clause at 252.209–7007, cites the definitions of "major defense acquisition program" in 10 U.S.C. 2430, cites the definition of "major subcontractor" in the new proposed clause at 252.203–70WW, Organizational Conflict of Interest—Major Defense Acquisition Program, and bases the definitions of "systems engineering" and "technical assistance" on the discussion of systems engineering and technical direction at FAR 9.505–1.

The policy section at 203.1270–3 is based on sections 207(b)(4) and (b)(2) of WSARA.

Limitations on lead system integrators as required by 207(b)(1)(A) of WSARA are already incorporated in the DFARS at 209.570, and the associated clauses in 252.209.

Section 203.1270–5 on identification of OCIs provides considerations of situations in which OCIs must be addressed, as specified in section 207(b)(1)(B) through (D) of WSARA.

Section 203.1270–6(a) sets forth the restrictions on systems engineering and technical assistance contracts that are required by section 207(b)(3) of WSARA. With some exceptions, a contract for systems engineering and technical assistance for a major systems defense acquisition program shall prohibit the contractor or any affiliate of the contractor from participating as a contractor or major subcontractor in the development or construction of a weapon system under such program.

Exceptions are proposed in paragraph 203.1270–6(b), as authorized in paragraph (b)(4) of WSARA. The first exception is based on the exception for design and development work in accordance with FAR 9.505–2(a)(3), FAR 9.505–2(b)(3), or preparation of work statements in accordance with FAR 9.505–2(b)(1)(ii).

The other exception is an exception for a contractor that is highly qualified with domain experience and expertise, if the OCI can be adequately resolved in accordance with the new proposed coverage at 203.1205–3.

Although authorized by section 207(b)(4) of WSARA, this rule does not propose any exceptions to the requirement of 207(b)(2) that a contractor for the performance of systems engineering and technical assistance functions for a major defense acquisition program receive advice from a federally funded research and development center or other sources independent of the prime contractor (implemented in the policy section 203.1270–3).

Section 203.1270–7 proposes an additional solicitation provision and contract clause for use in solicitations and contracts for systems engineering and technical assistance for major defense acquisition programs. This solicitation provision and clause are used in conjunction with the other appropriate OCI provisions and clauses prescribed at 203.1206.

• *252.203–70VV, Notice of Prohibition Relating to Organizational Conflict of Interest—Major Defense*

Acquisition Program. This provision notifies the offerors that this solicitation is for the performance of systems engineering and technical assistance for a major defense acquisition program. It states the prohibition as required by paragraph (b)(3) of section 207, but provides the opportunity for offerors to request an exception.

• *252.203–70WW, Organizational Conflict of Interest—Major Defense Acquisition Program.* This clause defines "major subcontractor" and repeats the prohibition from section 207(b)(3) of WSARA, which is in effect unless an approved OCI mitigation plan has been submitted and incorporated into the contract. Compliance with the OCI mitigation plan is a material requirement of the contract.

• *252.203–70XX, Notice of Potential Organizational Conflict of Interest.* This provision—

○ Provides a definition of "organizational conflict of interest;"

○ Places offerors on notice that the contracting officer has identified a potential OCI and makes resolution of an OCI (or waiver) an eligibility requirement for award;

○ Requires the contracting officer to describe the nature of the potential conflict of interest and any steps the Government has taken to lessen the conflict;

○ Requires an offeror to disclose all relevant information regarding an OCI, or to represent, to the best of its knowledge and belief, that there is no OCI.

○ Regardless of whether the offeror discloses the existence of an OCI, the offeror must describe any other work performed on contracts and subcontracts within the past five years that is associated with the offer it plans to submit.

○ Requires an offeror to explain the actions it intends to use to resolve any OCI, *e.g.,* submit an acceptable mitigation plan if an actual OCI exists or agree to a limitation on future contracting;

○ Indicates the clauses that may be included in the resultant contract depending upon the type of resolution;

○ Indicates that failure to disclose facts regarding an OCI could result in a termination for default of any resulting contract; and

○ Reserves the right to waive the requirement to resolve an OCI.

• *252.203–70YY, Resolution of Organizational Conflicts of Interest.* This clause is to be used generally when the contract may involve an OCI that can be resolved by an acceptable contractor-submitted mitigation plan prior to contract award. The clause—

○ Provides definitions of "contractor" and "organizational conflict of interest;"

○ Incorporates the mitigation plan in the contract;

○ Addresses changes to the mitigation plan;

○ Addresses violations of the mitigation plan;

○ Addresses breach of the provisions of the clause; and

○ Requires flowdown of the clause.

• *252.203–70YZ, Limitation of Future Contracting.* This clause will be used when the contracting officer decides to resolve a potential conflict of interest through a limitation on future contracting. The contracting officer must fill in the nature of the limitation on future contractor activities. Although the clause contains a default time period of three years, this time period may be modified as long as the duration is sufficient to avoid unfair competitive advantage or potential bias.

• *252.203–70ZZ, Disclosure of Organizational Conflict of Interest After Contract Award.* DoD recognizes that events may occur during the performance of a contract that give rise to a new conflict. Examples of such events could be a novation or the acquisition of a business interest. This clause, which is included in solicitations and contracts when the solicitation includes the provision 252.203–70XX, Notice of Potential Organizational Conflicts of Interest, requires the contractor to make a prompt and full disclosure of any newly discovered OCI.

Part 212—Acquisition of Commercial Items. The proposed rule requires use of the provisions and clauses in contracts for the acquisition of commercial items (other than COTS items). The rule also notes that the representation in 252.203–70XX, Notice of Potential Organizational Conflicts of Interest, is not in the ORCA database. The proposed rule exempts acquisitions for COTS items (as defined at FAR 2.101) from applicability of subpart 203.12 because the revised coverage is not based in statute (*see* section IV.C. discussion entitled "203.1200, Scope") and COTS items are, by definition, sold in substantial quantities in the commercial marketplace and offered to the Government without modification, in the same form in which they are sold in the commercial marketplace. The requirements of the COTS definition render COTS items not susceptible to organizational conflicts of interest.

This is a significant regulatory action and therefore is subject to Office of Management and Budget review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

C. Regulatory Flexibility Act

DoD believes that the proposed changes will not result in a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because the requirements of subpart 203.12 do not differ from the burden currently imposed on offerors and contractors by FAR subpart 9.5.

Further, the proposed rule does not include a certification requirement and allows for avoidance, neutralization, or mitigation of organizational conflicts of interest or, under exceptional circumstances, waiver of the requirement for resolution.

An Initial Regulatory Flexibility Analysis has, therefore, not been performed. DoD invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD will also consider comments from small entities concerning the existing regulations in subparts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (DFARS Case 2009–D015) in correspondence.

D. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. Chapter 35) applies because the proposed rule contains information collection requirements. DoD invites comments on the following aspects of the proposed rule: (a) Whether the collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The following is a summary of the information collection requirement.

Title: Defense Federal Acquisition Regulation Supplement (DFARS); Organizational Conflicts of Interest in Major Defense Acquisition Programs.

Type of Request: New collection.

Number of Respondents: 8,690.

Responses per Respondent: Approximately 1.

Annual Responses: 9,255.

Average Burden per Response: Approximately 26.75 hours.

Annual Burden Hours: 247,560.

Needs and Uses: DoD needs the information required by 252.203–70XX, 252.203–YY, and 252.203–ZZ to identify and resolve organizational conflicts of interest, as required by section 207 of the Weapons System Acquisition Reform Act of 2009.

Affected Public: Businesses or other for-profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

These estimates are based on—

- 252.203–70XX (e)(1)(i)(A) and (2)—5,650 responses providing information on OCIs and mitigation plans, average of 40 burden hours per plan;
- 252.203–70XX(e)(1)(ii)—2, 930 responses providing information from offerors that do not submit a mitigation plan, average of 2 burden hours per response.
- 252.203–70YY(b)(2)—565 updates to mitigation plan, average of 20 hours per update.
- 252.203–70ZZ—110 disclosures of OCIs after contract award, average of 40 hours per response.

Written comments and recommendations on the proposed information collection should be sent to Ms. Jasmeet Seehra at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503, with a copy to the Defense Acquisition Regulations System, Attn: Ms. Amy Williams, OUSD(AT&L)DPAP(DARS), 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060. Comments can be received from 30 to 60 days after the date of this notice, but comments to OMB will be most useful if received by OMB within 30 days after the date of this notice.

To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Acquisition Regulations System, Attn: Ms. Amy Williams, OUSD(AT&L)DPAP(DARS), 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060.

List of Subjects in 48 CFR Parts 202, 203, 212, and 252

Government procurement.

Ynette R. Shelkin,

Editor, Defense Acquisition Regulations System.

Therefore, DoD proposes to amend 48 CFR parts 202, 203, 212, and 252 as follows:

1. The authority citation for 48 CFR parts 202, 203, 212, and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR chapter 1.

PART 202—DEFINITIONS OF WORDS AND TERMS

2. Section 202.101 is amended by adding the definition for "organizational conflict of interest" to read as follows:

202.101 Definitions.

* * * * *

Organizational conflict of interest means a situation in which, with reference to a particular acquisition—

(1) An offeror, or any of its prospective subcontractors, by virtue of its past or present performance of another Government contract, grant, cooperative agreement, or other transaction—

(i) Had access to non-public information that may provide it an unfair advantage in competing for some or all of the proposed effort; or

(ii) Was in a position to set the ground rules, and thereby affect the competition, for the proposed acquisition; or

(2) The contract awardee or any of its subcontractors—

(i) Will have access to non-public information that may provide it an unfair competitive advantage in a later competition for a Government contract;

(ii) May, from the perspective of a reasonable person with knowledge of the relevant facts, be unable to render impartial advice or judgments to the Government; or

(iii) Will be in a position to influence a future competition, whether intentionally or not, in its own favor.

* * * * *

PART 203—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

3. Section 203.000 is added to read as follows:

203.000 Scope of part.

This part prescribes policies and procedures for avoiding improper business practices and conflicts of interest and for dealing with their occurrence. It implements 41 U.S.C. 405b.

4. Subpart 203.12 is added to read as follows:

Subpart 203.12—Organizational Conflicts of Interest

Sec.

203.1200 Scope of subpart.
203.1201 Definitions.
203.1202 Applicability.
203.1203 Policy.
203.1204 Types of organizational conflicts of interest.
203.1205 Contracting officer responsibilities.
203.1205–1 General.
203.1205–2 Identification of organizational conflicts of interest.
203.1205–3 Resolution of organizational conflicts of interest.
203.1205–4 Waiver.
203.1205–5 Award.
203.1206 Solicitation provision and contract clauses.
203.1270 Implementation of section 207 of the Weapons System Acquisition Reform Act of 2009 (Pub. L. 111–23).
203.1270–1 Definitions.
203.1270–2. Applicability.
203.1270–3 Policy.
203.1270–4 Lead system integrators.
203.1270–5 Identification of organizational conflicts of interest.
203.1270–6 Systems engineering and technical assistance contracts.
203.1270–7 Solicitation provision and contract clause.

Subpart 203.12—Organizational Conflicts of Interest

203.1200 Scope of subpart.

This subpart—

(a) Prescribes general rules and procedures for identifying, evaluating, and resolving organizational conflicts of interest (as defined in 202.101); and

(b) Implements section 207 of the Weapons System Acquisition Reform Act of 2009 (Pub. L. 111–23).

203.1201 Definitions.

As used in this subpart—

Contractor means a party to a Government contract other than the Government and includes the total contractor organization, including not only the business unit or segment that signs the contract. It also includes all subsidiaries and affiliates.

Firewall means a combination of procedures and physical security arrangements intended to restrict the flow of information either within an organization or between organizations.

Resolve means to implement an acquisition approach that will enable the Government to acquire the required goods or services while adequately addressing any organizational conflict of interest.

203.1202 Applicability.

(a) This subpart—

(1) Applies to contracts (including task or delivery orders) and modifications to contracts with both profit and nonprofit organizations, including nonprofit organizations created largely or wholly with Government funds;

(2) Does not apply to the acquisition of commercially available off-the-shelf items, but does apply to acquisitions of other commercial items (*see* 212.301(f)(xiv));

(b) Although this subpart applies to every type of acquisition, organizational conflicts of interest are more likely to arise in contracts involving—

(1) Pre-solicitation acquisition support services;

(2) Other support services;

(3) Advisory and assistance services; or

(4) Contractor access to non-public information.

203.1203 Policy.

(a) Organizational conflicts of interest can impair—

(1) The Government's ability to acquire supplies and services that are the best value to the Government. For example—

(i) A contractor with an organizational conflict of interest may influence the Government to pursue an acquisition outcome that is more compatible with the contractor's interests than with the Government's interests.

(ii) A contractor that properly had access to non-public information while performing under a Government contract, grant, cooperative agreement, or other transaction may be able unfairly to use the non-public information to its advantage to win award of a future contract.

(2) The public trust. The Government must avoid the appearance of impropriety which taints the public view of the acquisition system. Organizational conflicts of interest, by their mere appearance, call into question the integrity and fairness of the competitive procurement process. This concern exists regardless of whether any individual contractor employee or contractor organization ever actually renders biased advice or benefits from an unfair competitive advantage.

(b) The vast preponderance of contracting done within DoD is done free of actual or potential conflict of interest. However, there are circumstances under which potential or actual conflict of interest could exist. In those instances, it is the Government's policy to protect its interests by identifying and resolving organizational conflicts of interest. To that end, in every acquisition in which the contracting officer determines that contractor performance of the contemplated work may give rise to one or more organizational conflicts of interest, the contracting activity shall ensure that—

(1) Offerors are required to disclose facts bearing on the possible existence of organizational conflicts of interest both prior to contract award and on a continuing basis during contract performance;

(2) All identified organizational conflicts of interest are either resolved or waived prior to the award of a contract (including individual task or delivery orders); and

(3) The contract establishes a process by which the parties will resolve any organizational conflicts of interest that arise during contract performance.

(c) Except as may be otherwise prohibited within this regulation, it is DoD policy that, generally, the preferred method to resolve an organizational conflict of interest is mitigation (*see* 203.1205–1). It is recognized, however, that mitigation may not be advisable in every instance. In accordance with 203.1205–1(c), in those cases where the contracting officer determines that mitigation is not likely to be effective and the conflict of interest cannot otherwise be resolved, the contracting officer shall select another offeror or request a waiver in accordance with 203.1205–4.

(d) *See* 203.1270 for additional requirements that apply to major defense acquisition programs.

203.1204 Types of organizational conflicts of interest.

There are three types of organizational conflicts of interest.

(a) "Impaired objectivity" organizational conflicts of interest exist when a contractor's judgment and objectivity in performing tasks for the Government might be impaired because the substance of the contractor's performance has the potential to affect other of its activities and interests.

(1) Such conflicts generally involve two elements–

(i) The contractor is performing tasks that involve the use of subjective judgment or giving advice; and

(ii) The contractor has a financial or economic interest that could be affected by the outcome of its performance.

(2) Examples of an organizational conflict of interest of this type may arise when—

(i) The contractor (or one of its subcontractors) is required to evaluate products or services it or its affiliates provide or to evaluate the products or services of a competitor or a competitor of an affiliate; or

(ii) A contractor will provide the Government technical or policy advice that could affect its other business interests, to include its interests beyond those related to Government acquisitions.

(b) "Unfair access to non-public information" organizational conflicts of interest arise when a contractor has access to non-public information as part of its performance of a Government contract, grant, cooperative agreement, or other transaction and that non-public information may provide the contractor an unfair competitive advantage in a later competition for a Government contract.

(1) Examples of an organizational conflict of interest of this type may arise when a support contractor in a program office has access to proprietary information or non-public source selection information which could provide the contractor with an unfair competitive advantage in future competitions.

(2) The test for determining whether a contractor's access to non-public information requires resolution is—

(i) Whether the non-public information will be available to potential offerors;

(ii) Whether the non-public information would be competitively useful in responding to a solicitation; and

(iii) Whether the advantage afforded to the contractor by its access to the non-public information is unfair.

(3) Not all competitive advantage is unfair.

(i) The natural competitive advantage of an incumbent contractor or an offeror that has performed similar requirements in the past, does not by itself constitute an unfair competitive advantage.

(ii) When a contractor develops or designs a product, that contractor frequently is in a position to produce the product more quickly, efficiently, and knowledgeably than firms that did not participate in its development. In many instances, the Government may have contracted for and financed the development. Because timeliness, efficiency, quality, and continuity are all important to the Government when it comes to the production process, development contractors have an inherent advantage when it comes to competing for follow-on production contracts. However, while the development contractor has a competitive advantage, it is an unavoidable advantage that is not considered unfair; hence, agencies should not prohibit development contractors from receiving award of follow-on production contracts merely because they have a competitive advantage.

(c) "Biased ground rules" organizational conflicts of interest may arise when a contractor, in performing under one Government contract, grant, cooperative agreement, or other transaction, is in a position to set the ground rules for another Government acquisition. For example, this type of conflict may arise when, as part of its

performance of a Government contract, an offeror will participate in preparing the statement of work or specifications, establishing source selection criteria, or otherwise influencing the ground rules of a future acquisition for which the contractor may compete.

203.1205 Contracting officer responsibilities.

203.1205–1 General.

(a) The contracting officer shall assess early in the acquisition process whether contractor performance of the contemplated work is likely to create any organizational conflicts of interest (*see* 203.1205–2) and shall then resolve, prior to contract award, any organizational conflicts of interest identified (*see* 203.1205–3).

(b) The contracting officer shall exercise common sense, good judgment, and sound discretion—

(1) In deciding whether an acquisition will give rise to any organizational conflicts of interest; and

(2) In developing an appropriate means for resolving any such conflicts.

(c)(1) The contracting officer shall give preference to the use of mitigation to resolve an organizational conflict of interest.

(2) If the contracting officer determines, after consultation with agency legal counsel, that the otherwise successful offeror is unable to mitigate an organizational conflict of interest effectively, then the contracting officer, taking into account both the instant contract and longer term Government needs, shall use another approach to resolve the organizational conflict of interest, select another offeror, or request a waiver.

(3) For any acquisition that exceeds $1 billion, the contracting officer shall brief the senior procurement executive before determining whether an offeror's mitigation plan is unacceptable.

203.1205–2 Identification of organizational conflicts of interest.

(a) The nature of the work to be performed determines whether a potential for a conflict of interest exists; the financial interests and other activities of the offeror/contractor determine whether an actual conflict requiring resolution exists. Therefore, the contracting officer shall particularly consider organizational conflicts of interest during preparation of the solicitation and evaluation of the offers.

(b) *Solicitation.* The contracting officer shall review the nature of the work to be performed to determine whether performance by a contractor could result in an organizational conflict of interest (*see* 203.1202(b)).

(1) The contracting officer should obtain the assistance of the program office, appropriate technical specialists, and legal counsel in identifying potential for organizational conflicts of interest.

(2) In addition, the contracting officer shall require the program office or the requiring activity to identify any contractor(s) that participated in preparation of the statement of work or other requirements documents, including cost or budget estimates.

(3) If the contracting officer determines that contractor performance of the contemplated work does not have the potential to create any organizational conflicts of interest, the contracting officer shall document in the contract file the rationale supporting the decision.

(4) If the contracting officer determines that contractor performance of the contemplated work has the potential to create an organizational conflict of interest, then the contracting officer shall include a provision and clause as prescribed in 203.1206.

(c) *Evaluation of offers.*

(1) Information from offerors. The contracting officer shall use information provided by the offerors (*see* 252.203–70XX, Notice of Potential Organizational Conflict of Interest) to identify organizational conflicts of interest. However, the contracting officer should not rely solely on this contractor-provided information when determining whether an actual organizational conflict of interest will exist upon award.

(2) *Other sources of information.* The contracting officer should seek readily available information about the financial interests of the offerors from within the Government or from other sources to determine whether an organizational conflict of interest will exist upon award.

(i) *Government sources.* Government sources include the files and the knowledge of personnel within—

(A) The contracting office;

(B) Other contracting offices; and

(C) The cognizant contract administration, finance, and audit activities.

(ii) *Non-Government sources.* Non-Government sources include—

(A) Offeror's Web site;

(B) Credit rating services;

(C) Trade and financial journals; and

(D) Business directories and registers.

(3) In competitive acquisitions, whether by sealed bid or negotiation, the contracting officer shall communicate to an offeror any issues or concerns raised by the offeror's proposed organizational conflict of interest resolution plan and provide the offeror an opportunity to craft an acceptable solution. If resolution of an organizational conflict of interest is an evaluation criterion, the evaluation methodology shall be on an acceptable/non-acceptable basis.

203.1205–3 Resolution of organizational conflicts of interest.

Organizational conflicts of interest may be resolved by avoidance, limitation on future contracting, or mitigation. In some circumstances, a combination of resolution methods may be appropriate.

(a) *Avoidance.* Avoidance consists of Government action on one acquisition that is intended to prevent organizational conflicts of interest from arising in future acquisitions. Use of this technique is appropriate when, because of the nature of the work contemplated in the initial acquisition, the contractor for the initial acquisition would have access to non-public information or would be in a position to influence the ground rules for a future acquisition. In order to remain eligible for the future acquisition, a contractor will avoid, or be prohibited from, submitting an offer for the initial acquisition. In order to successfully implement an avoidance strategy, the contracting officer should work with the program office or requiring activity early in the acquisition process. Methods of avoiding future organizational conflicts of interest include, but are not limited to, the following examples:

(1) Excluding an offeror or class of offerors from proposing to perform the work that could create an organizational conflict of interest on a future contract (*e.g.,* excluding offerors that have a production capability for the future contract from being eligible to develop the specifications or statement of work). The use of an avoidance approach that prohibits a class of contractors or a list of specific contractors from participating in an acquisition has the potential to substantially reduce competition and reduce the Government's potential to consider sources that may offer a best-value solution. Therefore, this approach should be used only if the contracting officer has determined that no less restrictive forms of resolution will adequately protect the Government's interest. This determination must be documented in the contract file.

(2) Drafting the statement of work to exclude tasks that require contractors to utilize subjective judgment. Tasks requiring subjective judgment, which involves the exercise of independent judgment, include—

(i) Making recommendations;

(ii) Providing analysis, evaluation, planning, or studies; and

(iii) Preparing statements of work or other requirements and solicitation documents.

(3) Structuring the contract requirements so that contractors can perform the work without access to non-public information to the extent feasible.

(b) *Limitation on future contracting (neutralization).*

(1) A limitation on future contracting allows a contractor to perform on the instant contract but precludes the contractor from submitting offers for future contracts where the contractor could obtain an unfair advantage in competing for award. The limitation on future contracting effectively neutralizes the organizational conflict of interest.

(2) Limitations on future contracting shall be restricted to a fixed term of reasonable duration that is sufficient to neutralize the organizational conflict of interest. The restriction shall end on a specific date or upon the occurrence of an identifiable event.

(c) *Mitigation.* Mitigation is any action taken to minimize an organizational conflict of interest to an acceptable level. Mitigation may require Government action, contractor action, or a combination of both. A Government-approved mitigation plan, reflecting the actions a contractor has agreed to take to mitigate a conflict, shall be incorporated into the contract. Ways of acceptably mitigating organizational conflicts of interest include, but are not limited to, the following:

(1) *Using a firewall.* (i) A firewall by itself, without any additional mitigation actions, is appropriate to resolve only "unfair access to non-public information" organizational conflicts of interest (but *see* paragraph (c)(3) of this subsection).

(ii) A firewall—

(A) May include an agreement to limit reassignment of contractor employees who have access to non-public information; and

(B) May also apply to the reporting chain within a company to ensure that an employee's supervisor is not in a position to exercise inappropriate influence on another acquisition.

(2) Disseminating previously non-public information to all offerors. This technique involves the Government disclosing to all offerors the competitively useful, non-public information previously accessed by the conflicted contractor in order to remove the unfair competitive advantage. This technique is appropriate only to resolve "unfair access to non-public information" conflicts and should be used only after the contracting officer has carefully investigated and reasonably determined the extent and type of non-public information to which the conflicted contractor had access.

(3) Requiring a subcontractor or team member that is conflict free to perform the conflicted portion of the work on the instant contract. This technique will not be effective unless it is utilized in conjunction with a firewall around the contractor or conflicted team member. This technique may be used to resolve any types of organizational conflict of interest.

203.1205–4 Waiver.

(a) *Authority.* (1) The agency head may waive the requirement to resolve an organizational conflict of interest in a particular acquisition only if the agency head determines that resolution of the organizational conflict of interest is either not feasible or is not in the best interest of the Government.

(2) The agency head shall not delegate this waiver authority below the head of a contracting activity.

(b) Any waiver shall–

(1) Be in writing;

(2) Cover just one contract action;

(3) Describe the extent of the conflict;

(4) Explain why it is not feasible or not in the best interest of the Government to resolve the organizational conflict of interest; and

(5) Be approved by the appropriate official.

(c) *Use of waivers.*

(1) Agencies shall resolve conflicts to the extent feasible before granting a waiver for any remaining conflicts.

(2) Circumstances when waivers are appropriate include, but are not limited to, the following examples:

(i) A limited-time waiver is necessary to allow a contractor time to divest itself of conflicting businesses or contracts and the contractor agrees to stringent mitigation measures in the interim.

(ii) A waiver is necessary in order for the agency to obtain a particular expertise.

(3) Waivers shall not be used in competitive acquisitions unless the solicitation specifically informs offerors that the Government reserves the right to waive the requirement to resolve organizational conflicts of interest (*see* 252.203–70XX(h)).

(4) The contracting officer shall include the waiver request and decision in the contract file.

203.1205–5 Award.

(a) Before withholding award from the apparent successful offeror based on conflict of interest considerations, the contracting officer shall—

(1) Notify the contractor in writing;

(2) Provide the reasons therefor; and

(3) Allow the contractor a reasonable opportunity to respond.

(b) Except as provided in paragraphs (c) and (d), the contracting officer shall award the contract to the apparent successful offeror only if all organizational conflicts of interest are resolved.

(c) If the contracting officer finds that it is in the best interest of the United States to award the contract notwithstanding a conflict of interest, a request for waiver shall be submitted in accordance with 203.1205–4.

(d)(1) For task or delivery order contracts, it may not be possible for the contracting officer to identify all organizational conflict of interest issues at the time of award of the task or delivery order contract. To the extent an organizational conflict of interest can be identified at the time of task or delivery order contract award, the contracting officer shall include a resolution plan (mitigation plan or limitation on future contracting) in the basic contract.

(2) The contracting officer shall consider organizational conflicts of interest at the time of issuance of each order. If a resolution plan is in the basic task or delivery order contract at the time of its award, the contracting officer may need to appropriately tailor the resolution when issuing an order. For example, appropriate tailoring could include—

(i) Establishment of a reasonable time limitation on future contracting;

(ii) Description of the arrangement where a team member without the conflict performs the effort;

(iii) Description of the nature of the limitation on reassignments of a firewall; or

(iv) Identification of the resolution method most appropriate for the order;

(3) For multiple-award task or delivery order contracts against which other agencies may place orders and for GSA Schedules, the contracting officer for the ordering agency may determine that an organizational conflict of interest precludes award of an order unless a Government-approved mitigation plan is incorporated into the order. The contracting officer placing the order is responsible for administering the plan.

203.1206 Solicitation provision and contract clauses.

(a) The contracting officer shall include a solicitation provision substantially the same as 252.203–70XX, Notice of Potential Organizational Conflict of Interest, upon determining that contractor performance of the work may give rise to organizational conflicts of interest.

(1) The contracting officer should fill in paragraph (c) of the provision when the Government has taken action prior to release of the solicitation to address or resolve potential organizational conflicts of interest.

(2) If the contracting officer has decided on an approach for resolving organizational conflicts of interest prior to release of the solicitation, the contracting officer may include information regarding the type of resolution the contracting officer believes will be necessary to resolve the conflict. For example, the contracting officer may determine in advance that a limitation on future contracting is the most appropriate method for resolving the conflicts.

(3) The representation in this provision is not in the Online Representations and Certifications Application (ORCA) database.

(b)(1) The contracting officer shall include in solicitations and contracts a clause substantially the same as 252.203–70YY, Resolution of Organizational Conflicts of Interest, when the contract may involve an organizational conflict of interest that can be resolved by an acceptable contractor-submitted mitigation plan prior to contract award.

(2) The contracting officer shall consider whether the mitigation plan should include a limitation on reassignments of personnel with unfair access to non-public information. The contracting officer and the contractor shall agree upon a reasonable period of time for the restriction on reassignments. In the case of access to non-public pre-solicitation information, a reasonable period of time is after contract award and expiration of the protest period.

(c) The contracting officer shall include in solicitations and contracts a clause substantially the same as 252.203–70YZ, Limitation on Future Contracting, when the resolution of the organizational conflict of interest will involve a limitation on future contracting.

(1) The contracting officer shall fill in the nature of the limitation on future contractor activities in paragraph (b) of the clause.

(2) The contracting officer may modify the duration of the limitation, but the duration shall be sufficient to neutralize any unfair competitive advantage or potential bias.

(d) The contracting officer shall include in solicitations and contracts a clause substantially the same as 252.203–70ZZ, Disclosure of Organizational Conflict of Interest after Contract Award, when the solicitation includes the provision 252.203–70XX, Notice of Potential Organizational Conflict of Interest.

203.1270 Implementation of section 207 of the Weapons System Acquisition Reform Act of 2009 (Pub. L. 111–23).

203.1270–1 Definitions.

As used in this section—

Lead system integrator is defined in the clause at 252.209–7007, Prohibited Financial Interests for Lead System Integrators.

Major defense acquisition program is defined in 10 U.S.C. 2430.

Major subcontractor is defined in the clause at 52.203–70WW, Organizational Conflict of Interest—Major Defense Acquisition Program.

Systems engineering means a combination of substantially all of the following activities:

(1) Determining specifications.

(2) Identifying and resolving interface problems.

(3) Developing test requirements.

(4) Evaluating test data.

(5) Supervising design.

Technical assistance means a combination of substantially all of the following activities:

(1) Developing work statements.

(2) Determining parameters.

(3) Directing other contractors' operations.

(4) Resolving technical controversies.

203.1270–2 Applicability.

This section applies to major defense acquisition programs.

203.1270–3 Policy.

(a) The Department of Defense must ensure that it obtains advice on major defense acquisition programs from sources that are objective and unbiased.

(b) Agencies shall obtain advice on systems architecture and systems engineering matters with respect to major defense acquisition programs from Federally Funded Research and Development Centers or other sources independent of the major defense acquisition program contractor.

203.1270–4 Lead system integrators.

For limitations on contractors acting as lead systems integrators, *see* 209.570.

203.1270–5 Identification of organizational conflicts of interest.

(a) When evaluating organizational conflicts of interest for major defense acquisition programs, contracting officers shall consider—

(1) The ownership of business units performing systems engineering and technical assistance, professional services, or management support services to a major defense acquisition program by a contractor who simultaneously owns a business unit competing to perform as—

(i) The prime contractor for the same major defense acquisition program; or

(ii) The supplier of a major subsystem or component for the same major defense acquisition program;

(2) The proposed award of a major subsystem by a prime contractor to business units or other affiliates of the same parent corporate entity, particularly the award of a subcontract for software integration or the development of a proprietary software system architecture; and

(3) The performance by, or assistance of, contractors in technical evaluation.

(b) *See* PGI 203.1270–5 for examples of organizational conflicts of interest that can arise in contracts for lead system integrators and the other specific areas of concern identified in paragraph (a) of this section.

203.1270–6 Systems engineering and technical assistance contracts.

(a) Except as provided in paragraph (b) of this subsection, a contract for the performance of systems engineering and technical assistance for a major defense acquisition program shall prohibit the contractor or any affiliate of the contractor from participating as a contractor or major subcontractor in the development or construction of a weapon system under such program.

(b) Paragraph (a) of this subsection does not apply if the contracting officer determines that—

(1) The performance is design and development work in accordance with FAR 9.505–2(a)(3), FAR 9.505–2(b)(3), or preparation of work statements in accordance with FAR 9.505–2(b)(1)(ii); or

(2) The contractor is highly qualified with domain experience and expertise and the organizational conflict of interest will be adequately resolved in accordance with 203.1205–3.

203.1270–7 Solicitation provision and contract clause.

In addition to the provisions and clause required by 203.1206—

(a) Use the provision at 252.203–70VV, Notification of Prohibition Relating to Organizational Conflict of Interest—Major Defense Acquisition Program, if the solicitation includes the clause 252.203–70WW, Organizational Conflict of Interest—Major Defense Acquisition Program; and

(b) Use the clause at 252.203–70WW, Organizational Conflict of Interest—Major Defense Acquisition Program, in solicitations and contracts for systems

engineering and technical assistance for major defense acquisition programs, unless the contracting officer has determined that an exception at 203.1270–6(b) applies that does not require an Organizational Conflict of Interest Mitigation Plan.

PART 212—ACQUISITION OF COMMERCIAL ITEMS

5. Section 212.301 is amended by adding paragraph (f)(xiv) to read as follows:

212.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

* * * * *

(f) * * *

(xiv) Except when acquiring commercially available off-the-shelf items, the contracting officer shall use the provision and clauses relating to Organizational Conflicts of Interest as prescribed at 203.1206 and 203.1270–7, when applicable. The representation in this provision is not in the Online Representations and Certifications Application (ORCA) database.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

6. Sections 252.203–70VV through 252.203–70ZZ are added to read as follows:

252.203–70VV Notice of Prohibition Relating to Organizational Conflict of Interest—Major Defense Acquisition Program.

As prescribed in 203.1270–7(a), use the following provision:

Notice of Prohibition Relating to Organizational Conflict of Interest—Major Defense Acquisition Program (DATE)

(a) *Definitions. Major subcontractor* is defined in the clause at 52.201–WW, Organizational Conflict of Interest—Major Defense Acquisition Program.

(b) This solicitation is for the performance of systems engineering and technical assistance for a major defense acquisition program.

(c) *Prohibition.* As required by paragraph (b)(3) of section 207 of the Weapons System Acquisition Reform Act of 2009 (Pub. L. 111–23), if awarded the contract, the contractor or any affiliate of the contractor is prohibited from participating as a prime contractor or a major subcontractor in the development or construction of a weapon system under the major defense acquisition program, unless the offeror submits, and the Government approves, an Organizational Conflict of Interest Mitigation Plan.

(d) *Request for an exception.* If the offeror requests an exception to the prohibition of paragraph (c) of this provision, then the offeror shall submit an Organizational Conflict of Interest Mitigation Plan with its offer for evaluation. If the plan is acceptable, it will be incorporated into the resultant contract and paragraph (d) of the clause at 252.203–70WW will become applicable.

(End of provision)

252.203–70WW Organizational Conflict of Interest—Major Defense Acquisition Program.

As prescribed in 203.1270–7(b), use the following clause:

Organizational Conflict of Interest—Major Defense Acquisition Program (DATE)

(a) *Definition. Major subcontractor,* as used in this clause, means a subcontractor that is awarded subcontracts totaling more than 10 percent of the value of the contract under which the subcontracts are awarded.

(b) This contract is for the performance of systems engineering and technical assistance for a major defense acquisition program.

(c) *Prohibition.* Except as provided in paragraph (d) of this clause, as required by paragraph (b)(3) of section 207 of the Weapons System Acquisition Reform Act of 2009 (Pub. L. 111–23), the Contractor or any affiliate of the Contractor is prohibited from participating as a prime contractor or major subcontractor in the development or construction of a weapon system under the major defense acquisition program.

(d) *Organizational Conflict of Interest Mitigation Plan.* If the Contractor submitted an acceptable Organizational Conflict of Interest Mitigation Plan that has been incorporated into this contract, then paragraph (c) of this clause does not apply. The Contractor shall comply with the Organizational Conflict of Interest Mitigation Plan. Compliance with the Organizational Conflict of Interest Mitigation Plan is a material requirement of the contract. Failure to comply may result in the Contractor or any affiliate of the Contractor being prohibited from participating as a contractor or major subcontractor in the development or construction of a weapon system under the program, in addition to any other remedies available to the Government for non-compliance with a material requirement of a contract.

(End of clause)

252.203–70XX Notice of Potential Organizational Conflict of Interest.

As prescribed in 203.1206(a), insert a provision substantially the same as the following:

Notice of Potential Organizational Conflict of Interest (DATE)

(a) *Definitions.* As used in this provision—

Organizational conflict of interest means a situation in which, with reference to a particular acquisition—

(1) An offeror, or any of its prospective subcontractors, by virtue of its past or present performance of another Government contract, grant, cooperative agreement, or other transaction—

(i) Had access to non-public information that may provide it an unfair advantage in competing for some or all of the proposed effort; or

(ii) Was in a position to set the ground rules, and thereby affect the competition, for the proposed acquisition; or

(2) The contract awardee or any of its subcontractors—

(i) Will have access to non-public information that may provide it an unfair competitive advantage in a later competition for a Government contract;

(ii) May, from the perspective of a reasonable person with knowledge of the relevant facts, be unable to render impartial advice or judgments to the Government; or

(iii) Will be in a position to influence a future competition, whether intentionally or not, in its own favor.

Resolve means to implement an acquisition approach that will enable the Government to acquire the required goods or services while adequately addressing any organizational conflict of interest.

(b) *Notice.* The Contracting Officer has determined that the nature of the work to be performed in the contract resulting from this solicitation is such that it may give rise to organizational conflicts of interest (*see* subpart 203.12, Organizational Conflicts of Interest).

(c) *Action already taken by Government to resolve organizational conflict of interest.* _____ [*Contracting Officer to describe the steps the Government has taken to resolve the conflict(s) of interest, if any.*]

(d) *Pre-proposal requirement.* Applying the principles of FAR subpart 203.12, the offeror shall assess whether there is an organizational conflict of interest associated with the offer it plans to submit. Before preparing its offer, the offeror should inform the Contracting Officer of any potential conflicts of interest, including those involving contracts, grants, cooperative agreements, or other transactions with other Government organizations, in order that the Government may assess whether the conflicts will require resolution.

(e) *Proposal requirements.* (1) The offeror shall—

(i)(A) Disclose all relevant information regarding any organizational conflicts of interest; or

(B) Represent, to the best of its knowledge and belief, that there will be no organizational conflict of interest; and

(ii) Describe any other work performed on contracts, subcontracts, grants, cooperative agreements, or other transactions within the past five years that is associated with the offer it plans to submit.

(2) To the extent that either the offeror or the Government identifies any organizational conflicts of interest, the offeror shall explain the actions it intends to use to resolve such conflicts, *e.g.,* by submitting a mitigation plan and/or accepting a limitation on future contracting.

(3) If the offeror's proposed action to resolve an organizational conflict of interest is not acceptable, the Contracting Officer will

notify the offeror in writing, providing the reasons why the proposed resolution is not considered acceptable and allowing the offeror a reasonable opportunity to respond before making a final decision on the organizational conflict of interest.

(4) The Contracting Officer has the sole authority to determine whether an organizational conflict of interest exists and to determine whether the organizational conflict of interest has been adequately resolved.

(f) *Resultant contract.* (1) If the offeror submits an organizational conflict of interest mitigation plan that the Contracting Officer approves, the resultant contract will include the Government-approved Mitigation Plan and a clause substantially the same as 252.203–70YY, Resolution of Organizational Conflicts of Interest.

(2) If the resolution of the organizational conflict of interest involves a limitation on future contracting, the resultant contract will include a clause substantially the same as 252.203–70YZ, Limitation on Future Contracting.

(g) *Termination for default.* If the successful offeror was aware, or should have been aware, of an organizational conflict of interest before award of this contract and did not fully disclose that conflict to the Contracting Officer, the Government may terminate the contract for default.

(h) *Waiver.* The agency reserves the right to waive the requirement to resolve any organizational conflict of interest.

(End of provision)

252.203–70YY Resolution of Organizational Conflicts of Interest.

As prescribed in 203.1206(b)(1), insert a clause substantially the same as the following:

Resolution of Organizational Conflicts of Interest (DATE)

(a) *Definitions.* As used in this clause—

Contractor means a party to a Government contract other than the Government and includes the total contractor organization, including not only the business unit or segment that signs the contract. It also includes all subsidiaries and affiliates.

Organizational conflict of interest means a situation in which, with reference to a particular acquisition—

(1) An offeror, or any of its prospective subcontractors, by virtue of its past or present performance of another Government contract, grant, cooperative agreement, or other transaction—

(i) Had access to non-public information that may provide it an unfair advantage in competing for some or all of the proposed effort; or

(ii) Was in a position to set the ground rules, and thereby affect the competition, for the proposed acquisition; or

(2) The contract awardee or any of its subcontractors—

(i) Will have access to non-public information that may provide it an unfair competitive advantage in a later competition for a Government contract;

(ii) May, from the perspective of a reasonable person with knowledge of the relevant facts, be unable to render impartial advice or judgments to the Government; or

(iii) Will be in a position to influence a future competition, whether intentionally or not, in its own favor.

(b) *Mitigation plan.* (1) The Government-approved Organizational Conflict of Interest Mitigation Plan (Mitigation Plan) and its obligations are hereby incorporated in the contract by reference.

(2) The Contractor shall update the mitigation plan within 30 days of any changes to the legal construct of the organization, subcontractor changes, or significant management or ownership changes.

(c) *Changes.* Either the Contractor or the Government may propose changes to the Mitigation Plan. Such changes are subject to the mutual agreement of the parties and will become effective only upon written approval of the revised Mitigation Plan by the Contracting Officer.

(d) *Noncompliance.* (1) The Contractor shall report to the Contracting Officer any noncompliance with this clause or with the Mitigation Plan, whether by its own personnel or those of the Government or other contractors.

(2) The report shall describe the noncompliance and the actions the Contractor has taken or proposes to take to mitigate and avoid repetition of the noncompliance.

(3) After conducting such further inquiries and discussions as may be necessary, the Contracting Officer and the Contractor shall agree on appropriate corrective action, if any, or the Contracting Officer will direct corrective action, subject to the terms of this contract.

(e) *Subcontracts.* The Contractor shall include the substance of this clause, including this paragraph (e), in subcontracts where the work includes or may include tasks related to the organizational conflict of interest. The terms "Contractor" and "Contracting Officer" shall be appropriately modified to reflect the change in parties and to preserve the Government's rights.

(End of clause.)

252.203–70YZ Limitation on Future Contracting.

As prescribed in 203.1206(c), insert a clause substantially the same as the following:

Limitation on Future Contracting (DATE)

(a) *Definitions.*

Contractor means a party to a Government contract other than the Government and includes the total contractor organization, including not only the business unit or segment that signs the contract. It also includes all subsidiaries and affiliates.

(b) *Limitation.* The Contractor shall be ineligible to perform _____ [*Contracting Officer to describe the work that the Contractor will be ineligible to perform*] for a period of three years.

(c) *Subcontracts.* The Contractor shall include the substance of this clause, including this paragraph (c), in subcontracts where the work includes tasks which result in an organizational conflict of interest. The terms "Contractor" and "Contracting Officer" shall be appropriately modified to reflect the change in parties and to preserve the Government's rights.

(End of clause.)

252.203–70ZZ Disclosure of Organizational Conflict of Interest after Contract Award.

As prescribed in 203.1206(d), insert the following clause:

Disclosure of Organizational Conflict of Interest After Contract Award (DATE)

(a) *Definitions.* As used in this clause—

Contractor means a party to a Government contract other than the Government and includes the total contractor organization, including not only the business unit or segment that signs the contract. It also includes all subsidiaries and affiliates.

Organizational conflict of interest means a situation in which, with reference to a particular acquisition—

(1) An offeror, or any of its prospective subcontractors, by virtue of its past or present performance of another Government contract, grant, cooperative agreement, or other transaction—

(i) Had access to non-public information that may provide an unfair advantage in competing for some or all of the proposed effort; or

(ii) Was in a position to set the ground rules, and thereby affect the competition, for the proposed acquisition; or

(2) The contract awardee or any of its subcontractors—

(i) Will have access to non-public information that may provide it an unfair competitive advantage in a later competition for a Government contract;

(ii) May, from the perspective of a reasonable person with knowledge of the relevant facts, be unable to render impartial advice or judgments to the Government; or

(iii) Will be in a position to influence a future competition, whether intentionally or not, in its own favor.

Resolve means to implement an acquisition approach that will enable the Government to acquire the required goods or services—while adequately addressing any organizational conflict of interest.

(b) If the Contractor identifies an organizational conflict of interest that has not already been adequately resolved and for which a waiver has not been granted, the Contractor shall make a prompt and full disclosure in writing to the Contracting Officer. Organizational conflicts of interest that arise during the performance of the contract, as well as newly discovered conflicts that existed before contract award, shall be disclosed. This disclosure shall include a description of—

(1) The organizational conflict of interest; and

(2) Actions to resolve the conflict that—

(i) The Contractor has taken or proposes to take, or

(ii) The Contractor recommends that the Government take.

(c) If, in compliance with this clause, the Contractor identifies and promptly reports an organizational conflict of interest that cannot be resolved in a manner acceptable to the Government, the Contracting Officer may terminate this contract for convenience of the Government.

(d) *Breach.* Any nondisclosure or misrepresentation of any relevant facts regarding organizational conflicts of interests will constitute a breach and may result in—

(1) Termination of this contract for default; or

(2) Exercise of other remedies as may be available under law or regulation.

(e) *Subcontracts.* The Contractor shall include the substance of this clause, including this paragraph (e), in subcontracts where the work includes or may include tasks that may create a potential for an organizational conflict of interest. The terms "Contractor" and "Contracting Officer" shall be appropriately modified to reflect the change in parties and to preserve the Government's rights.

(End of clause.)

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 580

[Docket No. NHTSA–2010–0046; Notice 1]

Petition for Approval of Alternate Odometer Disclosure Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Initial determination.

SUMMARY: The State of Wisconsin has petitioned for approval of alternate odometer requirements to certain requirements under Federal odometer law. NHTSA has initially determined that Wisconsin's alternate requirements satisfy Federal odometer law, with limited exceptions. Accordingly, NHTSA has preliminarily decided to grant Wisconsin's petition on condition that before NHTSA makes a final determination, Wisconsin amends its program to meet all the requirements of Federal odometer law or demonstrates that it meets the requirements of Federal law. This document is not a final agency action.

DATES: Comments are due no later than May 24, 2010.

ADDRESSES: You may submit comments [identified by DOT Docket ID Number NHTSA–2010–0046] by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, *see* the Public Participation heading of the Supplementary Information section of this document. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please *see* the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://DocketInfo.dot.gov .*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: Andrew DiMarsico, Office of the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., West Building W41–227, Washington, DC 20590 (Telephone: 202–366–5263) (Fax: 202–366–3820).

SUPPLEMENTARY INFORMATION:

I. Introduction

Federal odometer law, which is largely based on the Motor Vehicle Information and Cost Savings Act (Cost Savings Act) [1] and Truth in Mileage Act of 1986 [2], as amended (TIMA), contains a number of provisions to limit odometer fraud and assure that the purchaser of a motor vehicle knows the true mileage of the vehicle. The Cost Savings Act requires the Secretary of Transportation to promulgate regulations requiring the transferor (seller) of a motor vehicle to provide a written statement of the vehicle's mileage registered on the odometer to the transferee (buyer) in connection with the transfer of ownership. This written statement is generally referred to as the odometer disclosure statement. Further, under TIMA, vehicle titles themselves must have a space for the odometer disclosure statement and States are prohibited from licensing vehicles unless a valid odometer disclosure statement on the title is signed and dated by the transferor. Titles must also be printed by a secure printing process or other secure process. With respect to leased vehicles, TIMA provides that the regulations promulgated by the Secretary require written mileage disclosures be made by lessees to lessors upon the lessor's transfer of the ownership of the leased vehicle. Lessors must also provide written notice to lessees about odometer disclosure requirements and the penalties for not complying with them. Federal law also contains document retention requirements for odometer disclosure statements.

TIMA's motor vehicle mileage disclosure requirements apply in a State unless the State has alternate requirements approved by the Secretary. The Secretary has delegated administration of the odometer program to NHTSA. Therefore, a State may petition NHTSA for approval of such alternate odometer disclosure requirements.

Seeking to implement an electronic vehicle title transfer system, the State of Wisconsin has petitioned for approval of alternate odometer disclosure requirements. The Wisconsin Department of Transportation proposes a paperless odometer disclosure program. Last year, NHTSA reviewed certain requirements for alternative State programs and approved the Commonwealth of Virginia's alternate odometer disclosure program. 74 FR 643, 650 (January 7, 2009). Wisconsin's program is similar to Virginia's program in some respects and is broader in scope than Virginia's in others. Like Virginia's program, transactions involving an out-of-State party are not, in general, within the scope of Wisconsin's program. Wisconsin Pet. p. 2. Unlike Virginia's program, which did not apply to transactions for leased vehicles, Wisconsin's proposal implicates provisions of Federal odometer law related to these vehicles. Wisconsin Pet. p. 4.

As discussed below, NHTSA's initial assessment is that the Wisconsin program satisfies the requirements for approval under Federal odometer law, subject to resolution of certain concerns.

[1] Public Law 92–513, 86 Stat 947, 961 (1972).

[2] Public Law 99–579, 100 Stat. 3309 (1986).

II. Statutory Background

NHTSA recently reviewed the statutory background of Federal odometer law in its consideration and approval of Virginia's petition for alternate odometer disclosure requirements. *See* 73 FR 35617 (June 24, 2008) and 74 FR 643 (January 7, 2009). The statutory background of the Cost Savings Act and TIMA and the purposes behind TIMA, as they relate to odometer disclosure, other than in the transfer of leased vehicles and vehicles subject to liens where a power of attorney is used in the disclosure, are discussed at length in NHTSA's Final Determination granting Virginia's petition. 74 FR 643, 647–48. A brief summary of the statutory background of Federal odometer law and the purposes of TIMA, including odometer disclosure requirements for leased vehicles, follows.

In 1972, Congress enacted the Cost Savings Act to, among other things, prohibit tampering with odometers on motor vehicles and to establish certain safeguards for the protection of purchasers with respect to the sale of motor vehicles having altered or reset odometers. *See* Public Law 92–513, § 401, 86 Stat. 947, 961–63 (1972). The Cost Savings Act required that, under regulations to be published by the Secretary, the transferor of a motor vehicle provide a written vehicle mileage disclosure to the transferee, prohibited odometer tampering and provided for enforcement. *See* Public Law 92–513, § 408, 86 Stat. 947 (1972).[3] In general, the purpose for the disclosure was to assist purchasers to know the true mileage of a motor vehicle.

A major shortcoming of the odometer provisions of the Cost Savings Act was their failure to require that the odometer disclosure statement be on the vehicle's title. In a number of States, the disclosures were on separate documents that could be easily altered or discarded and did not travel with the title. *See* 74 FR 644. Consequently, the disclosure statements did not necessarily deter odometer fraud employing altered documents, discarded titles, and title washing. *Id.*

Another significant shortcoming involved leased vehicles. The lessor is considered the transferor of the vehicle in leased vehicle sales. Titles to leased vehicles are often transferred without the lessor obtaining possession of the vehicle. Lessors without direct access to their vehicles had to rely solely on their lessees to provide accurate mileage information. However, lessees had no obligation to provide accurate mileage information to lessors upon vehicle transfer. This environment facilitated roll backs of odometers.

Congress enacted TIMA in 1986 to address the Cost Savings Act's shortcomings. It amended the Cost Savings Act to prohibit States from licensing vehicles unless the new owner (transferee) submitted a title from the seller (transferor) containing the seller's signed and dated vehicle mileage statement. *See* Public Law 99–579, 100 Stat. 3309 (1986); 74 FR 644 (Jan. 7, 2009). TIMA also prohibits the licensing of vehicles, for use in any State, unless the title issued to the transferee is printed using a secure printing process or other secure process, indicates the vehicle mileage at the time of transfer and contains additional space for a subsequent mileage disclosure by the transferee when it is sold again. *Id.*

TIMA also required the Secretary to issue regulations regarding odometer disclosures for leased vehicles.[4] The regulations promulgated by the Secretary were to require written mileage disclosures by lessees to lessors upon the lessor's transfer of the ownership of the leased vehicle. Lessors must also provide written notice to lessees about the odometer disclosure requirements and the penalties for not complying with them. Federal law also contains document retention requirements for odometer disclosure statements. TIMA required lessors to retain disclosures made by lessees for at least four years following the date that the lessor transfers that vehicle.[5] *Id.*

TIMA added a provision to the Cost Savings Act allowing States to have alternate odometer disclosure requirements with the approval of the Secretary of Transportation. Section 408(f) of the Cost Savings Act states that the odometer disclosure requirements of subsections (d) and (e)(1) shall apply in a State unless the State has alternate motor vehicle mileage disclosure requirements approved by the Secretary in effect. Section 408(f) further states that the Secretary shall approve alternate motor vehicle mileage disclosure requirements submitted by a State unless the Secretary determines that such requirements are not consistent with the purpose of the disclosure required by subsection (d) or (e), as the case may be.

In 1988, Congress amended section 408(d)(1) of the Cost Savings Act to permit the use of a secure power of attorney in circumstances where the title was held by a lienholder. Public Law 100–561 § 40, 102 Stat. 2805, 2817 (1988). Congress required that the odometer disclosures be made on the power of attorney document at the time of transfer and that the mileage be restated by the person exercising power of attorney on the title. *Id.* In addition, the power of attorney document was to be issued by means of a secure printing process or other secure process. *Id.*

In 1990, Congress amended section 408(d)(1)(C) of the Cost Savings Act.[6] The amendment addressed retention of powers of attorneys by States and provided that the rule adopted by the Secretary not require that a vehicle be titled in the State in which the power of attorney was issued. *See* Public Law 101–641 § 7(a), 104 Stat. 4654, 4657 (1990).

In 1994, in the course of the recodification of various laws pertaining to the Department of Transportation, the Cost Savings Act, as amended, was repealed, reenacted and recodified without substantive change. *See* Public Law 103–272, 108 Stat. 745, 1048–1056, 1379, 1387 (1994). The odometer statute is now codified at 49 U.S.C. 32701 *et seq*. In particular, Section 408(a) of the Cost Savings Act was recodified at 49 U.S.C. 32705(a). Sections 408(d) and (e), which were added by TIMA (and later amended), were recodified at 49 U.S.C. 32705(b) and (c). The provisions pertaining to approval of State alternate motor vehicle mileage disclosure requirements were recodified at 49 U.S.C. 32705(d).

III. Statutory Purposes

As discussed above, the Cost Savings Act, as amended by TIMA in 1986, states that NHTSA "shall approve alternate motor vehicle mileage disclosure requirements submitted by a State unless the [NHTSA] determines that such requirements are not consistent with the purpose of the

[3] In general, section 408 states that the Secretary shall prescribe rules requiring any transferor of a motor vehicle to provide a written disclosure to the transferee that includes the cumulative mileage on the odometer and if the odometer reading is known to be different than the miles the vehicle has actually traveled, a statement that the actual mileage is unknown.

[4] TIMA amended the Cost Savings Act by adding section 408(e) requiring the Secretary to prescribe rules related to leased vehicles to ensure written disclosure of the mileage by the lessee to the lessor upon the lessor's transfer of ownership of the vehicle. Under these rules, the lessor must provide written notice of the mileage disclosure requirements and the penalties for failure to comply with the rules to the lessee.

[5] Federal regulations require lessors to retain odometer disclosure statements received from lessees for a period of five years. 49 CFR 580.8(b).

[6] Section 7(a) of Public Law 101–641 directed that the third sentence of subsection (d)(2)(C) be amended. However, there was no subsection (d)(2)(C) in section 408. The amendment was executed to the third sentence of subsection (d)(1)(C) as the probable intent of Congress.

disclosure required by subsection (d) or (e) as the case may be." (Subsections 408(d), (e) of the Cost Savings Act were recodified to 49 U.S.C. 32705(b) and (c)). In light of this provision, we now turn to our interpretation of the purposes of these subsections, as germane to Wisconsin's petition.

Our Final Determination granting Virginia's petition for alternate odometer disclosure requirements identified the purposes of TIMA germane to petitions for approval of odometer disclosure requirements that did not include disclosures involving leased vehicles or disclosures by power of attorney.[7] 74 FR 643, 647–48 (January 7, 2009). A brief summary of the purposes identified in the Virginia Final Determination follows. In addition, because the Wisconsin proposal encompasses transfers of leased vehicles, we identify the purposes of TIMA relevant to odometer disclosures for those vehicles.

A. TIMA's Purposes Relevant to Vehicle Transfers in the Absence of a Lease Agreement

One purpose of TIMA is to assure that the form of the odometer disclosure precludes odometer fraud. 74 FR 647. To prevent odometer fraud facilitated by disclosure statements that were separate from titles, TIMA required mileage disclosures to be on a secure vehicle title instead of a separate document. These titles also had to contain space for the seller's attested mileage disclosure and a new disclosure by the purchaser when the vehicle was sold again. This discouraged mileage alterations on titles and limited opportunities for obtaining new titles with lower mileage than the actual mileage. *Id.*

A second purpose of TIMA is to prevent odometer fraud by processes and mechanisms making odometer mileage disclosures on the title a condition of any application for a title, and a requirement for any title issued by a State. 74 FR 647. This provision was intended to eliminate or significantly reduce abuses associated with lack of control of the titling process. *Id.*

Third, TIMA sought to prevent alterations of disclosures on titles and to preclude counterfeit titles through secure processes. 74 FR 648. In furtherance of these purposes, paper titles (incorporating the disclosure statement) must be produced using a secure printing process or protected by "other secure process."[8] *Id.*

A fourth purpose is to create a record of vehicle mileage and a paper trail. 74 FR 648. The underlying purposes of this record and paper trail were to better inform consumers and provide mechanisms for tracing odometer tampering and prosecuting violators. TIMA's requirement that new applications for titles include signed mileage disclosure statements on the titles from the prior owners creates a permanent record that is easily checked by subsequent owners or law enforcement officials. This record provides critical snapshots of vehicle mileage at every transfer, which are the fundamental links of this paper trail.

Finally, the general purpose of TIMA is to protect consumers by assuring that they receive valid representations of the vehicle's actual mileage at the time of transfer based on odometer disclosures. 74 FR 648.

B. TIMA's Purposes Relevant To Leased Vehicles

TIMA recognized that additional mechanisms were needed to assure accurate odometer disclosures for leased vehicles. In vehicle leases, the lessor typically retains ownership of the vehicle, but does not possess it. The lessor, as a transferor, must comply with Federal odometer disclosure requirements when it subsequently transfers title to a leased vehicle. However, prior to TIMA, lessees were not obligated by Federal odometer law to provide lessors with accurate odometer disclosure statements. TIMA addressed this issue, as discussed above. A number of purposes can be derived from TIMA's provisions, discussed above, relating to the transfer of ownership of leased vehicles.

One purpose of TIMA's leased vehicle provisions is to assure that lessors have the vehicle's proper odometer mileage at the time of transfer.

A second purpose of TIMA's leased vehicle provisions is to assure that lessees provide lessors with an odometer disclosure statement.

A related purpose is to assure that lessees are formally notified of their odometer disclosure obligations and the penalties for failing to comply by not providing complete and truthful information.

A fourth purpose is to set the ground rules for the lessors, allowing them to indicate on the title the mileage provided by the lessee, unless the lessor has reason to believe that the disclosure by the lessee does not reflect the actual mileage of the vehicle.

A fifth purpose of TIMA's leased vehicle provisions is to create records and a paper trail. This is an expansion of the fourth general purpose of TIMA stated above. The paper trail includes the written, dated and signed odometer disclosure statement by the lessee. Unlike odometer disclosure statements on vehicle titles that are filed with the State, a lessee's odometer disclosure statement is separate from the title and not filed with the State. Instead, the disclosure statement is sent to the lessor, who must retain a copy for at least four years. The retention of lessee odometer disclosure statements by lessors permits law enforcement officials to trace fraudulent disclosure statements back to lessees, if necessary.

Last, the overall purpose of TIMA's leased vehicle provisions, consistent with the general purposes of TIMA, is to ensure that there are valid representations of the vehicle's actual mileage at the time of transfer. *See* H.R. Rep. No. 99–833, at 33 (1986).

IV. The Wisconsin Petition

Wisconsin, which is in the process of implementing an electronic title transfer system, petitions for approval of alternate odometer disclosure requirements. Wisconsin requests alternate disclosure requirements for transfers of motor vehicles in transactions between private parties (including motor vehicle dealers), transactions involving leased vehicles, transactions between parties involving a lienholder,[9] and transactions involving private parties without any lienholder.

Recent Wisconsin legislation established that the title, title application, and other specified information maintained by the DMV in its database are the original and controlling title record for a vehicle. *See* Wis. Stat. Ann. § 342.01(2)(ac) *and* § 342.09(4) (2009). Wisconsin proposes to create an electronic odometer

[7] Since Virginia's program did not cover disclosures involving leased vehicles or disclosures by power of attorney, the purposes of Sections 408(d)(2)(C) and 408(e) of the Cost Savings Act, as amended, were not germane and were not addressed in the notice approving the Virginia program. *See* 74 FR 647 n. 12.

[8] Congress intended to encourage new technologies by including the language "other secure process." The House Report accompanying TIMA noted that "'other secure process' is intended to describe means other than printing which could securely provide for the storage and transmittal of title and mileage information." H.R. Rep. No. 99–833, at 33 (1986). "In adopting this language, the Committee intends to encourage new technologies which will provide increased levels of security for titles." *Id. See also* Cost Savings Act, as amended by TIMA, § 408(d), recodified at 49 U.S.C. 32705(b).

[9] Under Wisconsin law, a lienholder does not physically possess the title to the vehicle; the title remains with the vehicle owner. Thus, Wisconsin does not permit odometer disclosure by power of attorney when title is held by a lienholder and does not petition for alternate requirements regarding odometer disclosure by power of attorney. Wisconsin does accept a written odometer disclosure by power of attorney from an out-of-State party that registers the vehicle in Wisconsin.

statement (e-Odometer) as the official odometer statement to reside in the Wisconsin Department of Transportation (WisDOT), Department of Motor Vehicles (DMV) database. Under the proposal, a distinct e-Odometer system would be created for accepting and maintaining e-Odometer statements as stand-alone electronic records, separate from an electronic title. E–Odometer statements would be linked to, and become part of the title record in the DMV database. The DMV's titling system would automatically link the e-Odometer records to a vehicle's title whenever an electronic title transaction occurs and a title transfer could not be completed unless a proper odometer disclosure is made in the e-Odometer entry. According to Wisconsin's petition, if a paper title is needed, DMV would print it on secure paper with the odometer disclosure statement in the proper location and format.

A. Overview of Wisconsin's Electronic Titling System

Wisconsin has implemented a titling system that permits individuals, organizations and businesses (collectively, DMV Customers) to process vehicle title transactions electronically through its automated processing partnership system (APPS) program. *See* Wis. Admin. Code § Trans 1565.01. Under APPS, a vendor [10] approved by the DMV [11] creates a computer system to link or interface DMV customers with the DMV database. The link permits the DMV customer to access to the DMV database and conduct authorized title transactions.

In order to become eligible for direct access to the DMV's database under the vendor system, a DMV customer must enter into an agreement with an approved vendor, obtain DMV approval to process title transactions, and enter into a contract with the DMV. To maintain system security and integrity, employees of DMV customers using the interface would have to submit a signed affidavit to the DMV before accessing the system. Once the DMV customer complies with these requirements, the DMV customer would be able to perform authorized title transactions directly within DMV's system.

Currently, Wisconsin requires motor vehicle dealers to electronically process title transactions for vehicles that they sell. *See* Wis. Stat. Ann. § 342.16(1)a and (am) (2009); Wis. Admin. Code § Trans 141.01. Motor vehicle dealers can perform electronic titling transactions through APPS or through an Internet-based interface with DMV, known as e-MV11. In order to process title transactions using the e-MV11, a DMV customer must apply to the DMV by submitting an application setting forth the name, address and contact of the entity and providing the names and access authority of employees performing title transactions. After setting up the required security protocols, the DMV customer can enter the appropriate title transaction.[12] Also, under Wisconsin's electronic titling program, motor vehicle dealers are required to maintain and keep their title transactions records, including odometer disclosure statements, for five years. *See* Wis. Admin. Code § Trans 141.08(2).

According to Wisconsin's petition, the electronic titling program will be expanded to include other persons, businesses and organizations. These businesses and organizations, such as lienholders or auction companies, would conduct electronic title transactions through APPS. Individuals conducting private sales of unencumbered vehicles would eventually have the ability to perform title transfer and odometer disclosure through an Internet-based application called e-MVPublic.

B. Wisconsin's E-Odometer Program

Wisconsin asserts that e-Odometer entries would provide a virtual replacement of existing secure paper odometer disclosure statements for vehicle transactions. Under Wisconsin's proposal, the e-Odometer system would be a unique electronic application within Wisconsin's electronic title transfer system. Although the e-Odometer entry would be a stand-alone secure electronic record, it would be safely and securely electronically linked to the electronic title record of the vehicle by the vehicle identification number (VIN) and become part of the vehicle title. Title transfer could not occur unless the transferor and transferee, or other authorized persons, such as dealer employees, perform the required disclosure and acceptance through the e-Odometer system. Once the odometer disclosure and acceptance is completed, the statement is stored in the e-Odometer system and linked to the electronic title record by the VIN.

The petition states that the following information that will be stored in the secure e-Odometer record:

1. VIN;
2. Description of the vehicle by make, model, model year and body type;
3. Odometer reading and date of the reading;
4. The Brand (actual, not actual or exceeds limits of odometer);
5. Name, address of person disclosing odometer reading (must match the transferor);
6. Name, address of person accepting odometer reading (must match the transferee); and
7. Statement reference to Federal law requirement and potential penalties.

Some of the e-Odometer information, and other vehicle information, will be available to DMV personnel through a DMV vehicle inquiry function, while limited information will be available to the public through a public inquiry function. The information available to DMV personnel includes:

1. Vehicle description;
2. Title owner information;
3. Brands, if any;
4. Most current odometer reading, status and date recorded;
5. Odometer reading, status and record date history;
6. Lien information; and
7. Owner in possession of the vehicle.

The publicly available information includes:

1. Vehicle description;
2. Most current odometer reading, status and date recorded;
3. Brands, if any; and
4. Lien information.

Wisconsin's petition states that amendments or creation of e-Odometer records would only be possible when titles are transferred in the course of authorized transactions by authorized persons.

[10] According to Wisconsin's petition, a "vendor" is a person, business or organization that contracts with the DMV to provide a host computer system by which agents may obtain access to specified information services. Wis. Admin. Code § Trans 156.02(8). An approved vendor must work with Wisconsin's DMV to develop an automated interface software application that meets the automated interface specifications prescribed by DMV. Wis. Admin. Code § Trans 156.03(4).

[11] In order to become an approved vendor, an entity must submit an application with certain information to DMV, submit an approved implementation plan, work with DMV to meet the automated interface specifications prescribed by DMV and execute a contract with DMV.

[12] According to Wisconsin's petition, authorized transactions for amending an electronic odometer record are or will be:

1. Dealer sales to private buyers, including purchases and trade-ins from private buyers;
2. Dealer reassignments to other dealers;
3. Consignor statement when consigning a vehicle for sale;
4. Dealer or auction purchase of out-of-State vehicle and subsequent sale of vehicle with Wisconsin title (Wisconsin could produce a secure paper title for use by the other State.);
5. DMV odometer corrections on title;
6. Involuntary liens from towing/storage, landlord, or mechanic;
7. Repossessions;
8. Private sales where title is processed by DMV agent or financial institution;
9. Lessee to lessor statement upon relinquishing a leased vehicle; and
10. Private sales using e-MVpublic.

C. Wisconsin E-Odometer Implementation Schedule

Wisconsin proposes to implement its e-Odometer program in three phases. Because motor vehicle dealers are already required to complete title transactions electronically, Wisconsin intends to begin the e-Odometer program with these dealers. *See* Wis. Stat. Ann. § 342.16(1)a and (am) (2009); Wis. Admin. Code § Trans 141.01. The second phase would implement e-Odometer in title transfers involving lienholders, motor vehicle auctions, vehicle repossessions, and leases. The proposal's final phase would implement e-Odometer in transfers of unencumbered motor vehicles between private individuals. Phase two and three are still under development and Wisconsin has not provided an estimated implementation schedule. According to the petition, as e-Odometer is phased in, Wisconsin will still issue odometer disclosures on secure printed titles.

1. Phase One: E-Odometer in Dealer Transactions

Wisconsin's petition states e-Odometer will apply first to motor vehicle transfers through motor vehicle dealers. During this phase, eligible title transactions include reassignments among dealers, consignments and retail sales. In order to complete a transaction, there must be an odometer disclosure and acceptance of the odometer statement. The odometer disclosure and acceptance will be permitted between the following persons: (1) Authorized dealer personnel and an individual buyer; (2) an individual seller trading in a vehicle and authorized dealer personnel; (3) authorized dealer personnel in the case of dealer reassignments; and (4) an individual vehicle owner and an authorized person on behalf of a consignee in the case of vehicle consignment. According to Wisconsin, the identities of all persons involved will be verified and authenticated through DMV's processes.

Under Wisconsin's proposal, dealer title transfer transactions would be completed through an APPS's vendor interface application or the e-MV11 Internet-based application. During these title transfer transactions, e-Odometer forms will be imported into the transaction and completed by the authorized persons.

2. Phase 2: E-Odometer in Title Transactions Between Private Parties Involving Lienholders and Other Commercial Entities

Wisconsin's petition states that the second phase would incorporate e-Odometer procedures into title transfers in a number of circumstances including between private parties when there is a lien on the vehicle. These title transactions would be processed by the financial institution holding the lien. During this phase, e-Odometer would be available to the financial institution through the APPS application or an application WisDot develops for these lenders. Because lienholders do not possess titles under Wisconsin law, a satisfied lienholder would access e-Odometer to electronically release the lien to allow production of a clear title. To facilitate this process, e-Odometer forms would be available to buyers and sellers through an Internet application allowing completion of the required odometer disclosures and acceptances.

During this second phase, Wisconsin also proposes to incorporate use of the e-Odometer system into title transfers involving motor vehicle auctions, involuntary vehicle transfers (*i.e.* involuntary liens and repossessions), corrections to odometer information on titles, leased vehicles and other transactions involving secure odometer statements.

3. Phase 3: E-Odometer in Private Sales

The last phase of Wisconsin's program would incorporate e-Odometer entries into private sales of unencumbered vehicles. The title transfer would be conducted through an on-line application called e-MVPublic.[13] For private transfers of motor vehicles, odometer disclosure and acceptance would be accomplished by the seller and buyer through e-MVPublic once their identities are verified by DMV processes.

D. Identity Verification Under Wisconsin E-Odometer

Wisconsin's petition describes two verification processes whose operation differs depending on whether the user is a DMV partner or regular customer (such as a dealer or financial institution) or an intermittent user. For a DMV partner or regular customer, the first step is being approved by DMV to access its database. As part of the approval process, the entity must provide the legal business name and address of the location of the business. After approval, identity verification procedures would require these users to enter into an agreement with the DMV that includes security procedures—including establishing an account and secure logon ID. The users are identified and authenticated through a unique "user ID" and password that are traced to a particular person on the account.

The verification process would be managed by vendors. The Wisconsin APPS program requires approved vendors to design precise electronic security and audit trail procedures into its interface, which DMV would then verify. This interface requires three administrative steps to identify, authenticate and authorize users of the DMV's database. First, vendors must create an audit journal to identify the individual responsible for each transaction. Vendors assign each user a "user ID" that can be traced to the individual user. Next, to authenticate the user, a password known only to the user that is associated with the "user ID" is entered before a transaction is allowed. If an individual user is not authorized by the vendor for the type of transaction requested, the system will immediately terminate the transaction. Last, vendors must authorize the user to access the appropriate information. In addition to the identification protocols, vendors must create and maintain access logs that can be used for auditing and recording keeping, which include, among other things, a history of each customer transaction.

Under Wisconsin's proposal, DMV partners and regular customers must submit the identity of each employee who will conduct title transactions and specify each employee's authority to perform transactions in DMV's database. Each employee must submit a signed affidavit acknowledging security procedures and safeguards prior to obtaining authorization from the DMV to conduct title transfer transactions. DMV must confirm each user's authorization before the user can process title transactions.

For individuals who are not DMV partners or regular customers, Wisconsin would require individuals to establish an electronic signature that can uniquely identify the person. Identity verification begins with the customer entering a minimum of three personal identifiers for the correct customer record in the DMV database. Personal identifiers include name, address, date of birth, product number, Driver License/ID number, a Federal Employer Identification Number, or

[13] For individuals without Internet access, Wisconsin is considering providing access to e-MVPublic at its DMV service centers. At a minimum, Wisconsin states that public libraries offer public access to computers and the Internet, which would enable individuals without Internet to use e-Odometer.

partial Social Security Number (possibly the last four or five digits).[14] After the user inputs the personal identifiers into the system, the system will check DMV customer records and verify that the user is the correct individual or business and will authorize the customer to update the odometer statement. Once the user is verified, the user can begin the title transaction.

E. Odometer Disclosure Under Wisconsin E-Odometer

Wisconsin's petition states that two parties must engage in an authorized e-Odometer transaction to effectuate the odometer disclosure. In order to conduct the e-Odometer disclosure, each party will access the DMV database by providing information to satisfy the identity verification requirements of the system and the VIN of the vehicle. Under Wisconsin's proposal, a transferor must disclose the odometer reading and brand (actual/not actual/exceeding odometer limits) and the transferee must accept the odometer reading to allow the transaction to go forward.[15] The e-Odometer transaction will remain in a pending status between the transferor and transferee until each party completes the required actions, *e.g.,* disclosure by the seller and acceptance by the buyer. Once both actions have been accomplished, the e-Odometer record will be secured within DMV's database and become part of the electronic title through the VIN.

To clarify the e-Odometer procedure, Wisconsin provides an exemplar title transaction involving a dealer trade-in. In a vehicle trade-in transaction, the customer (transferor) must bring the paper title to the dealer (transferee) at the time of the transferor. After entering all the required data in the Wisconsin electronic title system and initiating the e-Odometer process, the dealer would then destroy the paper title.[16] Under the e-Odometer process, the customer discloses the odometer reading (and brand) and the dealer accepts the odometer reading. The vehicle's odometer reading is then stored in the DMV database and linked virtually to the vehicle's title through the VIN. Upon later sale of the trade-in vehicle, the dealer (as the transferor) must disclose the odometer reading (and brand) and the vehicle buyer (as the transferee) must accept the odometer reading. The dealer and buyer will access e-Odometer at the time of the sale to complete the disclosure and acceptance of the odometer statement, which upon acceptance by the buyer secures the odometer statement in the DMV's database. After the sale of the vehicle is completed, the dealer completes title processing in APPS or e-MV11 by titling the vehicle in the consumer's name, verifying that secure odometer disclosure has been completed. After titling is complete, the updated e-Odometer entry becomes part of the title record. For in-State transactions, a paper title is issued only upon request.

F. Wisconsin's Position on Meeting the Purposes of TIMA

Wisconsin contends that its e-Odometer program meets the purposes of TIMA, as described by NHTSA in its Final Determination on the Commonwealth of Virginia's petition for alternate odometer disclosure requirements. *See* 74 FR 643, 647–48 (January 7, 2009).

Wisconsin's petition states that e-Odometer is part of the vehicle's title. Under e-Odometer, the VIN links the odometer statement to the title record. The system automatically imports e-Odometer into the title transfer transaction process conducted by the transferor and transferee. A title transaction cannot occur, unless the odometer disclosure statement is made and accepted. The e-Odometer information is then secured, stored, and becomes visible through the vehicle's electronic title record.

According to the petition, other system requirements provide a significant level of security for the e-Odometer system. First, title transfer cannot occur unless the authorized persons update e-Odometer entries. Second, only those persons authorized to make title transfer transactions (*e.g.* authorized dealer personnel or authenticated private owners) are able to make e-Odometer statements. Third, odometer disclosure under the e-Odometer system is only permitted when a title is transferred.[17] If a title is required to be printed on a secure title paper, the DMV system will automatically include the odometer disclosure information on the printed title. If a title on secure title paper is used in a vehicle transfer, the odometer information shown on the secure paper title will be entered into the e-Odometer electronic record during the title transfer transaction process and the paper title will be destroyed.

Wisconsin's petition also states that odometer disclosure is a required data input for application for a title and a required output on the title. According to the petition, the odometer disclosure and acceptance is a required input to an electronic title transaction, whether performed through APPS or e-MV11. Although APPS permits odometer disclosure and acceptance at different times, e-Odometer secures the disclosure and acceptance and stores it electronically until the odometer disclosure is imported during title processing.

Wisconsin's petition asserts that e-Odometer provides an equivalent level of security against altering, tampering, and counterfeiting as the odometer statement on a secure paper title. According to Wisconsin, the e-Odometer statement is secured in the DMV database, as soon as the transferor electronically discloses and the transferee accepts the odometer reading. After the transferee accepts the odometer disclosure, e-Odometer stores that mileage disclosure, the date, the names and addresses of the transferor and transferee, and will not allow any changes to that entry.

Finally, Wisconsin's petition contends that the authentication and verification of the transferor's and transferee's electronic signatures are readily detectable and reliably traced to the particular individual. Wisconsin states that the DMV has established extensive security procedures for vendors who process vehicle transactions on behalf of DMV and

[14] Wisconsin prohibits nonresidents from applying for a Wisconsin title, except in certain limited exceptions. *See* Wis. Admin. Code § Trans 154.13(2). A nonresident who is eligible to apply for a Wisconsin title will not be considered a DMV partner or regular customer. These nonresidents will be subject to the e-Odometer requirements as long as the vehicle is titled and transferred within Wisconsin.

[15] Wisconsin states that there are a limited number of exceptions under Wisconsin law and e-Odometer to the requirement for two parties to engage in a transaction to update a title. One exception is involuntary transfer of the vehicle through repossession by a financial institution in which the title is issued to the financial institution. This exception is permissible under Federal odometer law because repossession is not a transfer of ownership and does not require an odometer disclosure statement. *See* 49 CFR 580.3. Another exception is when the seller is not available. If the seller is not available, the DMV database permits the transferee to state the odometer reading with a brand of "not actual." If the transferor becomes available to make the disclosure, DMV would change the recorded status to "actual." This exception does not conform to Federal odometer law, which requires an odometer disclosure statement, including the brand, at the time of transfer of ownership. 49 U.S.C. 32705(a)(1); 49 CFR 580.5(a). Federal odometer law does not permit subsequent alterations to the brand as contemplated by Wisconsin. NHTSA believes that permitting such an exception could create a loophole that would be abused.

[16] According to Wisconsin, the dealer's failure to destroy the title subjects the dealer to civil penalties and other sanctions, such as license suspension or removal.

[17] As noted above, there are some exceptions under Wisconsin law.

regularly interact with DMV, and for individuals and intermittent business customers who wish to make entries in DMV records. Wisconsin's security procedures are governed under Wisconsin statutes, administrative rules, contracts, DMV policy and procedure, and electronic security protocols. DMV Partners and regular business customers will access the e-Odometer system through secure applications that are already in use for vehicle title transactions. Individuals and intermittent business customers will access the e-Odometer system through a secure Internet application. Both applications require information, such as electronic signatures, that can authenticate and verify the users' identity.

IV. Analysis

Under TIMA, NHTSA "shall approve alternate motor vehicle mileage disclosure requirements submitted by a State unless the [NHTSA] determines that such requirements are not consistent with the purpose of the disclosure required by subsection (d) or (e) as the case may be." The purposes are discussed above, as is the Wisconsin alternative. We now provide our initial assessment whether Wisconsin's proposal satisfies TIMA's purposes as relevant to its petition.[18]

A. Wisconsin's Proposal in Light of TIMA's Purposes Regarding Vehicle Transfers Other Than Those Involving a Lease Agreement

One purpose is to assure that the form of the odometer disclosure precludes odometer fraud. In this regard, NHTSA has initially determined that Wisconsin's proposed alternate disclosure requirements satisfy this purpose. Under Wisconsin's proposal, a required part of the data to be entered in the transfer of title is the vehicle's odometer reading. The reading is disclosed by the transferor and accepted by the transferee. Thereafter the odometer disclosure statement will reside as an electronic record within the DMV database that will be linked to the vehicle's title, also an electronic record, by the VIN. Thus, the odometer disclosure is a required element pertaining to and part of the title record in the DMV database. If a hard copy of the title is needed, Wisconsin can generate a title with the odometer disclosure statement on the title using a secure printing process. Wisconsin's proposed system would, therefore, have the odometer disclosure as part of the vehicle title as required by TIMA. As to TIMA's requirement that the title contain a space for the transferor to disclose the vehicle's mileage, NHTSA believes the proposed Wisconsin electronic title and odometer system would provide an electronic equivalent to these requirements for use in a subsequent sale of the vehicle. The agency expects that hard copies of electronic titles will continue to provide a separate space for owners to execute a proper odometer disclosure in keeping with TIMA and current practice.[19]

Another purpose of TIMA is to prevent odometer fraud by processes and mechanisms making the disclosure of an odometer mileage on the title a condition for the application for a title and a requirement for the title issued by the State. With one exception, NHTSA has initially determined that Wisconsin's proposed process satisfies this purpose. Wisconsin's proposed on-line title transfer process requires disclosure and acceptance of odometer information before the transaction can be completed. If the transaction is successful, DMV's system will create or amend an electronic title and store the linked electronic odometer statement. A new title will not be issued without entry of the odometer disclosure and acceptance of it.

The exception concerns Wisconsin's proposal to permit the alteration of the brand on an electronic odometer statement when the seller of the vehicle is unavailable at the time of the transfer of ownership. According to Wisconsin's petition, if the seller is not available, the DMV database permits the transferee to state the odometer reading with a brand of "not actual." If the transferor becomes available to make the disclosure and does so, DMV would change the recorded status to "actual." As noted above, such a subsequent change to the title does not conform to Federal odometer law, which requires an odometer disclosure statement, including the brand, to be made at the time of transfer. 49 U.S.C. 32705(a)(1); 49 CFR 580.5(a). The requirement to state the actual mileage and brand at the time of transfer is not based on section 408(d) and (e) of the Cost Savings Act as amended, recodified at 49 U.S.C. 32705(b) and (c).[20] Accordingly, we have decided to grant Wisconsin's petition on the condition that Wisconsin conforms its program to the requirements of Federal odometer law or fully explains how exceptions, such as the one for the unavailable seller, complies with the law and its purposes.

Another purpose of TIMA is to prevent alterations of disclosures on titles and to preclude counterfeit titles through secure processes. The agency has initially determined that Wisconsin's alternate disclosure requirements appear to be as secure as current paper titles. As we understand Wisconsin's proposal, the odometer statement is disclosed by the transferor and accepted by the transferee, and thereafter the DMV database system stores an electronic version of the odometer statement. Assuming that the e-Odometer database is maintained with appropriate levels of security, electronic recording of odometer readings and disclosures would be maintained in a way in which alteration is unlikely. The odometer reading, which would be linked to the electronic title record by the VIN, cannot be altered except when it is updated during the title transfer process by authorized users. On subsequent title transfers, the transferor and transferee would have to complete the odometer disclosure and acceptance for the transaction to be completed.

When fully implemented, all subsequent title transfers will be performed through the APPS or e-MV11, or other secure on-line process. Each time an on-line title transfer occurs, the DMV database system stores the electronic version of the odometer statement. The DMV will issue a paper title only when necessary, *e.g.,* title transfer transactions that involve out-of-State parties. Since the title and odometer statement remain in electronic form under State care and custody, the likelihood of an individual altering, tampering or counterfeiting the title or odometer statement is significantly decreased. These electronic records would be maintained in a secure environment and any unauthorized access would be detected by the system. Moreover, under Wisconsin law, the electronic title record is the official and controlling title. If a conflict exists between the electronic title and a paper title, the paper title is void.

Another purpose of TIMA is to create a record of the mileage on vehicles and a paper trail. The underlying purposes of this record trail are to enable consumers to be better informed and provide a mechanism through which

[18] Wisconsin would continue to be subject to all Federal requirements that are not based on Section 408(d) and (e) of the Cost Savings Act as amended, recodified at 49 U.S.C. 32705(b) and (c).

[19] Wisconsin notes that paper titles will be produced for title transfer transactions that involve out-of-State parties, such as a vehicle sale to an out-of State dealer or retail purchaser, an auction sale to an out-of-State dealer or a retail consumer in Wisconsin that requests a paper title.

[20] The requirement to provide a brand at the time of vehicle transfer is based upon section 408(a) of the Cost Savings Act as amended, recodified at 49 U.S.C. 32705(a).

odometer tampering can be traced and violators prosecuted. In NHTSA's preliminary view, the proposed Wisconsin's electronic title transfer system will create a scheme of records, equivalent to the current "paper trail," that assists law enforcement in identifying and prosecuting odometer fraud. Under the Wisconsin proposal, creation of a paper trail starts with the requirement for certain DMV customers to process title transactions through the APPS program. Under APPS, a DMV customer must sign a written agreement with DMV that includes security procedures, an account and a secure logon ID. DMV customers also must provide DMV with the names of the individuals authorized to conduct transactions in APPS. These individuals are issued a secure logon ID and password that can be traced by DMV to their transactions. In addition, APPS vendors must create security protocols that include an audit journal that can identify each person responsible for each title transaction. Vendors must also provide DMV with a daily report detailing all security violations. Furthermore, Wisconsin requires motor vehicle dealers to retain copies of electronic titles for motor vehicles owned and offered for sale and odometer statements received and given for a period of 5 years.[21]

For individuals not using APPS, the identity verification procedures require the establishment of electronic signatures of the parties. Due to the system's procedures for validating and authenticating the electronic signature of each individual through DMV's database, the electronic signatures of the transferor and transferee are reliable, readily detectable and can easily be linked to particular individuals.[22] Because the electronic signature consists of data elements such as the name, address, date of birth, product number, driver license or identification card number, Federal Employer Identification Number, or the last four or five digits of the individual's Social Security number, Wisconsin's e-Odometer system can validate and authenticate individual electronic signatures. This authentication process also allows Wisconsin to trace the individuals involved in the transaction. This capacity maintains the purposes of creating a paper trail since the Wisconsin system will have a history of each vehicle's title transfer and odometer disclosure. These electronic records will create the electronic equivalent to a paper based system that will be readily available to law enforcement.

Whether Wisconsin's program conforms to TIMA's overall purpose is discussed in subpart C below.

B. Wisconsin's Proposal in Light of TIMA's Purposes Relevant to Leased Vehicles

One purpose of TIMA's leased vehicle provisions is to assure that the lessor has the vehicle's odometer mileage at the time the lessor transfers ownership. The agency has initially determined that the Wisconsin alternate disclosure requirements satisfy this purpose. As we understand Wisconsin's proposal, the State proposes to require vehicle lessees to submit the electronic odometer statement to their lessors when relinquishing the leased vehicle. The lessee's odometer statement will be stored in the DMV database and linked to the leased vehicle by the VIN. Once stored in the DMV database, the odometer statement is secured and recorded and made available to the lessor. On subsequent transfer of the vehicle by the lessor, the odometer disclosure statement from the lessee would be available in the e-Odometer system for acceptance by the subsequent transferee. The subsequent transferee would have to accept the odometer disclosure reading in the e-Odometer entry before the transaction could be completed and for title to transfer.

A second purpose of TIMA's leased vehicle provisions is to assure that the lessee provides the lessor with an odometer disclosure statement regarding the mileage of the vehicle. As discussed above, the lessee would provide it via the DMV data base.

A related purpose is to assure that lessees are formally notified of their odometer disclosure obligations to the lessor and the penalties for failing to comply by not providing complete and truthful information. As described in the Petition, Wisconsin's alternate disclosure requirements do not address this purpose. However, we note that Wisconsin's leased vehicle odometer disclosure regulations parallel 49 U.S.C. 32705(c)(2) and 49 CFR 580.7 by requiring that lessors notify lessees of their odometer disclosure obligations. *See* Wis. Admin. Code Trans 154.7 (2009). Lessors may meet this notification requirement without using the electronic system proposed by Wisconsin. The lessors' obligations should be clearly stated.

A fourth purpose is to set the ground rules for the lessors, allowing them to indicate on the title the mileage provided by the lessee, unless the lessor has reason to believe that the disclosure by the lessee does not reflect the actual mileage of the vehicle. We have initially determined that Wisconsin's proposal meets this purpose. As noted previously, a lessee will make the required odometer disclosure to the lessor in e-Odometer upon relinquishing the leased vehicle. The lessor may use this statement in a subsequent title transfer, unless the lessor has reason to believe that the lessee's statement does not reflect the vehicle's actual mileage, in which case, the lessor must brand the title accordingly. We believe that Wisconsin must provide for this branding information—that the lessor has reason to believe that the disclosure by the lessee does not reflect the actual mileage of the vehicle—in its proposed system.

A fifth purpose of TIMA's leased vehicle provisions is to create records and a paper trail. The paper trail includes the written, dated and signed odometer disclosure statement by the lessee. The agency has initially determined that the Wisconsin alternate disclosure requirements satisfy this purpose. Under Wisconsin's proposal, as we understand it, both the lessee and the lessor are required to make the odometer disclosure electronically in e-Odometer.[23] The lessee will make the odometer disclosure in e-Odometer, which will be stored in the DMV database and linked to the leased vehicle by the VIN. The lessor will have to accept it to complete the transaction. On subsequent transfer of the vehicle by the lessor, the lessor can use the lessee's odometer disclosure statement, which is available in the e-Odometer system, to certify the actual mileage of the leased vehicle. The subsequent transferee would have to accept the odometer disclosure reading in the e-Odometer entry before the transaction could be completed and for title to transfer. It would then be stored. Wisconsin's electronic odometer disclosure system would create a scheme of records

[21] Wisconsin indicates that its e-Odometer system will permit motor vehicle dealers the ability to retain copies of all odometer disclosure statements received or given by the dealers.

[22] Electronic signatures are generally valid under applicable law. Congress recognized the growing importance of electronic signatures in interstate commerce when it enacted the Electronic Signatures in Global and National Commerce Act (E-Sign). *See* Public Law 106–229, 114 Stat. 464 (2000). E-Sign established a general rule of validity for electronic records and electronic signatures. 15 U.S.C. 7001. It also encourages the use of electronic signatures in commerce, both in private transactions and transactions involving the Federal government. 15 U.S.C. 7031(a).

[23] As we understand Wisconsin's program, a nonresident lessee who titles a vehicle in a different State, but leases the vehicle from a Wisconsin lessor, is outside the scope of the e-Odometer system. In such a scenario, the nonresident lessee is required to provide a written odometer disclosure statement to the lessor.

equivalent to the current "paper trail" now assisting consumers in reviewing mileages on used vehicles and law enforcement in identifying and prosecuting odometer fraud. A copy of the odometer disclosure statement could be retained by the lessor.[24] With the use of the APPS system to identify parties to the odometer disclosure and the use of electronic signatures to identify individuals not in the APPS system, the Wisconsin DMV will have the capacity to trace a particular lessee who makes a fraudulent odometer disclosure during the lessor/lessee transaction.

The overall purpose of TIMA's leased vehicle provisions is to ensure that vehicles subject to long-term leases have adequate odometer disclosure statements executed on titles at the time of transfer. The agency has initially determined that Wisconsin's proposal meets TIMA's overall requirement. Upon the termination of the lease, a lessee will be required to make an odometer disclosure statement in e-Odometer. This electronic disclosure is equivalent to a paper odometer disclosure statement and provides the same assurances. The lessee's odometer statement will be secured and stored in Wisconsin's DMV database. Because the odometer statement is electronically stored in a secure environment, the statement, unlike a paper version, cannot be altered, changed or lost, further enhancing the validity of the statement. In addition, with the identity verification of the e-Odometer system, the lessee can be traced to the odometer statement for a particular vehicle. Last, upon transfer of the vehicle by the lessor, the transferee has the opportunity to review the odometer statement in the DMV's database and accept it (or reject it) prior to the transfer of the vehicle's title.

C. Wisconsin's Proposal in Light of TIMA's Overall Purpose

TIMA's overall purpose is to protect consumers by assuring that they receive valid odometer disclosures representing a vehicle's actual mileage at the time of transfer. Here, Wisconsin's proposed alternate disclosure requirements include characteristics that would assure that representations of a vehicle's actual mileage would be as valid as those found in current paper title transfers. Identity authentication, maintenance in a secure electronic environment and transferee verification of the mileage data reported by the transferor all help to ensure valid disclosures. In addition, by providing rapid access to records of past transfers and by maintaining audit logs of each and every title transfer transaction, the scheme proposed by Wisconsin could potentially provide a superior deterrent to odometer fraud. Furthermore, Wisconsin's proposal offers the public the opportunity to view the most recent odometer reading and date of that reading through an Internet application. A prospective purchaser can access the public e-Odometer information to assess a vehicle's true value by comparing the vehicle's current odometer reading to the electronic record stored with the DMV.

V. NHTSA's Initial Determination

For the foregoing reasons, NHTSA preliminarily grants Wisconsin's petition regarding proposed alternate disclosure requirements with respect to vehicle transfers, subject to resolution of certain issues. As noted above, an issue is how the proposed Wisconsin system would manage disclosure when the seller is unavailable. Second, as explained above, we have tentatively concluded that Wisconsin will need to amend its program to permit lessors to retain each odometer disclosure statement they give and receive. The Agency also asks that Wisconsin clarify the system's ability to allow lessors to place a different brand on the disclosure statement in those instances where the lessor believes, or has reason to believe, that the statement provided by the lessee is inaccurate. During the comment period, we expect Wisconsin to submit additional information demonstrating how its program satisfies these concerns or that its program has been amended to satisfy these concerns.

This is not a final agency action. NHTSA invites public comments within the scope of this notice. Should NHTSA decide to issue a final grant of Wisconsin's petition, it would likely reserve the right to rescind that grant in the event that future information indicates that, in operation, Wisconsin's alternate disclosure requirements do not satisfy applicable standards.

Request for Comments

How Do I Prepare and Submit Comments?

Your comments must be written and in English. To ensure that your comments are filed correctly in the Docket, please include the docket number of this document in your comments.

Your comments must not be more than 15 pages long (*see* 49 CFR 553.21). We established this limit to encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments.

Please submit two copies of your comments, including the attachments, to Docket Management at the address given under **ADDRESSES**.

You may also submit your comments to the docket electronically by logging onto the Dockets Management System Web site at *http://dms.dot.gov.* Click on "Help & Information," or "Help/Info" to obtain instructions for filing the document electronically.

How Can I Be Sure That My Comments Were Received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How Do I Submit Confidential Business Information?

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given above under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above under **ADDRESSES**. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation (49 CFR Part 512).

Will the Agency Consider Late Comments?

We will consider all comments that Docket Management receives before the

[24] We note that, unlike retention requirements for motor vehicle dealers, Wisconsin's petition does not address whether lessors are required to retain copies of odometer disclosure made through e-Odometer that they issue and receive. We have concluded that lessors will continue to be subject to the retention requirements as set forth in 49 CFR 580.8(b), which requires lessors to retain a copy of odometer disclosure statements that they issue and receive for five years. We note that Wisconsin's odometer disclosure regulations require lessors to retain a copy of odometer disclosure statements for five years. *See* Wis. Admin. Code § Trans 15412(2). We have tentatively concluded that Wisconsin must create a mechanism for lessors to retain odometer disclosure statements from lessees in order for lessors to comply with TIMA.

close of business on the comment closing date indicated above under **DATES**. To the extent possible, we also will consider comments that Docket Management receives after that date. If Docket Management receives a comment too late for us to consider it in developing the final rule, we will consider that comment as an informal suggestion for future rulemaking action.

How Can I Read the Comments Submitted by Other People?

You may read the comments received by Docket Management at the address given under **ADDRESSES**. The hours of the Docket are indicated above in the same location.

You also may see the comments on the Internet. To read the comments on the Internet, go to *http://www.regulations.gov,* and follow the instructions for accessing the Docket.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

Issued on: April 7, 2010.

O. Kevin Vincent,

Chief Counsel.

[FR Doc. 2010–8321 Filed 4–21–10; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[FWS–R1–ES–2009–0043; MO 92210–0–0008 B2]

Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition To List the Mountain Whitefish in the Big Lost River, Idaho, as Endangered or Threatened; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 12-month petition finding; correction.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announced in our 12-month finding on a petition to list the mountain whitefish (*Prosopium williamsoni*) in the Big Lost River, Idaho, under the Endangered Species Act of 1973, as amended (Act), that listing was not warranted. Our finding published in the **Federal Register** on April 6, 2010, but two figures were omitted from the document. We now provide those two figures.

ADDRESSES: Our finding is available on the Internet at *http://www.fws.gov/idaho,* and also at *http://www.regulations.gov* at Docket No. FWS–R1–ES–2009–0043. Supporting documentation we used in preparing the finding is available for public inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Idaho Fish and Wildlife Office, 1387 S. Vinnell Way, Room 368, Boise, ID 83709. We will accept any new information, materials, comments, or questions concerning this finding at any time at this address.

FOR FURTHER INFORMATION CONTACT: Acting State Supervisor, Idaho Fish and Wildlife Office (*see* **ADDRESSES**); by telephone at 208–378–5243; and by facsimile at 208–378–5262. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Our announcement of a 12-month finding on a petition to list the mountain whitefish (*Prosopium williamsoni*) in the Big Lost River, Idaho, under the Act (16 U.S.C. 1531 *et seq.*) published in the **Federal Register** on April 6, 2010 (75 FR 17352), with minor errors we now correct in this document.

In the published notice, Figure 1 is mentioned two-thirds the way down the first column of page 17353, but the figure itself is omitted. Under the header *Species Distribution and Habitat,* the figure should be inserted at the end of the first paragraph.

In the published notice, Figure 2 is mentioned two-thirds the way down the second column of page 17353, but the figure itself is omitted. Under the header *Distribution and Habitat Within the Big Lost River Basin,* the figure should be inserted at the end of the paragraph.

Both figures are provided below.

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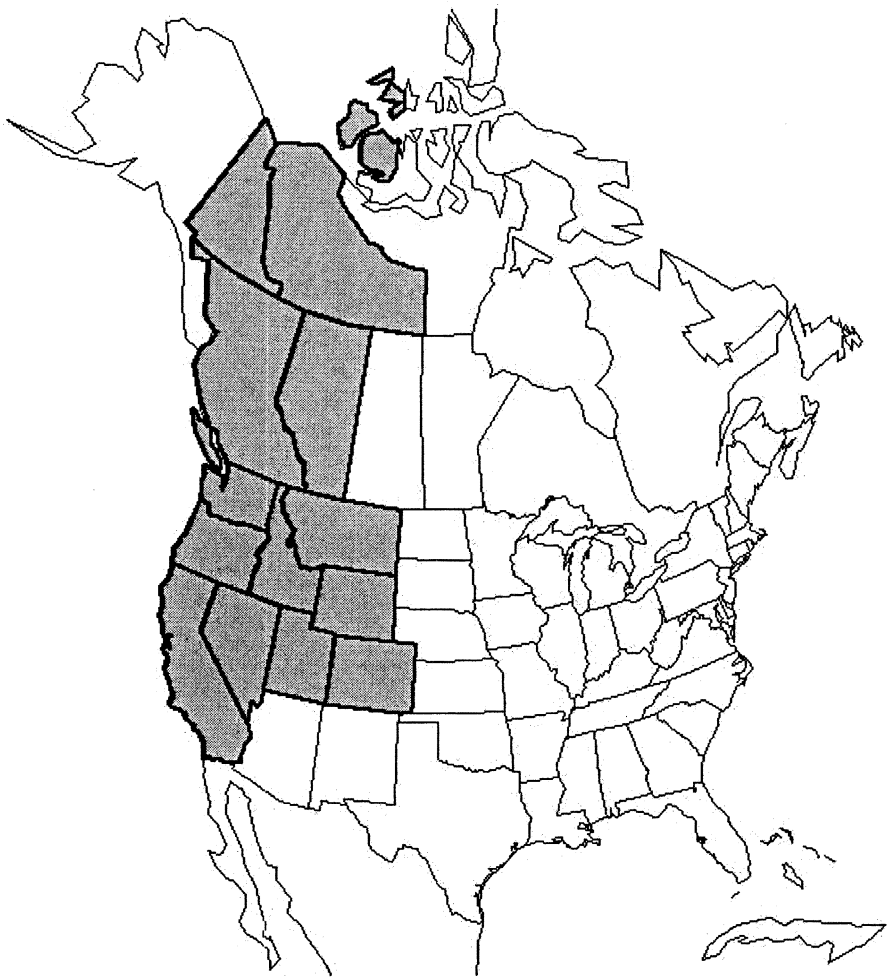

Figure 1. States and provinces where mountain whitefish *Prosopium williamsoni* are found in North America.

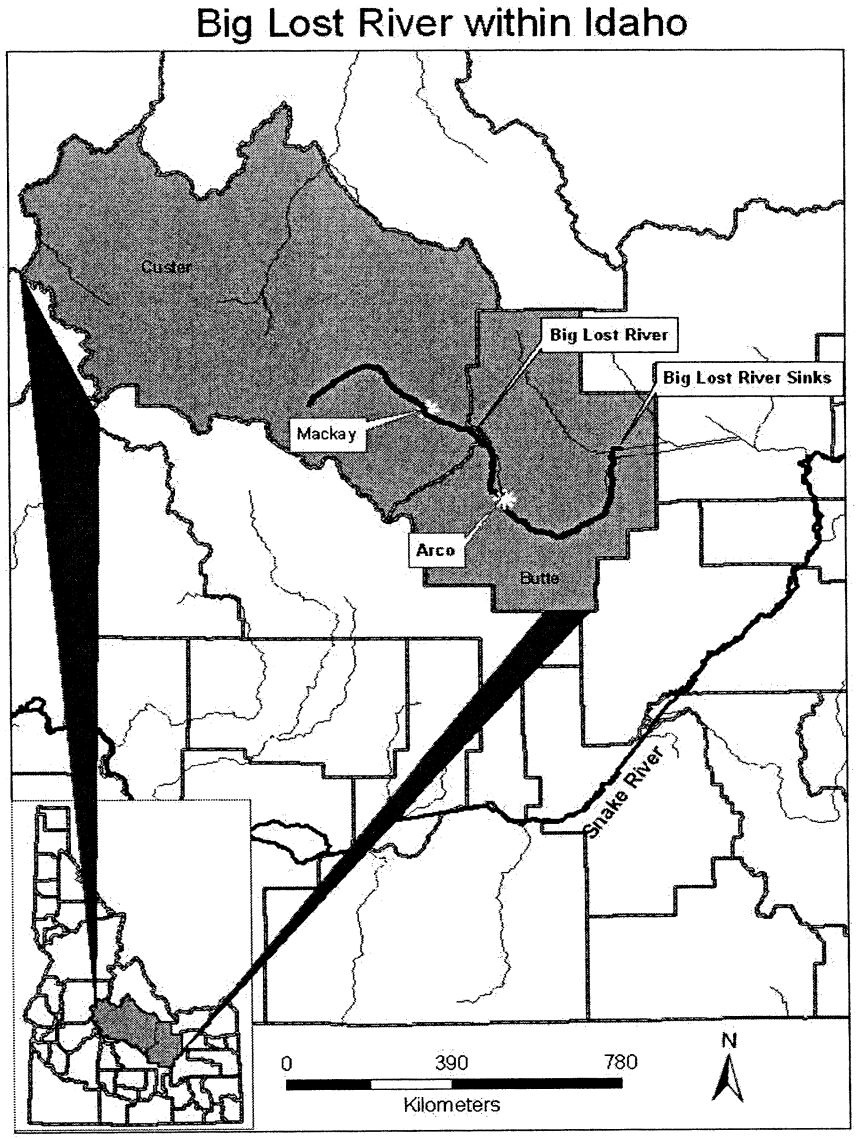

Figure 2. Location of the Big Lost River in Idaho.

Dated: April 16, 2010.

Sara Prigan,

Federal Register Liaison, U.S. Fish and Wildlife Service.

[FR Doc. 2010–9247 Filed 4–21–10; 8:45 am]

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Notices

Federal Register
Vol. 75, No. 77
Thursday, April 22, 2010

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Departmental Management; Advisory Committee on Minority Farmers

AGENCY: USDA.

ACTION: Notice: Request for Nominations.

SUMMARY: The Secretary of Agriculture (Secretary) establish the Advisory Committee on Minority Farmers (Committee) on December 2, 2009. The purpose of the Committee is to advise the Secretary on methods of outreach and assistance to socially disadvantaged farmers and ranchers, methods of maximizing participation of minority farmers and ranchers in Department of Agriculture (USDA) programs and civil rights activities related to program participation. This notice invites nominations for persons to serve on the Committee.

DATES: Nominations for membership on the Committee must be received by May 24, 2010.

ADDRESSES: Send nominations to Elaine Hauhn, Designated Federal Official (DFO) for the Advisory Committee on Minority Farmers, Office of Advocacy and Outreach, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Whitten Building, 240W, Washington, DC 20250–0522.

FURTHER INFORMATION CONTACT: Elaine Hauhn at (202) 720–1229; Fax (202) 720–2191; *E-mail: Elaine Haun@osec.usda.gov.*

SUPPLEMENTARY INFORMATION: As required by Section 14008 of the Food, Conservation and Energy Act of 2008 (P.L. 110–246), the Secretary established the Committee to provide advice on: (1) The implementation of section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 which directs the Secretary of Agriculture to provide outreach and assistance to socially disadvantaged farmers and ranchers (2) methods of maximizing the participation of minority farmers and ranchers in USDA programs; and (3) civil rights activities within the USDA as such activities relate to participants in such programs.

The law requires that the Committee be composed of not more than 15 members including: (1) Not less than four socially disadvantaged farmers or ranchers (as defined in section 2501 (e)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279 (e)(2))); (2) not less than two representatives of nonprofit organizations with a history of working with minority farmers and ranchers; (3) not less than two civil rights professionals; (4) not less than two representatives of institutions of higher education with demonstrated experience working with minority farmers and ranchers; and (5) such other persons as the Secretary considers appropriate. The Secretary may appoint such employees of the USDA as the Secretary considers appropriate to serve as ex-officio members of the Committee.

The Secretary invites these individuals, organizations, and interest groups affiliated with the categories listed above to nominate individuals for membership on the committee. Nominations should describe and document the proposed members qualifications for membership on the Committee and may be in the form of a letter of nomination or a completed Advisory Committee Membership background Information Questionnaire (Form AD–755).

Persons nominated for the Committee will be required to complete and submit an Advisory Committee Membership Background Information Questionnaire (Form AD–755). Form AD–755 is available on the Internet at *http://www.fsa.usda.gov/Internet/FSA_File/ad755.pdf.* Questionnaires may be completed on-line. However, nominees must print their completed forms from the Adobe PDF file, sign, and mail or fax them to the above address or fax number. The form may also be requested by telephone, fax, or e-mail. All inquiries about the nomination process and submissions of the AD–755 should be made to Elaine Hauhn at the address and numbers listed above.

Appointments to the Committee will be made by the Secretary of Agriculture. Equal opportunity practices, consistent with USDA policies, will be followed in making all appointments to the Committee. To ensure that recommendations of the Committee have taken into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women and persons with disabilities.

Signed in Washington, DC, on this 7th day of March 2010.

Robin E. Heard,

Acting Assistant Secretary for Administration, United States Department of Agriculture.

[FR Doc. 2010–9253 Filed 4–21–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Evaluation of Reaching the Underserved Elderly and Working Poor in SNAP

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This is a new collection for the contract *Evaluation of Reaching the Underserved Elderly and Working Poor in SNAP.*

DATES: Written comments must be received on or before June 21, 2010.

ADDRESSES: *Comments are invited on:* (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological

collection techniques or other forms of information technology.

Comments may be sent to: Steven Carlson, Director, Office of Research and Analysis, U.S. Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302. Comments may also be submitted via fax to the attention of Steven Carlson at 703–305–2576 or via e-mail to *Steve.Carlson@fns.usda.gov.* Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov,* and follow the online instructions for submitting comments electronically.

All written comments will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5 p.m. Monday through Friday) at 3101 Park Center Drive, Room 1014, Alexandria, Virginia 22302.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Steven Carlson at 703–305–2017.

SUPPLEMENTARY INFORMATION:

Title: Evaluation of Reaching the Underserved Elderly and Working Poor in SNAP: FY 2009 Pilots.

Form Number: [if applicable, insert number.]

OMB Number: [Not Yet Assigned.]

Expiration Date: [Not Yet Determined.]

Type of Request: New collection.

Abstract: Less than one-third of eligible elderly (age 60 and older) persons and less than three-fifths of persons in eligible households with someone working participate in the Supplemental Nutrition Assistance Program (SNAP), according to the latest (2007) U.S. Department of Agriculture (USDA) estimates. These participation rates suggest that many people in these two groups who may need nutrition assistance are not receiving SNAP benefits. Without SNAP, elderly individuals may not be able to meet their nutritional needs or may forgo medicine for food; working people may not be able to adequately feed their families, despite their work efforts.

The Food and Nutrition Service (FNS), responding to a Congressional request, has funded six State demonstration projects to increase SNAP access to eligible households with either persons over age 60 or with adult members who are working or looking for work. FNS is conducting an evaluation of the demonstration projects. By evaluating these demonstrations, FNS will be able to advise Federal policymakers and State administrators on the best approaches to increasing SNAP access for these two populations.

The evaluation of the demonstration projects has several objectives. The evaluation will describe each demonstration project and the implementation process; assess the impact on SNAP participation in the target groups, application barriers, client satisfaction, household benefits, administrative costs, and payment errors; and assess the sustainability and replicability of each demonstration project. To meet these objectives, FNS will collect information from the pilot and comparison sites before, during, and after the intervention. FNS will collect and analyze administrative data in each demonstration State and will conduct site visits to each demonstration project and conduct focus groups with SNAP applicants. This collection notice pertains only to the focus group with SNAP applicants.

FNS will conduct one focus group with SNAP applicants in each of the six demonstration States. Focus group participants will consist of individuals within the target population (either elderly or working poor) who have applied for SNAP sometime in the three months prior to the focus group (regardless of the outcome of their application). Each of the six demonstration States will provide FNS with a list of 200 potential respondents from which FNS will recruit approximately 20 who agree to attend the focus group in each State (expecting that approximately 10 will actually participate on the day of the group). To assist in the recruitment effort, FNS will offer a small financial incentive for participation as well as funds for transportation and childcare, as needed.

Each focus group is expected to be approximately 90 minutes in length and will take place at a convenient location in the demonstration community. The focus groups will ask participants how they learned about SNAP, about their experiences completing the application process, and about their perceptions of the process.

Affected Public: 1,200 Individuals. Respondent groups identified include: (1) 600 elderly SNAP applicants in 3 demonstration States (200 per State) and (2) 600 working poor SNAP applicants in 3 other demonstration States (200 per State).

Estimated Number of Respondents: The total estimated number of respondents is 1,200.

Estimated Number of Responses per Respondent: 1.05.

Estimated Total Annual Responses: 1,200 for the screening questions and 60 for the focus groups, for a total of 1,260.

Estimated Time per Response: The estimated time per response varies from .0835 hours (5 minutes) to 1.667 hours (100 minutes), depending on whether or not the respondent is eligible for and participates in the focus group (see table below).

Estimated Total Annual Burden on Respondents: 195.22 hours. This includes contacting and screening up to 200 respondents at each of the 6 sites, for a total of 10 focus group participants at each site. See the table below for estimated total annual burden for each type of respondent.

TABLE 1—REPORTING BURDEN BY RESPONDENT TYPE

Respondent*	Estimated number respondents	Responses annually per respondent	Total annual responses	Estimated avg. number of hours per response	Estimated total hours**
Focus Group Nonparticipants					
Working Poor SNAP Applicants	570	1	570	0.0835	47.60
Elderly SNAP Applicants	570	1	570	0.0835	47.60
Focus Group Participants					
Working Poor SNAP Applicants	30	2	60	1.667	50.01

TABLE 1—REPORTING BURDEN BY RESPONDENT TYPE—Continued

Respondent*	Estimated number respondents	Responses annually per respondent	Total annual responses	Estimated avg. number of hours per response	Estimated total hours**
Elderly SNAP Applicants	30	2	60	1.667	50.01
Total Reporting Burden	1,200		1,260		195.22

* Nonparticipants will participate in a brief screening call only. Participants will participate in the focus group.
** The total burden for the focus group participants includes an initial screening call for participants and nonparticipants, as well as a reminder call and letter and focus group time for the participants.

Dated: April 15, 2010.

Julia Paradis,

Administrator, Food and Nutrition Service.

[FR Doc. 2010–9310 Filed 4–21–10; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Six Rivers National Forest, Mad River Ranger District, Ruth, CA, Beaverslide Timber Sale and Fuel Treatment Project

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare a supplemental environmental impact statement.

SUMMARY: The Forest Service is proposing the Beaverslide Timber Sale and Fuel Treatment Project to provide timber products to local economies and to reduce hazardous fuels in strategically located high-risk areas around communities in the vicinity of Ruth, California. The Beaverslide planning area encompasses approximately 13,236 acres; 11,757 acres are National Forest System (NFS) lands and 1,479 acres are in private ownership. The project would treat approximately 5,500 acres of NFS lands by harvesting timber through thinning on approximately 2,800 acres, and reducing fuels on an additional 2,700 acres.

The proposed project would take place within the Upper Mad River watershed on NFS lands administered by the Mad River Ranger District in Trinity County, California. The legal location includes portions of the following townships: Township 2 South, Range 7 East; Township 2 South, Range 8 East; and Township 3 South, Range 7 East; Township 3 South, Range 8 East, Humboldt Baseline and Meridian, and Township 26 North, Range 12 West; Township 27 North, Range 12 West, Mount Diablo Baseline and Meridian.

DATES: The draft supplemental environmental impact statement is expected to be issued by May 2010 and the final supplemental environmental impact statement is expected to be issued in August 2010.

FOR FURTHER INFORMATION CONTACT: Jim C. Gumm; Mad River Ranger District; 741 State Highway 36; Bridgeville, CA 95526 or by telephone at (707)–574–6233.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Beaverslide Timber Sale and Fuel Treatment Project is designed to contribute timber commodity outputs in support of the Six Rivers Forest National Forest Land and Resource Management Plan (LRMP). One of the goals of the LRMP is to provide a stable supply of outputs and services that contribute to local, regional, and national social and economic needs. The Six Rivers National Forest seeks to provide a sustainable, predictable, long-term timber supply for local economies (LRMP p. II–2).

The project area also occurs within the wildland-urban interface (WUI) for communities in the vicinity of Ruth, California. In 2005, the Trinity County Fire Safe Council completed a Community Wildfire Protection Plan to address the fire risk surrounding these communities. There are several homes and businesses in the area that are within the WUI. Fuel hazards are moderate but fire risk relative to human safety and property is high due to the number of people in the area. The project is designed to reduce fire hazard and risk to the community.

Purpose and Need for Action

Given Forest goals and environmental conditions within the planning area, the Purpose and Need for the proposed action is to:

- Provide timber commodities that contribute towards the Forest's goal to provide a sustainable, predictable, long-term timber supply for local economies; and
- Reduce fuel loading in strategic locations to improve fire protection and human safety around communities in the vicinity of Ruth, California.

Within the context of meeting the purpose and need, there would be opportunities for fuelwood or biomass utilization associated with proposed activities.

Proposed Action

The proposed action is designed to meet the project's purpose and need while meeting the standards and guidelines of the LRMP. The Beaverslide Timber Sale and Fuel Treatment Project would treat vegetation to provide commodities and reduce hazardous fuel conditions.

1. Approximately 20–30 million board feet (MMBF) of timber would be harvested from approximately 2,800 acres within 95 treatment units. Harvesting would be accomplished by utilizing ground-based, skyline, and helicopter logging systems. Actions connected with commercial timber harvest include:

a. Treating harvest activity generated fuel;

b. Constructing approximately 5.4 miles of new temporary road, and re-opening/re-utilizing approximately 2.9 miles of existing non-system roads;

c. Constructing new landings and reutilization of existing landings;

d. Hauling of commercial timber products on County Road 504 and Forest Service System roads within the planning area;

e. Felling and removal, where appropriate, of hazard trees along haul routes; and

f. Decommissioning, maintaining, and reconstructing roads as needed.

2. Fuel loading would be reduced on approximately 2,700 acres within 20 fuel treatment units and 7 strategic fuel treatment corridors.

Responsible Official

The responsible official will be the Forest Supervisor for the Six Rivers National Forest.

Nature of Decision To Be Made

The responsible official will consider the comments, response, disclosure of environmental consequences, and applicable laws, regulations, and policies in making the decision and stating the rationale in the Record of Decision.

Scoping Process

Comments received during the initial scoping process, the 45-day public comment period for the original DEIS, and the appeal filing period provided numerous opportunities for public comment. Since this NOI involves the intent to publish a supplemental EIS instead of the initiation of a new project, no additional comments are needed at this time. Public comment will again be solicited at the onset of the 45-day comment period when the supplemental DEIS is published.

Dated: April 15, 2010.

Tyrone Kelley,

Forest Supervisor, Six Rivers National Forest.

[FR Doc. 2010–9291 Filed 4–21–10; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Missouri Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the Missouri Advisory Committee to the Commission will convene on Saturday, May 22, 2010 at 9:30 a.m. and adjourn at approximately 5 p.m. at John Cook School of Business Auditorium, St. Louis University, 3674 Lindell, St. Louis, Missouri 63108. The purpose of the meeting is to conduct a community public briefing meeting concerning the "Civil Rights Implications of Educational Opportunities in Urban Public School Settings and Education Reform in Missouri * * * St. Louis Public Schools."

Members of the public are entitled to submit written comments. The comments must be received in the regional office by June 11, 2010. The address is U.S. Commission on Civil Rights, 400 State Avenue, Suite 908, Kansas City, Kansas 66101. Persons wishing to e-mail their comments, or to present their comments verbally at the meeting, or who desire additional information should contact Farella E. Robinson, Regional Director, Central Regional Office, at (913) 551–1400, (or for hearing impaired TDD 913–551–1414), or by e-mail to *frobinson@usccr.gov.*

Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

Records generated from this meeting may be inspected and reproduced at the Central Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *http://www.usccr.gov*, or to contact the Central Regional Office at the above e-mail or street address.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated in Washington, DC, April 19, 2010.

Peter Minarik,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2010–9329 Filed 4–21–10; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Papahānaumokuākea Marine National Monument Permit Application and Reports for Permits (formerly known as Northwestern Hawaiian Islands Marine National Monument).

OMB Control Number: 0648–0548.

Form Number(s): NA.

Type of Request: Regular submission.

Number of Respondents: 192.

Average Hours per Response: Permit applications and reports, 6 hours; VMS certification and entry/exit notices, 5 minutes.

Burden Hours: 1,343.

Needs and Uses: On June 15, 2006, President Bush established the Papahanaumokuakea Marine National Monument under the authority of the Antiquities Act (Act, 16 U.S.C. 431). The proclamation includes restrictions and prohibitions regarding activities in the monument consistent with the authority provided by the Act. Specifically, the proclamation prohibits access to the monument except when passing through without interruption or as allowed under a permit issued by NOAA and the U.S. Fish and Wildlife Service (FWS). Vessels passing through the monument without interruption are required to notify NOAA and FWS upon entering into and leaving the monument. Individuals wishing to access the monument to conduct certain regulated activities must first apply for and be granted a permit issued by NOAA and FWS to certify compliance with vessel monitoring system requirements, monument regulations, and best management practices.

Affected Public: Business or other for-profit organizations; not-for-profit institutions; State, Local and Tribal government, individuals and households.

Frequency: Annually and on occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov.*

Dated: April 19, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010–9332 Filed 4–21–10; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Atlantic Surfclam and Ocean Quahog Framework Adjustment I

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before June 21, 2010.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Tim Cardiasmenos, (978) 281–9204 or *Timothy.Cardiasmenos@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Under the Magnuson-Stevens Fishery Conservation and Management Act, the Secretary of Commerce (Secretary) has the responsibility for the conservation and management of marine fishery resources. Much of this responsibility has been delegated to the NOAA's National Marine Fisheries Service (NMFS). Under this stewardship role, the Secretary was given certain regulatory authorities to ensure the most beneficial uses of these resources. One of the regulatory steps taken to carry out the conservation and management objectives is to collect data from users of the resource. Thus, as regional Fishery Management Councils develop specific Fishery Management Plans (FMP), the Secretary has promulgated rules for the issuance and use of a Vessel Monitoring System (VMS) and to obtain fishery-dependent data to monitor, evaluate, and enforce fishery regulations.

Framework Adjustment 1 (FW1) to the Atlantic Surf Clam and Ocean Quahog FMP contains a VMS requirement for surfclam and ocean quahog vessels participating in the individual transferable quota program and limited access Maine mahogany quahog vessels. VMS was identified as a need in this fishery to (1) Eliminate the requirement to notify NMFS Office of Law Enforcement (OLE) via telephone prior to beginning a fishing trip, (2) facilitate the monitoring of areas closed to fishing due to environmental degradation (e.g., harmful algal blooms and former dump sites for military munitions), and (3) facilitate the monitoring of borders between state and Federal fishing jurisdictions.

II. Method of Collection

All information is submitted electronically through VMS units.

III. Data

OMB Control Number: 0648–0558.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business and other for-profit organizations.

Estimated Number of Respondents: 62.

Estimated Time per Response: 1 minute per trip for VMS declaration; 5 minutes for VMS certification form; 5 minutes for telephone call to verify proper VMS installation; 30 minutes for VMS power-down authorization.

Estimated Total Annual Burden Hours: 100.

Estimated Total Annual Cost to Public: $31,680.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 19, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010–9315 Filed 4–21–10; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Educational Partnership Program (EPP) and Ernest F. Hollings Undergraduate Scholarship Program

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before June 21, 2010.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Meka Laster, 301–713–9437 or *meka.laster@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Oceanic and Atmospheric Administration (NOAA) Office of Education (OEd) collects, evaluates and assesses student data and information for the purpose of selecting successful candidates, generating internal NOAA reports and articles to demonstrate the success of its program. The OEd requires applicants to its student scholarship programs to complete an application for NOAA undergraduate and graduate scholarship programs. Part of the application package requires completion of a NOAA student scholar reference form in support of the scholarship application by academic professors/advisors. NOAA OEd student scholar alumni are also requested to provide information to NOAA for internal tracking purposes. NOAA OEd grantees are required to update the student tracker database with the required student information. In addition, the collected student data supports NOAA OEd's program performance measures.

II. Method of Collection

Electronic applications and electronic forms are required from participants, and the primary methods of submittal are email and Internet transmission of electronic forms. Approximately 1% of the application and reference forms may be mailed.

III. Data

OMB Control Number: 0648–0568.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Individuals or households; business or other for-profit organizations; not-for-profit institutions; State, Local or Tribal Government.

Estimated Number of Respondents: 3,496.

Estimated Time Per Response: Student tracker database form, 16 hours; graduate application form, 8 hours; undergraduate application form, 8 hours; reference forms, 1 hour; voluntary alumni update form, 1 hour.

Estimated Total Annual Burden Hours: 11,316.

Estimated Total Annual Cost to Public: $300.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 19, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010–9316 Filed 4–21–10; 8:45 am]

BILLING CODE 3510–12–P

DEPARTMENT OF COMMERCE

International Trade Administration

West Virginia University, et al., Notice of Consolidated Decision on Applications for Duty–Free Entry of Electron Microscopes

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 3705, U.S. Department of Commerce, 14th and Constitution Avenue., NW, Washington, D.C.

Docket Number: 09–067. Applicant: West Virginia University, Morgantown, WV 26506. Instrument: Electron Microscope. Manufacturer: JEOL, Japan. Intended Use: See notice at 75 FR 13486, March 22, 2010.

Docket Number: 10–001. Applicant: United States Environmental Protection Agency, Cincinnati, OH 45268. Instrument: Electron Microscope. Manufacturer: JEOL, Japan. Intended Use: See notice at 75 FR 12175, March 15, 2010.

Docket Number: 10–003. Applicant: St. Lawrence University, Canton, NY 13617. Instrument: Electron Microscope. Manufacturer: FEI, Czech Republic. Intended Use: See notice at 75 FR 13486, March 22, 2010.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered. Reasons: Each foreign instrument is an electron microscope and is intended for research or scientific educational uses requiring an electron microscope. We know of no electron microscope, or any other instrument suited to these purposes, which was being manufactured in the United States at the time of order of each instrument.

Christopher Cassel,

Director, Subsidies Enforcement Office, Import Administration.

[FR Doc. 2010–9356 Filed 4–21–10; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

University of Michigan, et al., Notice of Consolidated Decision on Applications for Duty–Free Entry of Scientific Instruments

This is a decision pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L.106–36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 3705, U.S. Department of Commerce, 14th and Constitution Ave, NW, Washington, D.C.

Comments: None received. Decision: Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of its order.

Docket Number: 10–002. Applicant: University of Michigan, Ann Arbor, MI 49109–2122. Instrument: Tester for TFT Imager. Manufacturer: Siemens AG, Corporate Technology, Germany. Intended Use: See notice at 75 FR 12175, March 15, 2010. Reasons: This instrument must be capable of measuring dynamic rate, linearity and noise. It must also support voltages in the rate of -10 V to 20 V and support maximum 60 Hz scanning speed. Another pertinent specification for this instrument is that it must be capable of working with an imager, having 128 rows and 128 columns. We know of no instrument suited to these purposes, which was being manufactured in the United States at the time of order of this instrument.

Docket Number: 10–004. Applicant: State University of New York College at Geneseo, Geneseo, NY 14454. Instrument: MultiView 2000TS Microscope System. Manufacturer: Nanonics Imaging Ltd., Israel. Intended Use: See notice at 75 FR 13486, March 22, 2010. Reasons: A pertinent feature of this instrument is the ability to switch between scanning the tip and the sample stage. Other unique features include the ability to use conventional AFM type silicon cantilevers as well as cantilevered optical fiber probes with exposed probed geometry, providing normal force sensing; the capability to image side walls with an exposed tip glass AFM probe and the ability to image in both NSOM and AFM with AC operating modes. We know of no instrument suited to these purposes, which was being manufactured in the

United States at the time of order of this instrument.April 16, 2010

Christopher Cassel,

Director, Subsidies Enforcement Office, Import Administration

[FR Doc. 2010–9354 Filed 4–21–10; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–801]

Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Extension of Time Limit for Preliminary Results of the 6th Antidumping Duty Administrative and 6th New Shipper Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: April 22, 2010.

FOR FURTHER INFORMATION CONTACT: Javier Barrientos, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone: (202) 482–2243.

SUPPLEMENTARY INFORMATION:

Background

On September 22, 2009, the Department of Commerce ("Department") published a notice of initiation on the 6th antidumping duty administrative review for certain frozen fish fillets from the Socialist Republic of Vietnam covering the period August 1, 2008, through July 31, 2009. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 74 FR 48224, (September 22, 2009). On September 17, 2009, the Department initiated the 6th antidumping duty new shipper review on CUU Long Fish Joint Stock Company ("CL–Fish"), covering the period August 1, 2008, through July 31, 2009. *See Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Initiation of New Shipper Review*, 74 FR 48908, (September 25, 2009). On January 29, 2010, the Department replaced a mandatory respondent in the instant administrative review with Vinh Quang Fisheries Corporation ("Vinh Quang"). *See* Memorandum to the File, from Emeka Chukwudebe, Case Analyst, Import administration, through Alex Villanueva, Program Manager, Import Administration, RE: Antidumping Duty Administrative Review of Certain Frozen Fish Fillets from the Socialist Republic of Vietnam ("Vietnam"): Replacement of Mandatory Respondent, dated January 29, 2010.

On January 29, 2010, the Department extended the deadline for parties to file surrogate country comments and surrogate value data. *See* Memorandum to the File, from Emeka Chukwudebe, Case Analyst, Import administration, through Alex Villanueva, Program Manager, Import Administration, RE: Administrative Review of Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Extension Request for Surrogate Country Selection Comments and Surrogate Value Submissions, dated January 29, 2010. On February 12, 2010, the Department tolled administrative deadlines, including in the instant review, by one calendar week. *See* Tolling of Administrative Deadlines As a Result of the Government Closure During the Recent Snowstorm, dated February 12, 2010 ("Tolling Memo"). On March 9, 2010, the Department aligned the 6th new shipper review with the 6th administrative review. *See* Memorandum to the File, from Javier Barrientos, Senior Case Analyst, Import administration, through Alex Villanueva, Program Manager, Import Administration, RE: Alignment of 6th New Shipper Review of Certain Frozen Fish Fillets from the Socialist Republic of Vietnam with the 6th Administrative Review of Certain Frozen Fish Fillets from the Socialist Republic of Vietnam, dated March 9, 2010. The preliminary results are currently due on May 10, 2010 (inclusive of the seven day extension per the Tolling Memo).

Extension of Time Limits for Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("Act"), and 19 CFR 351.213(h)(1) require the Department to issue the preliminary results in an administrative review of an antidumping duty order 245 days after the last day of the anniversary month of the order for which the administrative review was requested. The Department may, however, extend the deadline for completion of the preliminary results of an administrative review to 365 days if it determines it is not practicable to complete the review within the foregoing time period. *See* section 751(a)(3)(A) of the Act and 19 CFR 351.214(h)(2).

The Department finds that it is not practicable to complete the preliminary results within this time limit. The Department is extending the deadline because it recently replaced a mandatory respondent in the administrative review and needs more time to analyze and issue supplemental requests for information to this new mandatory respondent. In addition, the Department provided parties, including Vinh Quang, additional time to submit surrogate country comments and surrogate value data, and thus will require additional time to analyze these data. Thus, the Department requires additional time to address these circumstances in these reviews. We are, therefore, extending the time for the completion of the preliminary results of these reviews by 90 days, from the date of the presently tolled due date of May 10, 2010, for the preliminary results, to August 8, 2010.

This notice is published in accordance with section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2).

Dated: April 9, 2010.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2010–9346 Filed 4–21–10; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–868]

Folding Metal Tables and Chairs from the People's Republic of China: Extension of Time Limit for the Preliminary Results of the Antidumping Duty Administrative Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: April 22, 2010.

FOR FURTHER INFORMATION CONTACT: Lilit Astvatsatrian or Charles Riggle, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–6412 or (202) 482–0650, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 29, 2009, the Department of Commerce ("the Department") published the initiation of administrative reviews of the antidumping duty order on folding metal tables and chairs from the People's Republic of China ("PRC"). *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Deferral of Administrative*

Review, 74 FR 37690 (July 29, 2009). On March 10, 2010, the Department published the extension of time limits for the preliminary results of the administrative reviews of the antidumping duty order. *See Folding Metal Tables and Chairs from the People's Republic of China: Notice of Extension of Time Limit for the Preliminary Results of the Antidumping Duty Administrative Reviews*, 75 FR 11120 (March 10, 2010). These reviews cover the periods June 1, 2007, through May 31, 2008, and June 1, 2008, through May 31, 2009.[1] The preliminary results of these reviews are currently due no later than May 8, 2010.[2]

Extension of Time Limit for Preliminary Results of Review

Pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"), the Department shall make a preliminary determination in an administrative review of an antidumping duty order within 245 days after the last day of the anniversary month of the date of publication of the order. The Act further provides, however, that the Department may extend that 245-day period to 365 days if it determines it is not practicable to complete the review within the foregoing time period.

The Department finds that it is not practicable to complete the preliminary results of the administrative reviews of folding metal tables and chairs from the PRC within this time limit. Specifically, additional time is needed to conduct verification of New–Tec's sales and factors of production, in accordance with 19 CFR 351.307(b)(v), and to determine the appropriate surrogate values with which to value factors of production. Therefore, in accordance with section 751(a)(3)(A) of the Act, the Department is extending the time period for completion of the preliminary results of these reviews, which are currently due on May 8, 2010, by 60 days. Therefore, the preliminary results are now due no later than July 7, 2010.

This notice is published in accordance with sections 751(a)(3)(A) and 777(i) of the Act.

Dated: April 15, 2010.

Barbara E. Tillman,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2010–9343 Filed 4–21–10; 8:45 am]

BILLING CODE 3510–DS–S

[1] On June 30, 2008, Feili Group (Fujian) Co. Ltd. and Feili Furniture Development Limited Quanzhou City (collectively, "Feili"), requested that the Department conduct an administrative review of its sales for the period June 1, 2007, through May 31, 2008, and, in addition, requested that the Department defer the initiation of the review for one year in accordance with 19 CFR 351.213(c). Consequently, on July 29, 2009, the Department initiated reviews for Feili covering both the 2007–08 and 2008–09 review periods.

[2] As explained in the memorandum from the Deputy Assistant Secretary for Import Administration, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from February 5, through February 12, 2010. Thus, all deadlines in these segments of the proceeding have already been extended by seven days from May 1, 2010 to May 8, 2010. See Memorandum to the Record from Ronald Lorentzen, DAS for Import Administration, regarding "Tolling of Administrative Deadlines As a Result of the Government Closure During the Recent Snowstorm," dated February 12, 2010.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XW02

Mid-Atlantic Fishery Management Council (MAFMC); Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of closed meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (MAFMC) Ad Hoc Search Committee will hold a closed meeting.

DATES: Monday, May 10, 2010 from 9 a.m. to 6 p.m.

ADDRESSES: The meeting will be held at the Norfolk Airport Hilton Hotel, 1500 North Military Highway, Norfolk, VA 23502; telephone: 757–466–8000.

COUNCIL ADDRESS: Mid-Atlantic Fishery Management Council, 800 North State St., Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901;telephone: (302) 674–2331, extension 255.

SUPPLEMENTARY INFORMATION: The Mid-Atlantic Council is currently seeking a new Executive Director. The Ad Hoc Search Committee will interview candidates for this position so as to establish a pool of "best qualified" candidates. As this meeting relates to "employment matters" as contemplated by Section 302(i) 3(A) (ii) of the Magnuson-Stevens Act, the meeting is closed to the public.

Dated: April 19, 2010.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2010–9303 Filed 4–21–10; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XW01

Mid-Atlantic Fishery Management Council (MAFMC); Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public hearings.

SUMMARY: The Mid-Atlantic Fishery Management Council (MAFMC) will hold public hearings.

DATES: Monday, May 3, 2010, Monday, May 10, 2010, Wednesday, May 12, 2010, and Tuesday, May 18, 2010. All meetings begin at 7 p.m.

ADDRESSES: The hearing on Monday, May 3, 2010 will be held at the Atlantic States Marine Fisheries Commission Spring Meeting, Crowne Plaza Old Town Alexandria, 901 N. Fairfax St., Alexandria, VA 22314. The hearing on Monday, May 10, 2010 will be held at the Virginia Marine Resources Commission, 2600 Washington Avenue, Newport News, VA 23607. The hearing on Wednesday, May 12, 2010 will be held at the New York Department of Environmental Conservation, NYSDEC Marine Resources, 205 N. Belle Mead Rd., Suite 1, East Setauket, NY 11733. The hearing on Tuesday, May 18, 2010 will be held at Richard Stockton College of New Jersey, Lakeside Center Lodge (off Laurel Lane and Oak Pond Drive; follow campus signs to Lakeside Center), Pomona, NJ 08240.

COUNCIL ADDRESS: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901;telephone: (302) 674–2331, extension 255.

SUPPLEMENTARY INFORMATION: The Mid-Atlantic Fishery Management Council will hold public hearings and receive comments on measures contained in its Annual Catch Limits and Accountability Measures Omnibus Amendment, which would amend its Atlantic Mackerel,

Butterfish, Atlantic Bluefish, Spiny Dogfish, Summer Flounder, Scup, Black Sea Bass, Tilefish, Surfclam, and Ocean Quahog Fishery Management Plans (FMPs). The public hearing document will be available at all of the public hearings and is currently available via the Internet at: *http://www.mafmc.org/comments//comments.htm*. It can also be obtained on request from the Council office at the address and telephone number listed in below. In addition to providing information and comments at the above public hearings, you may submit written comments on or before 5:00 p.m., EDT, on May 21, 2010 to Daniel T. Furlong, Mid-Atlantic Fishery Management Council, 800 N. State St., Suite 201, Dover, DE 19901; telephone: 302–674–2331, or fax 302–674–5399. Comments may also be sent via fax at the above fax number or by e-mail to info1@mafmc.org. Please note on your correspondence and in the subject line of e-mail comments the following identifier: "Omnibus ACL/AM Amendment Comments."

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to M. Jan Saunders at the Mid-Atlantic Council Office (302) 674–2331 extension 251 at least five days prior to the meeting date.

Dated: April 19, 2010.

Tracey L. Thompson,

Actiing Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2010–9302 Filed 4–21–10; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648–XW00

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meeting.

SUMMARY: The North Pacific Fishery Management Council's Crab Plan Team (CPT) will meet in Alaska on May 10–14, 2010.

DATES: The meeting will be held May 10–14, 2010, from 8 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Hotel Alyeska, Girdwood, AK, Room Columbia A - May 10–13 and Portage Board Room - May 14.

Council address: North Pacific Fishery Management Council, 605 W. 4th Avenue, Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Diana Stram; North Pacific Fishery Management Council; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION: The Plan Team will discuss recent Council action on EFH/HAPC, review a discussion paper on crab bycatch in groundfish and scallop fisheries and make recommendations, receive presentations on patterns of larval snow crab and a snow crab spatial model, review draft stock assessments and make recommendations on Tier levels and model parameters for 6 stocks and OFL recommendations for Tier 5 stocks and stocks with summer fisheries; review draft economic SAFE report for crab; review revised Annual Catch Limits and Snow crab rebuilding plan analysis and provide recommendations; review revised Pribilof Island blue king crab rebuilding plan analysis and make recommendations; and review and recommend research priorities.

The Agenda is subject to change, and the latest version will be posted at *http://www.alaskafisheries.noaa.gov/npfmc/*

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: April 16, 2010.

William D. Chappell,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2010–9245 Filed 4–21–10; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648–XV89

Fisheries of the South Atlantic and Gulf of Mexico; Southeastern Data, Assessment, and Review (SEDAR); Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of SEDAR 22 Gulf of Mexico yellowedge grouper and tilefish assessment webinar 1.

SUMMARY: The SEDAR 22 assessments of the Gulf of Mexico stocks of yellowedge grouper and tilefish will consist of a series of workshops and webinars: a Data Workshop, a series of Assessment webinars, and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The first SEDAR 22 Assessment Process webinar will be held on Thursday, May 13, 2010 from 12 p.m. to 4 p.m. (EST).

ADDRESSES: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie Neer at SEDAR (See **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information.

FOR FURTHER INFORMATION CONTACT: Julie A Neer, SEDAR Coordinator, 4055 Faber Place, Suite 201, North Charleston, SC 29405; telephone: (843) 571–4366; e-mail: *Julie.neer@safmc.net*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three-step process including: (1) Data Workshop, (2) Assessment Process utilizing webinars and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends

research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting Panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.SEDAR 22 Assessment webinars 1:

Using datasets recommended from the Data Workshop, participants will employ assessment models to evaluate stock status, estimate population benchmarks and management criteria, and project future conditions. Participants will recommend the most appropriate methods and configurations for determining stock status and estimating population parameters.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 10 business days prior to the meeting.

Dated: April 16, 2010.

William D. Chappell,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2010–9244 Filed 4–21–10; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV98

Permits; Foreign Fishing

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of receipt of a permit application for transshipment by foreign vessels; request for comments.

SUMMARY: NMFS publishes for public review and comment information regarding a permit application for transshipment of Atlantic herring by Canadian vessels, submitted under provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Written comments must be received by May 6, 2010.

ADDRESSES: Send comments to Mi Ae Kim, Trade and Marine Stewardship Division, Office of International Affairs, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments on this notice may also be submitted by e-mail to *nmfs.foreignfishing@noaa.gov*. Include in the subject line the following document identifier: RIN 0648–XV98.

FOR FURTHER INFORMATION CONTACT: Mi Ae Kim at (301) 713–9090 or by email at *mi.ae.kim@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Background

Section 204(d) of the Magnuson-Stevens Act (16 U.S.C. 1824(d)) authorizes the Secretary of Commerce (Secretary) to issue a transshipment permit authorizing a vessel other than a vessel of the United States to engage in fishing consisting solely of transporting fish or fish products at sea from a point within the United States Exclusive Economic Zone (EEZ) or, with the concurrence of a state, within the boundaries of that state to a point outside the United States. In addition, Public Law 104–297, section 105(e) directs the Secretary to issue section 204(d) permits for up to 14 Canadian transport vessels to receive Atlantic herring harvested by United States fishermen and to be used in sardine processing. Transshipment must occur from within the boundaries of the State of Maine or within the portion of the EEZ east of the line 69 degrees 30 minutes west and within 12 nautical miles from the seaward boundary of that State.

Section 204(d)(3)(D) of the Magnuson-Stevens Act provides that an application may not be approved until the Secretary determines that "no owner or operator of a vessel of the United States which has adequate capacity to perform the transportation for which the application is submitted has indicated ... an interest in performing the transportation at fair and reasonable rates." NMFS is publishing this notice as part of its effort to make such a determination with respect to the application described below.

Section 204(d)(3)(B) of the Magnuson-Stevens Act provides that an application may not be approved until the Secretary determines that "the applicant will comply with the requirements described in section 201(c)(2) with respect to activities authorized by any permit issued pursuant to the application." Section 201(c)(2) identifies multiple requirements related to monitoring, compliance, and enforcement, such as allowing authorized officers to board and inspect vessels, installation and use of position-fixing and identification equipment, and stationing of observers.

Summary of Application

NMFS received an application requesting authorization for 10 Canadian transport vessels to receive transfers of herring from United States purse seine vessels, stop seines, and weirs for the purpose of transporting the herring to Canada for processing. The transshipment operations will occur within the boundaries of the State of Maine or within the portion of the EEZ east of the line 69°30' W longitude and within 12 nautical miles from the seaward boundary of that State.

Dated: April 16, 2010.

Rebecca Lent,

Director, Office of International Affairs, National Marine Fisheries Service.

[FR Doc. 2010–9347 Filed 4–21–10; 8:45 am]

BILLING CODE 3510–22–S

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meetings

TIME AND DATE: Wednesday, April 28, 2010; 2 p.m.–4 p.m.

PLACE: Hearing Room 420, Bethesda Towers, 4330 East-West Highway, Bethesda, Maryland.

STATUS: Closed to the public.

Matters To Be Considered

Compliance Weekly Report—Commission Briefing

The Commission staff will brief the Commission on the status of compliance matters.

For a recorded message containing the latest agenda information, call (301) 504–7948.

CONTACT PERSON FOR MORE INFORMATION: Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814, (301) 504–7923.

Dated: April 20, 2010.

Todd A. Stevenson,

Secretary.

[FR Doc. 2010–9464 Filed 4–20–10; 4:15 pm]

BILLING CODE 6355–01–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meetings

TIME AND DATE: Wednesday, April 28, 2010, 9 a.m.–12 Noon.

PLACE: Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Commission Meeting—Open to the Public.

MATTERS TO BE CONSIDERED:

1. Pending Decisional Matter: Testing and Labeling to Product Certification—Notice of Proposed Rulemaking (NPR) and Testing Component Parts—Notice of Proposed Rulemaking (NPR).
2. CPSA 15j Rule for Drawstrings—Notice of Proposed Rulemaking (NPR).
3. CPSA 15j Rule for Hairdryers—Notice of Proposed Rulemaking (NPR).

A live Web cast of the Meeting can be viewed at *http://www.cpsc.gov/webcast/index.html.*

For a recorded message containing the latest agenda information, call (301) 504–7948.

CONTACT PERSON FOR MORE INFORMATION: Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814 (301) 504–7923.

Dated: April 20, 2010.

Todd A. Stevenson,

Secretary.

[FR Doc. 2010–9468 Filed 4–20–10; 4:15 pm]

BILLING CODE 6355–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 24, 2010.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395–5806 or e-mailed to *oira_submission@omb.eop.gov* with a cc: to *ICDocketMgr@ed.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: April 19, 2010.

James Hyler,

Acting Director, Information Collection Clearance Official, Regulatory Information Management Services, Office of Management.

Office of Postsecondary Education

Type of Review: Reinstatement.

Title: Application for Grants under the Strengthening Institutions Program (SIP).

Frequency: Annually.

Affected Public: Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden:

Responses: 300.

Burden Hours: 12,025.

Abstract: The information is required of institutions of higher education that apply for grants under SIP. Without the collection of this information, the Department cannot award grants under Title III, Part A SIP authorized under the Higher Education Act of 1965, (HEA) as amended by the Higher Education Opportunity Act of 2008 (HEOA). The program staff and peer reviewers will use the information to evaluate applications and make funding decisions. The purpose of SIP is to provide grants to eligible institutions of higher education (IHEs) to help them become self sufficient and expand their capacity to serve low-income students by providing funds to improve and strengthen their academic quality, institutional management and fiscal stability.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1894–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections" link and by clicking on link number 4200. When you access the information collection, click on "Download Attachments " to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to the Internet address *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 2010–9327 Filed 4–21–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13667–000]

City of Sandpoint; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

April 15, 2010.

On February 26, 2010, and revised April 9, 2010, the City of Sandpoint filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Little Sand Creek Hydroelectric Project located on Little Sand Creek in Bonner County, Idaho. The existing dam is owned and operated by the City of Sandpoint. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) An existing 50-foot-long, 30-foot-high concrete gravity dam; (2) a 0.15-acre reservoir; (3) an existing 2,500-foot-long 18-inch diameter steel intake pipe running from the dam to the water treatment plant will act as the project's penstock; (4) a powerhouse next to the water treatment plant containing a Pelton turbine and a 65-kilowatt generator; and (5) appurtenant facilities.

Applicant Contact: Matthew Mulder, Assistant City Engineer, City of Sandpoint, 1123 Lake Street, Sandpoint, ID 83864; phone: (208) 263–3471.

FERC Contact: Joseph C. Adamson, 202–502–8085.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov/docs-filing/ferconline.asp*) under the "eFiling" link. For a simpler method of submitting text only comments, click on "Quick Comment." For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov;* call toll-free at (866) 208–3676; or, for TTY, contact (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and eight copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–13667–000) in the docket number field to access the document. For assistance, contact FERC Online Support.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–9262 Filed 4–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1862–172]

City of Tacoma, WA; Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

April 15, 2010.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of License.

b. *Project No.:* 1862–172.

c. *Date Filed:* March 5, 2010, and supplemented on March 30, 2010.

d. *Applicant:* City of Tacoma, Washington.

e. *Name of Project:* Nisqually Hydroelectric Project.

f. *Location:* The project is located on the Nisqually River in Pierce, Thurston, and Lewis Counties, Washington, partly on lands of the Mount Baker-Snoqualmie National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Patrick D. McCarty, Generation Manager, Tacoma Power, 3628 South 35th Street, Tacoma, Washington 98409, telephone (253) 502–8336; or Marc Wicke, Tacoma Power, 3628 South 35th Street, Tacoma, Washington 98409, telephone (253) 502–8196.

i. *FERC Contact:* Linda Stewart, telephone (202) 502–6680, and e-mail address *linda.stewart@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* May 17, 2010.

Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the "e-filing" link. The Commission strongly encourages electronic filings.

All documents (original and eight copies) filed by paper should be sent to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P–1862–172) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

k. *Description of Request:* The City of Tacoma, Washington proposes to modify Articles 405 (downramping rates) and 409 (timing of planned spill events) to allow for monthly spillway gate testing at the LaGrande Dam from November 1 to February 15. The spillway gate testing is a recommendation of the June 2008 Independent Consultant's Part 12D Safety Inspection Report for the project.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–9261 Filed 4–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings # 1

April 14, 2010.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC10–60–000.
Applicants: New York State Electric & Gas Corp., Noble Wethersfield Windpark, LLC.
Description: Application of New York State Electric & Gas Corporation and Noble Wethersfield Windpark, LLC.
Filed Date: 04/14/2010.
Accession Number: 20100414–5114.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 5, 2010.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–226–003.
Applicants: Clean Currents, LLC.
Description: Clean Currents, LLC Change in Status Amendment.
Filed Date: 04/14/2010.
Accession Number: 20100414–5035.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 5, 2010.

Docket Numbers: ER10–1043–000.
Applicants: ISO New England Inc., New England Power Pool.
Description: ISO New England Inc *et al.* submits transmittal letter and tariff sheets reflecting miscellaneous revisions to the ISO Financial Assurance Policy.
Filed Date: 04/13/2010.
Accession Number: 20100413–0217.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 4, 2010.

Docket Numbers: ER10–1044–000.
Applicants: Cleco Power LLC.
Description: Cleco Power LLC submits amended versions of the Service Agreement for Network Transmission Services with Cleco Wholesale Energy Service that previously was accepted for filing *etc.*
Filed Date: 04/13/2010.
Accession Number: 20100413–0218.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 4, 2010.

Docket Numbers: ER10–1045–000.
Applicants: PJM Interconnection, LLC.
Description: PJM Interconnection, LLC submits an executed interim interconnection service agreement with Meadow Lake Wind Farm II LLC *et al.*
Filed Date: 04/13/2010.
Accession Number: 20100414–0204.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 4, 2010.

Docket Numbers: ER10–1046–000.
Applicants: Consolidated Edison Company of New York, Inc.
Description: Consolidated Edison Company of New York, Inc submits an amendment to Con Edison's Delivery Service Rate Schedule 96 *et al.*
Filed Date: 04/13/2010.
Accession Number: 20100414–0205.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 4, 2010.

Docket Numbers: ER10–1047–000.
Applicants: Pacific Gas and Electric Company.
Description: Pacific Gas and Electric Company submits two executed agreements, Wholesale Distribution Tariff Service Agreement & a Generator Interconnection Agreement with Monterey Regional Waste Management District.
Filed Date: 04/14/2010.
Accession Number: 20100414–0217.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 5, 2010.

Docket Numbers: ER10–1048–000.
Applicants: Commonwealth Edison Company.
Description: Commonwealth Edison Company submits tariff filing per 35.12: Baseline Tariff to be effective 4/14/2010.
Filed Date: 04/14/2010.
Accession Number: 20100414–5054.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 5, 2010.

Docket Numbers: ER10–1049–000.
Applicants: Pacific Gas and Electric Company.
Description: Pacific Gas and Electric Company submits a Notice of Termination of the Etiwanda Exchange Agreement with California Department of Water Resources.
Filed Date: 04/14/2010.
Accession Number: 20100414–0218.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 5, 2010.

Docket Numbers: ER10–1050–000.
Applicants: Pacific Gas and Electric Company.
Description: Pacific Gas and Electric Company submits a revised Appendix B to the Coordinated Operations and Interconnection Agreement with Atlantic Power Corp *et al.,* effective June 14, 2010.
Filed Date: 04/14/2010.
Accession Number: 20100414–0219.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 5, 2010.

Docket Numbers: ER10–1051–000.
Applicants: Pacific Gas and Electric Company.
Description: Pacific Gas and Electric Company submits a Notice of Cancellation of Rate Schedule FERC 219, the Generator Special Facilities Agreement with San Joaquin Cogen LLP *etc.,* to become effective 6/14/10.
Filed Date: 04/14/2010.
Accession Number: 20100414–0220.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 5, 2010.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA07–39–006; OA08–71–006.
Applicants: Xcel Energy Services Inc.
Description: PSCo's Annual Report of Penalty Assessments and Distributions in Accordance with Order Nos. 890 and 890–A.
Filed Date: 04/14/2010.
Accession Number: 20100414–5079.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 5, 2010.

Docket Numbers: OA08–52–008.
Applicants: New York Independent System Operator, Inc.
Description: New York Independent System Operator, Inc *et al.* submits

revisions to Attachment Y of the Open Access Transmission Tariff.

Filed Date: 04/13/2010.

Accession Number: 20100414–0203.

Comment Date: 5 p.m. Eastern Time on Tuesday, May 4, 2010.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–9266 Filed 4–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings # 1

April 15, 2010.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER03–9–017; ER06–1313–005; ER98–2157–018.

Applicants: Westar Energy, Inc., Kansas Gas and Electric Company.

Description: Westar Energy, Inc et al submits Second Substitute Fourth Revised Sheet No. 1A et al. to FERC Electric Tariff, Third Revised Volume No. 6.

Filed Date: 04/14/2010.

Accession Number: 20100415–0001.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 5, 2010.

Docket Numbers: ER07–758–018.

Applicants: Inland Empire Energy Center, L.L.C.

Description: Addendum to Notice of Non-Material Change in Status of Inland Empire Energy Center, L.L.C.

Filed Date: 04/14/2010.

Accession Number: 20100414–5115.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 5, 2010.

Docket Numbers: ER07–1232–004; ER07–964–003; ER98–1150–012.

Applicants: Tucson Electric Power Company, UniSource Energy Development Company, UNS Electric, Inc.

Description: Notification of Non-Material Change in Status of Tucson Electric Power Company, UNS Electric, Inc., UniSource Energy Development Company.

Filed Date: 04/14/2010.

Accession Number: 20100414–5126.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 5, 2010.

Docket Numbers: ER10–853–001.

Applicants: Dynamic PL, LLC.

Description: Dynamic PL, LLC submits Petition for Acceptance of Initial Tariff, Waivers and Blanket Authorization, together with Rate Schedule 1 etc.

Filed Date: 04/14/2010.

Accession Number: 20100414–0221.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 5, 2010.

Docket Numbers: ER10–1052–000.

Applicants: Public Service Electric and Gas Company.

Description: Public Service Electric and Gas Company submits executed first revised transmission facilities agreement between it and Atlantic City Electric Company, submitting Original Service Agreement 1877 under the FERC Electric tariff of PJM.

Filed Date: 04/14/2010.

Accession Number: 20100414–0222.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 5, 2010.

Docket Numbers: ER10–1053–000.

Applicants: The Connecticut Light and Power Company.

Description: Connecticut Light and Power Company submits Interconnection Agreement between CL&P and Algonquin, designated as Original Service Agreement 1A–NU–15.

Filed Date: 04/14/2010.

Accession Number: 20100414–0223.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 5, 2010.

Docket Numbers: ER10–1054–000.

Applicants: Westar Energy, Inc.

Description: Westar Energy, Inc submits First Revised Sheet 44, a Revised Attachment E–1 to rate Schedule FERC 317, a cost-based agreement for wholesale power sales service from generating assets likely to participate etc.

Filed Date: 04/14/2010.

Accession Number: 20100414–0224.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 5, 2010.

Docket Numbers: ER10–1055–000.

Applicants: PacifiCorp.

Description: PacifiCorp submits an updated Exhibit 2 First Revised Rate Schedule 302, the Amended and Restated Facilities Rental and Wheeling Agreement, etc.

Filed Date: 04/14/2010.

Accession Number: 20100415–0202.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 5, 2010.

Docket Numbers: ER10–1056–000.

Applicants: PacifiCorp.

Description: PacifiCorp submits Fourth Revised Service Agreement 66, a Network Integration Transmission Service Agreement, etc.

Filed Date: 04/14/2010.

Accession Number: 20100415–0201.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 5, 2010.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or

protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–9265 Filed 4–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1864–003]

Upper Peninsula Power Company; Notice of Availability of Environmental Assessment

April 15, 2010.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380, Commission staff have prepared an environmental assessment (EA) regarding Upper Peninsula Power Company's plan to replace the spillway at the Bond Falls Development of the Bond Falls Hydroelectric Project (FERC No. 1864). The project is located on the Ontonagon River in Ontonagon and Gogebic Counties, Michigan, and Vilas County, Wisconsin, partially on lands within the Ottawa National Forest. The Bond Falls Development is located on the Middle Branch of the Ontonagon River in Ontonagon County, Michigan, and occupies 73.5 acres of land within the Ottawa National Forest.

The EA contains the Commission staff's analysis of the potential environmental effects of the planned replacement of the Bond Falls spillway and concludes that the spillway replacement, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

Copies of the EA are available for review in the Public Reference Room 2–A of the Commission's offices at 888 First Street, NE., Washington, DC 20426. The EA may also be viewed on the Commission's Internet Web site (*http://www.ferc.gov*) using the "eLibrary" link. Enter the docket number in the docket number field to access the document. Additional information about the project is available from the Commission's Office of External Affairs, at (202) 502–6088, or on the Commission's Web site using the eLibrary link. For assistance with eLibrary, contact *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3372; for TTY contact (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–9260 Filed 4–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM10–13–000]

Credit Reforms in Organized Wholesale Electric Markets; Notice of Technical Conference

April 15, 2010.

Take notice that on May 11, 2010, the Commission staff will convene a technical conference to discuss issues related to the Commission's Notice of Proposed Rulemaking on *Credit Reforms in Organized Wholesale Electric Markets.*[1]

The technical conference will be held from 9 a.m. to 12:30 p.m. (EDT), in the Commission Meeting Room at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. All those that are interested are invited to attend. The conference is free and no registration is necessary. Further notices with detailed information will be issued in advance of this conference.

A free webcast of this event will be available through *http://www.ferc.gov.* Anyone with internet access who desires to listen to this event can do so by navigating *http://www.ferc.gov's* Calendar of Events and locating this event in the calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for free webcasts and offers the option of listening via phone-bridge for a fee. If you have any questions, visit *http://www.CapitolConnection.org* or call 703–993–3100.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an e-mail to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–208–1659 (TTY), or send a FAX to 202–208–2106 with the required accommodations. For more information on this conference, please contact:

Christina Hayes, Office of General Counsel—Energy Markets, Federal Energy Regulatory Commission, (202) 502–6194, *christina.hayes@ferc.gov.*

Scott Miller, Office of Energy Policy & Innovation, Federal Energy Regulatory Commission, (202) 502–8456, *scott.miller@ferc.gov.*

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–9263 Filed 4–21–10; 8:45 am]

BILLING CODE 6717–01–P

[1] *See* 130 FERC ¶ 61,055 (2010). This workshop is being held in accordance with the Commission's Order *Obtaining Guidance on Regulatory Requirements,* 123 FERC ¶ 61,157 (2008).

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9141–2]

NACEPT Subcommittee on Promoting Environmental Stewardship

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Under the Federal Advisory Committee Act, Public Law 92–463, EPA gives notice of a meeting of the NACEPT Subcommittee on Promoting Environmental Stewardship.

The purpose of the Subcommittee on Promoting Environmental Stewardship (SPES) of the National Advisory Council for Environmental Policy and

Technology (NACEPT) is to advise the U.S. Environmental Protection Agency on how to promote environmental stewardship practices that encompass all environmental aspects of an organization in the regulated community and other sectors, as appropriate, in order to enhance human health and environmental protection. A copy of the meeting agenda will be posted at *http://epa.gov/ncei/dialogue.htm.* This Web site also includes the charge of the SPES, which provides further information about the purpose of the Subcommittee.

Meeting agenda will focus on the Subcommittee's potential stewardship-related recommendations for the Agency.

DATES: The NACEPT Subcommittee on Promoting Environmental Stewardship will hold an open meeting on May 5 (8 a.m.–5 p.m.) and May 6 (8 a.m.–4 p.m.) Eastern. Less than 15 calendar days notice is being given due to unanticipated difficulty in obtaining suitable meeting space.

ADDRESSES: George Washington University Law School, Faculty Conference Center, Fifth Floor, Burns Building, 2000 H Street, NW., Washington DC 20052. The meeting is open to the public, with limited seating on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Regina Langton, Designated Federal Officer, *langton.regina@epa.gov*, 202–566–2178, U.S. EPA Office of Policy, Economics, and Innovation (MC1807T), 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Requests to make brief oral comments or provide written statements to the SPES should be sent to Jennifer Peyser at (202) 965–6215 or *jpeyser@RESOLV.org.* All requests must be received no later than April 28, 2010.

Meeting Access: For information on access or services for individuals with disabilities, please contact Jennifer Peyser at *jpeyser@RESOLV.org.* To request accommodation of a disability, please contact Jennifer Peyser at least 10 days prior to the meeting to give EPA as much time as possible to process your request.

Dated: April 16, 2010.

Regina Langton,

Designated Federal Officer.

[FR Doc. 2010–9331 Filed 4–21–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9140–8]

Science Advisory Board Staff Office; Request for Nominations of Experts To Augment the SAB Ecological Processes and Effects Committee (EPEC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office is requesting public nominations of non-EPA experts to augment the SAB Ecological Processes and Effects Committee (EPEC) to review the design, scope, and progress of EPA research to model, monitor, and map ecosystem services.

DATES: Nominations should be submitted by May 13, 2010 per instructions below.

FOR FURTHER INFORMATION: Any member of the public wishing further information regarding this Notice and Request for Nominations may contact Dr. Thomas Armitage, Designated Federal Officer (DFO), SAB Staff Office, by telephone/voice mail at (202) 343–9995; by fax at (202) 233–0643 or via e-mail at *armitage.thomas@epa.gov*. General information concerning the EPA Science Advisory Board can be found on the EPA SAB Web site at *http://www.epa.gov/sab*. Any inquiry regarding EPA's Ecosystem Services Research Program should be directed to Dr. Rick Linthurst of EPA's Office of Research and Development at *linthurst.rick@epa.gov* or (919) 541–4909 or Ms. Iris Goodman of EPA's Office of Research and Development at *Goodman.iris@epa.gov* or 202–343–9854.

SUPPLEMENTARY INFORMATION:

Background

The SAB (42 U.S.C. 4365) is a chartered Federal Advisory Committee that provides independent scientific and technical peer review, advice, consultation, and recommendations to the EPA Administrator on the technical basis for EPA actions. As a Federal Advisory Committee, the SAB conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and related regulations. Generally, SAB meetings are announced in the **Federal Register**, conducted in public view, and provide opportunities for public input during deliberations. The Ecological Processes and Effects Committee is a standing committee of the chartered SAB. Additional information about the SAB and its committees can be obtained on the SAB Web site at *http://www.epa.gov/sab.*

In 2008, the Science Advisory Board (SAB) (*see http://yosemite.epa.gov/sab/sabproduct.nsf/3F81610BFF770E30852574D600718D4F/$File/EPA-SAB-08-011-unsigned.pdf*) reviewed the EPA Office of Research and Development (ORD) draft Ecological Research Program Multi-Year Plan. The draft Plan articulated a new strategic direction for ecological research focused on understanding ecosystem services and their contribution to human health and well-being. In 2009, the SAB provided additional consultative advice and recommendations regarding EPA implementation of the Ecosystem Services Research Program (ESRP) (see *http://yosemite.epa.gov/sab/sabproduct.nsf/91190EEC56A44B3F85257641006BB7D7/$File/EPA-SAB-09-019-unsigned.pdf*).

ORD has requested further SAB review of the design, scope, and progress of ESRP research to model, monitor, and map ecosystem services. EPA's ESRP monitoring, mapping, and modeling research aims to provide a publicly accessible, scalable, national atlas; a design framework to inventory ecosystem services; and integrated models for selected ecosystem services that can be directly or indirectly quantified.

Request for Nominations

To augment expertise on the SAB EPEC, the SAB Staff Office is seeking nominations of recognized experts in ecology, environmental economics, social and behavioral science, geographic information systems, and spatial analysis. In particular, we seek nominees with knowledge of: (1) Indicators of ecosystem services; (2) ecosystem services monitoring design; (3) landscape ecology principles, especially as related to ecosystem service indicators and atlas design; and (4) methods to facilitate the integration and interoperability of models to estimate baseline ecosystem services and their response to stressors, including changes in land use, pollutants, and climate change.

Process and Deadline for Submitting Nominations

Any interested person or organization may nominate individuals qualified in the area of science as described above to be considered for appointment to augment this SAB Committee. Candidates may also nominate themselves. Nominations should be submitted in electronic format (which is preferred over hard copy) following the

instructions for "Nominating Experts to Advisory Panels and Ad Hoc Committees Being Formed" provided on the SAB Web site. The form can be accessed through the "Nomination of Experts" link on the blue navigational bar on the SAB Web site at *http://www.epa.gov/sab*. To receive full consideration, nominations should include all of the information requested, and should be submitted in time to arrive no later than May 13, 2010. EPA values and welcomes diversity. In an effort to obtain nominations of diverse candidates, EPA encourages nominations of women and men of all racial and ethnic groups.

EPA's SAB Staff Office requests contact information about: the person making the nomination; contact information about the nominee; the disciplinary and specific areas of expertise of the nominee; the nominee's curriculum vitae; sources of recent grant and/or contract support; and a biographical sketch of the nominee indicating current position, educational background, research activities, and recent service on other national advisory committees or national professional organizations.

Persons having questions about the nomination procedures, or who are unable to submit nominations through the SAB Web site, should contact Dr. Thomas Armitage, DFO, at the contact information provided above in this notice. Non-electronic submissions must follow the same format and contain the same information as the electronic.

The SAB Staff Office will acknowledge receipt of the nomination and inform nominees of the Committee for which they have been nominated. From the nominees identified by respondents to this **Federal Register** notice (termed the "Widecast") and other sources, the SAB Staff Office will develop a smaller subset (known as the "list of candidates") for more detailed consideration. The list of candidates will be posted on the SAB Web site at *http://www.epa.gov/sab* and will include, for each candidate, the nominee's name and biosketch. Public comments on the list of candidates will be accepted for 21 calendar days. During this comment period, the public will be requested to provide information, analysis, or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates for the Committee.

For the SAB, a balanced Committee is characterized by inclusion of candidates who possess the necessary domains of knowledge, the relevant scientific perspectives (which, among other factors, can be influenced by work history and affiliation) and the collective breadth of experience to adequately address the charge. Public responses to the list of candidates will be considered in the selection of the Committee, along with information provided by candidates and information gathered by SAB Staff independently concerning the background of each candidate (*e.g.,* financial disclosure information and computer searches to evaluate a nominee's prior involvement with the topic under review). Specific criteria to be used in evaluation of an individual Committee member include: (a) Scientific and/or technical expertise, knowledge, and experience (primary factors); (b) absence of financial conflicts of interest; (c) scientific credibility and impartiality; (d) availability and willingness to serve; (e) ability to work constructively and effectively in committees; and (f) for the Committee as a whole, diversity of scientific expertise and viewpoints.

Prospective candidates will be required to fill-out the "Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency" (EPA Form 3110–48). This confidential form allows Government officials to determine whether there is a statutory conflict between that person's public responsibilities (which includes membership on an EPA Federal advisory committee) and private interests and activities, or the appearance of a lack of impartiality, as defined by Federal regulation. Ethics information, including EPA Form 3110–48, is available on the SAB Web site at *http://yosemite.epa.gov/sab/sabproduct.nsf/Web/ethics?OpenDocument*.

Dated: April 15, 2010.

Anthony F. Maciorowski,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2010–9359 Filed 4–21–10; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK OF THE UNITED STATES

Economic Impact Policy

This notice is to inform the public that the Export-Import Bank of the United States has received an application to guarantee approximately $20 million in commercial bank financing for the export of approximately $22 million of U.S. iron ore mining equipment to Ukraine. The U.S. exports will enable the Ukrainian company to produce approximately 10 million metric tons of iron ore pellets per year during the 7-year repayment term of the loan. Available information indicates that this new Ukrainian iron ore production will be consumed in the Ukraine, Europe (Eastern, Western and Central), China, and India. Interested parties may submit comments on this transaction by e-mail to *economic.impact@exim.gov* or by mail to 811 Vermont Avenue, NW., Room 1238, Washington, DC 20571, within 14 days of the date this notice appears in the **Federal Register**.

Jonathan J. Cordone,

Senior Vice President and General Counsel.

[FR Doc. 2010–9289 Filed 4–21–10; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

April 13, 2010.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501 – 3520. Comments are requested concerning: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, and (e) ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before June 21, 2010. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via the Internet at Nicholas_A._Fraser@omb.eop.gov and to the Federal Communications Commission via email to PRA@fcc.gov.

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, (202) 418–0214. For additional information, contact Judith B. Herman, 202–418–0214, Judith–b.herman@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0855.

Title: Telecommunications Reporting Worksheets and Related Collections.

Form Nos.: FCC Forms 499–A and 499–Q.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for–profit and not–for–profit institutions.

Number of Respondents and Responses: 5,800 respondents; 44,574 responses.

Estimated Time Per Response: 15 hours (average).

Frequency of Response: On occasion, one–time, annual and quarterly reporting requirement, recordkeeping requirement and third party disclosure requirement.

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. sections 151, 154(i), 155, 157, 205, 214, 225, 254, and 303(r).

Total Annual Burden: 281,710 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: The Commission will allow respondents to certify that data contained in their submissions are privileged or confidential commercial or financial information and that disclosure of such information would likely cause substantial harm to the competitive position of the entity filing the Worksheet. If the Commission receives a request for or proposes to disclose the information, the respond would be required to make the full showing pursuant to the Commission's rules for withholding from public inspection information submitted to the Commission. See 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission will submit this expiring information collection after this comment period to the Office of Management and Budget (OMB) to obtain the full three year clearance from them. There no change to the reporting, recordkeeping and/or third party disclosure requirements.

The Federal Communications Commission (FCC) requires telecommunications carriers and other providers of telecommunications to contribute to the universal service fund and other funds. Contribution revenue data, as well as other information, are reported by carriers on FCC Form 499–A (annual) and 499–Q (quarterly). Accompanying these forms are instructions on how to report revenue. Although there are no changes to the collection requirements or on the forms, the total hourly burden has been adjusted. The Commission is reporting a 8,581 hourly increase in burden. This is due to updated information from the Universal Service Administrative Company (USAC), the administrator of the universal service fund, based on actual participation in the program.

Specifically, for the FCC Form 499–A, the Commission has increased the number of respondents from 5,625 to 5,800 based on the actual number of contributing entities for fiscal year 2009. For the FCC Form 499–Q, the number of respondents increased from 2,525 to 3,600 based on the actual number of service providers filing FCC Form 499–Q in 2009. Therefore, the total annual burden increased from 273,129 to 281,710 hours. And the frequency of response remained the same for both forms.

The Commission uses the information to evaluate individual contributor's contributions to the universal service mechanisms, pursuant to section 254 of the Communications Act of 1934, as amended.

Federal Communications Commission.

Marlene H. Dortch,

Secretary,

Office of the Secretary,

Office of Managing Director.

[FR Doc. 2010–9255 Filed 4–21–10; 8:45 am]

BILLING CODE 6712–01–S

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review and Approval to the Office of Management and Budget (OMB), Comments Requested

April 13, 2010.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501 – 3520. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) ways to further reduce the information collection burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before May 24, 2010. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via the Internet at Nicholas_A._Fraser@omb.eop.gov and to the Federal Communications Commission via email to PRA@fcc.gov. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page http://reginfo.gov/public/do/PRAMain, (2) look for the section of the Web page called "Currently Under Review", (3)

click on the downward–pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, and (6) when the list of FCC ICRs currently under review appears, look for the title of this ICR (or its OMB Control Number, if there is one) and then click on the ICR Reference Number to view detailed information about this ICR.

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, (202) 418–0214. For additional information or copies of the information collection(s), contact Judith B. Herman, OMD, 202–418–0214, Judith–b.herman@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0856.

Title: Universal Service – Schools and Libraries Universal Service Program Reimbursement Forms.

Form Numbers: FCC Forms 472, 473, and 474.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for–profit, not–for–profit institutions and state, local or tribal government.

Number of Respondents and Responses: 22,200 respondents; 97,100 responses.

Estimated Time per Response: 1 – 1.5 hours.

Frequency of Response: On occasion and annual reporting requirements and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. sections 1, 4(i), 4(j), 201–205, 214, 254, 312(d), 312(f), 403 and 503(b).

Total Annual Burden: 143,150 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: The Commission does not require respondents to submit confidential information to the Commission. If the Commission does request applicants to submit information that the respondent believes is confidential, respondents may request confidential treatment of such information under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission will submit this expiring information collection to the Office of Management and Budget (OMB) during this comment period to obtain the full three year clearance from them. There is no change to the reporting and/or third party disclosure requirements. The Commission is now reporting a 9,500 hour increase in burden which is due to an increase in the number of respondents based on the actual number of participants in the E–rate program. For the FCC Form 473, the Commission reduced the number of respondents to 5,000 based on the actual number of service providers filing FCC Form 473 in the funding year 2008. There were no changes to the form.

FCC Form 472 is the Billed Entity Applicant Reimbursement Form that billed entities may pay the full amount for eligible services directly to the service providers and then, once services have been received, seek reimbursement from USAC to cover the amounts of the discounts for which they have qualified.

FCC Form 473 is the Service Provider Annual Certification Form is used by the service provider to attest that the invoices submitted under the E–rate program will comply with FCC rules governing the E–rate program. Service providers must submit a FCC Form 473 each year to be eligible to submit invoices, and to use their service provider identification number (SPIN).

FCC Form 474 is the Service Provider Invoice Form which is an alternative to paying in full for eligible services for the billed entity to pay only the amounts for eligible services that have been discounted already by the service provider. Under is alternative, once services have been received, service providers seek payment from USAC to cover the amounts of the discounts for which the billed entity has qualified.

Federal Communications Commission.

Marlene H. Dortch,

Secretary,

Office of the Secretary,

Office of Managing Director.

[FR Doc. 2010–9256 Filed 4–21–10; 8:45 am]

BILLING CODE 6712–01–S

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

April 16, 2010.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501 – 3520. Comments are requested concerning: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, and (e) ways to further reduce the information collection burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before June 21, 2010. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via the Internet at Nicholas_A._Fraser@omb.eop.gov and to the Federal Communications Commission via email to PRA@fcc.gov.

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, (202) 418–0214. For additional information, contact Judith B. Herman, OMD, 202–418–0214 or email Judith–b.herman@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0691.

Title: Section 90.665, Authorization, Construction and Implementation of MTA Licenses – 900 MHz Specialized Mobile Radio Service (SMRS).

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for–profit.

Number of Respondents and Responses: 66 respondents; 66 responses.

Estimated Time Per Response: .50 hours (30 minutes).

Frequency of Response: On occasion reporting requirement and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. sections 154(i) and 309(j).

Total Annual Burden: 264 hours.

Total Annual Cost: $40,000.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: The Commission will submit this expiring information collection to the Office of Management and Budget (OMB) after this comment period to obtain the full three year clearance from them. There is no change in the reporting and/or recordkeeping requirements. The Commission has adjusted the total annual burden by 44 hours and $6,000 in annual costs which is due to 11 additional respondents. Therefore, the total annual burden has been recalculated and increased to 264 hours.

Section 90.665 requires each Major Trading Area (MTA) licensee in the 896–901/935–940 MHz bands must, three years from the date of license grant, construct and place into operation a sufficient number of base stations to provide coverage to at least one–third of the population of the MTA. Further, each MTA licensee must provide coverage to at least two–thirds of the population of the MTA five years from the date of license grant. Alternatively, a MTA licensee must demonstrate, through a showing to the Commission five years from the date of license grant, that it is providing substantial service. The MTA licensee must also demonstrate that other substantial service benchmarks will be met.

The information verifying construction requirement will be used by the Commission to determine whether the licensee has met the 900 MHz MTA construction requirements. Information will be submitted on FCC Form 601 (OMB Control No. 3060–0798) electronically.

Federal Communications Commission.

Marlene H. Dortch,

Secretary,

Office of the Secretary,

Office of Managing Director.

[FR Doc. 2010–9257 Filed 4–21–10; 8:45 am]

BILLING CODE 6712–01–S

FEDERAL DEPOSIT INSURANCE CORPORATION

Update to Notice of Financial Institutions for Which the Federal Deposit Insurance Corporation Has Been Appointed Either Receiver, Liquidator, or Manager

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Update Listing of Financial Institutions in Liquidation.

SUMMARY: Notice is hereby given that the Federal Deposit Insurance Corporation (Corporation) has been appointed the sole receiver for the following financial institutions effective as of the Date Closed as indicated in the listing. This list (as updated from time to time in the **Federal Register**) may be relied upon as "of record" notice that the Corporation has been appointed receiver for purposes of the statement of policy published in the July 2, 1992 issue of the **Federal Register** (57 FR 29491). For further information concerning the identification of any institutions which have been placed in liquidation, please visit the Corporation Web site at *http://www.fdic.gov/bank/individual/failed/banklist.html* or contact the Manager of Receivership Oversight in the appropriate service center.

Dated: March 22, 2010.

Federal Deposit Insurance Corporation.

Valerie Best,

Assistant Executive Secretary.

INSTITUTIONS IN LIQUIDATION

[In alphabetical order]

FDIC Ref. No.	Bank name	City	State	Date closed
10200	Advanta Bank Corp.	Draper	UT	3/19/2010
10201	American National Bank	Parma	OH	3/19/2010
10199	Appalachian Community Bank	Ellijay	GA	3/19/2010
10202	Bank of Hiawassee	Hiawassee	GA	3/19/2010
10198	Century Security Bank	Duluth	GA	3/19/2010
10204	First Lowndes Bank	Fort Deposit	AL	3/19/2010
10203	State Bank of Aurora	Aurora	MN	3/19/2010

[FR Doc. 2010–9317 Filed 4–21–10; 8:45 am]

BILLING CODE P

FEDERAL DEPOSIT INSURANCE CORPORATION

Update to Notice of Financial Institutions for Which the Federal Deposit Insurance Corporation Has Been Appointed Either Receiver, Liquidator, or Manager

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Update Listing of Financial Institutions in Liquidation.

SUMMARY: Notice is hereby given that the Federal Deposit Insurance Corporation (Corporation) has been appointed the sole receiver for the following financial institutions effective as of the Date Closed as indicated in the listing. This list (as updated from time to time in the **Federal Register**) may be relied upon as "of record" notice that the Corporation has been appointed receiver for purposes of the statement of policy published in the July 2, 1992 issue of the **Federal Register** (57 FR 29491). For further information concerning the identification of any institutions which have been placed in liquidation, please visit the Corporation Web site at *http://www.fdic.gov/bank/individual/failed/banklist.html* or contact the Manager of Receivership Oversight in the appropriate service center.

Dated: March 29, 2010.

Federal Deposit Insurance Corporation.

Valerie E. Best,

Assistant Executive Secretary.

INSTITUTIONS IN LIQUIDATION

[In alphabetical order]

FDIC Ref. No.	Bank name	City	State	Date closed
10205	Desert Hills Bank	Phoenix	AZ	3/26/2010.
10206	Key West Bank	Key West	FL	3/26/2010.
10207	McIntosh Commercial Bank	Carrollton	GA	3/26/2010.
10208	Unity National Bank	Cartersville	GA	3/26/2010.

[FR Doc. 2010–9268 Filed 4–21–10; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 7, 2010.

A. Federal Reserve Bank of San Francisco (Kenneth Binning, Vice President, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. The Bagge Family Trust (Claire & John Bagge, Trustees), Sunland, California; to acquire 10 percent or more of the voting shares of Mission Valley Bancorp, and thereby indirectly acquire voting shares of Mission Valley Bank, both of Sunland, California.

Board of Governors of the Federal Reserve System, April 19, 2010.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2010–9307 Filed 4–21–10; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 2010-8950) published on page 20364 of the issue for Monday, April 19, 2010.

Under the Federal Reserve Bank of Dallas heading, the entry for Hometown Community Bancorp, Inc. Employee Stock Ownership Plan & Trust, and Hometown Community Bancorp, Inc., both in Morton, Illinois, is revised to read as follows:

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Hometown Community Bancorp, Inc. Employee Stock Ownership Plan & Trust, and Hometown Community Bancorp, Inc., both in Morton, Illinois; to merge with TSB Financial, Inc., and thereby indirectly acquire Tremont Savings Bank, both in Tremont, Illinois.

Comments on this application must be received by May 14, 2010.

Board of Governors of the Federal Reserve System, April 19, 2010.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2010–9306 Filed 4–21–10; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for a license as a Non-Vessel-Operating Common Carrier (NVO) and/or Ocean Freight Forwarder (OFF)—Ocean Transportation Intermediary (OTI) pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. Chapter 409 and 46 CFR 515). Notice is also hereby given of the filing of applications to amend an existing OTI license or the Qualifying Individual (QI) for a license.

Interested persons may contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

A.W.L.I. Group, Inc. dba Amber Worldwide Logistics (OFF & NVO), 147–60 175th Street, Jamaica, NY 11434. *Officers:* Elaine Rosendorf, President, (Qualifying Individual). Keith Milliner, Vice President, *Application Type:* Add NVO Service.

Air Parcel Express, Inc. (OFF & NVO), 2315 NW 107th, 1M–28, Doral, FL 33172. *Officers:* Virginie M. Guerra-Mondragon, Secretary/Treasurer, (Qualifying Individual). Andres R. Guerra-Mondragon, CEO, *Application Type:* QI Change.

Air Sea Logistics Inc. (OFF), 2801 NW 74th Avenue, Suite 106, Miami, FL 33122. *Officers:* Gus Mojica, President/Secretary, (Qualifying Individual). Argelio Sarabia, Vice President, *Application Type:* New OFF License.

Continental Logistics, LLC dba Sur Logistics (OFF), 1322 E. Pacific Coast Highway, Suite B, Wilmington, CA 90744. *Officers:* Ernie R. Zavaleta, Vice President, (Qualifying Individual). Oscar E. Sorto, President, *Application Type:* New OFF License.

Dyna (USA) Inc. (NVO), 2415 S. Sequoia Drive, Suite B, Compton, CA 90220. *Officers:* Amy Yang, Secretary/Vice President, (Qualifying Individual). Michelle Yang, President/Treasurer, *Application Type:* New NVO License.

Freight Options Unlimited (NVO), 14247 E. Don Julian Road, City of Industry, CA 91746. *Officers:* Alejandro R. Sahagun, President/Treasurer, (Qualifying Individual). Rodrigo B. Casas, Secretary, *Application Type:* QI Change.

HTNS America, Inc. dba UKO Logis, Inc. (OFF & NVO), 879 E. 190th Street, #290, Gardena, CA 90248. *Officers:* SE M. Chun, CFO. (Qualifying Individual). Won S. Jang, President/CEO/Secretary, *Application Type:* QI Change.

Intertrade Systems Inc. (OFF & NVO), 2030 NW 95th Avenue, Miami, FL 33172. *Officer:* Raul O. Barbosa, President, (Qualifying Individual). *Application Type:* License Transfer.

Leverex International Inc (NVO), 15 Corporate Place South, #407, Piscataway, NJ 08854. *Officer:* Yining

Hu, President/Secretary/Treasurer, (Qualifying Individual). *Application Type:* New NVO License.

Midas International Investments LLC dba Midas Express Shipping and Freight (OFF & NVO), 14300 Cherry Lane Ct., Suite 103, Laurel, MD 20707. *Officers:* Nurudeen A. Oreagba, President, (Qualifying Individual). Adepero A. Oreagba, Vice President, *Application Type:* New OFF & NVO License.

Muches Global Industries Inc. (OFF & NVO), 10535 Rockley Road, #104, Houston, TX 77099. *Officers:* Asinobi O. Amadi, President, (Qualifying Individual). Queen E. Amadi, Vice President, *Application Type:* New OFF & NVO License.

Panda Logistics (NY), Inc. (NVO), 179–02 150th Avenue, Jamaica, NY 11434. *Officers:* Tat W. Cho, Secretary, (Qualifying Individual). Cooper Chao, President, *Application Type:* New NVO License.

Paxton Van Lines, Incorporated dba Meridian Container Lines (OFF), 5300 Port Royal Road, Springfield, VA 22151. *Officer:* Fred D. Paxton, President, (Qualifying Individual). *Application Type:* Trade Name Change.

SCM Solutions Corp. (OFF), 32938 Tamina Road, Suite 100, Magnolia, TN 77354. *Officers:* Thomas C. Gaze, President, Qualifying Individual). Lori L. Gaze, Secretary/Treasurer, *Application Type:* New OFF Service.

Sentry Cargo International, Inc. (OFF), 8322 NW 68th Street, Miami, FL 33166. *Officer:* Eduardo del Pozo, President/Secretary, (Qualifying Individual). *Application Type:* New OFF License.

Total Commerce Corp. dba Pentabox (OFF & NVO), 3410 NW 73rd Avenue, Miami, FL 33122. *Officers:* Carmen G. Mayer, President/Secretary/Treasurer, (Qualifying Individual). Douglas R. Mayer, Stockholder, *Application Type:* New OFF & NVO License.

Transglad, Inc. (OFF & NVO), 525 Neptune Avenue, #20G, Brooklyn, NY 11224. *Officers:* LaVonne V. Granados, Vice President, (Qualifying Individual). Robert Kogut, President, *Application Type:* (New OFF & NVO License).

VDM International Shipping, Inc. (NVO), 31 Airport Blvd., #F, South San Francisco, CA 94080. *Officers:* Victoria Andreychikova, CEO/President/Director, (Qualifying Individual). Maria Polishchuk, VP/CFO/Secretary/Director, *Application Type:* New NVO License.

Viva Logistics Inc. (OFF & NVO), 347 Fifth Avenue, Suite 910, New York, NY 10016. *Officers:* Shao F. Lai, Vice President, (Qualifying Individual). Wheiyu Wang, President, *Application Type:* New OFF & NVO License.

Winfar Int'l, Inc. (NVO), 20616 Drexel Drive, Walnut, CA 91789. *Officer:* Haixia aka Helen Li, CEO/Secretary/CFO, (Qualifying Individual). *Application Type:* New NVO License.

Wingar Logistics Inc. (NVO), 9690 Telstar Avenue, #207, El Monte, CA 91731. *Officers:* Kit (aka Mandy) F. Lai, Secretary, (Qualifying Officer). Chun Y. Lau, President/CEO, *Application Type:* New NVO License.

Woodbridge Global Logistics LLC, 3005 A–150 Pasadena Freeway, Pasadena, TX 77053. *Officers:* Delores M. Flores, Vice President Maritime Services, (Qualifying Individual). George T. Cook, President/Treasurer, *Application Type:* New OFF License.

Dated: April 16, 2010.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2010–9226 Filed 4–21–10; 8:45 am]

BILLING CODE P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Reissuance

Notice is hereby given that the following Ocean Transportation Intermediary licenses have been reissued by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. Chapter 409) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR Part 515.

License No.	Name/address	Date reissued
004379F	U.S.G.A. Logistic, Inc., 16206 Aldine Westfield Road Houston, TX 77032	March 15, 2010.
004553F	Marianas Steamship Agencies, Inc. dba MSA Logistics, Commercial Port Annex, 2nd Floor, 1010 Cabras Highway Piti, Guam 96915.	March 4, 2010.
018413NF	Chicago Int'l Forwarder Incorporated, 423 East Irving Park Road, Wood Dale, IL 60191	February 11, 2010.
019908NF	International Trade Management Group, LLC dba Patriot Lines, dba ITM Logistics, 611 Live Oak Drive, McLean, VA 22101.	February 21, 2010.

Sandra L. Kusumoto,

Director, Bureau of Certification and Licensing.

[FR Doc. 2010–9224 Filed 4–21–10; 8:45 am]

BILLING CODE P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Revocation

The Federal Maritime Commission hereby gives notice that the following Ocean Transportation Intermediary licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. Chapter 409) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR Part 515, effective on the corresponding date shown below:

License Number: 0242F.
Name: H. S. Renshaw Incorporated.
Address: 2121 N. Causeway Blvd., Suite 250, Metairie, LA 70001.
Date Revoked: March 3, 2010.
Reason: Failed to maintain a valid bond.

License Number: 1645F.
Name: Intermare Agency Services, Inc.
Address: 100 Alpha Drive, Suite 118, Destrehan, LA 70047.
Date Revoked: March 4, 2010.
Reason: Failed to maintain a valid bond.

License Number: 1804NF
Name: GAR International, Inc.
Address: 140 Main Street, El Segundo, CA 90245.
Date Revoked: March 9, 2010.
Reason: Surrendered license voluntarily.

License Number: 3302F.
Name: Chol In Kim dba Unimax International Company.
Address: 16901 South Keegan Avenue, Carson, CA 90746.
Date Revoked: March 3, 2010.
Reason: Failed to maintain a valid bond.

License Number: 4379N.
Name: U.S.G.A. Logistic, Inc.
Address: 16206 Aldine Westfield Road, Houston, TX 77032.
Date Revoked: March 15, 2010.
Reason: Surrendered license voluntarily.

License Number: 4648N.
Name: Mega Express, Inc.
Address: 6481 Orangethorpe Avenue, Suite 21, Buena Park, CA 90620.
Date Revoked: March 12, 2010.
Reason: Failed to maintain a valid bond.

License Number: 9800N.
Name: Unimax Express, Inc.
Address: 16901 South Keegan Avenue, Carson, Ca *90746.*
Date Revoked: March 30, 2010.
Reason: Failed to maintain a valid bond.

License Number: 11296N.
Name: Master Air Cargo, Inc.
Address: 8344 NW 30th Terrace, Miami, FL 33122.
Date Revoked: March 26, 2010.
Reason: Failed to maintain a valid bond.

License Number: 15581N.
Name: C & H Freight (USA), LLC dba Pacwest.
Address: 20437 South Western Avenue, Torrance, CA 90501.
Date Revoked: March 11, 2010.
Reason: Failed to maintain a valid bond.

License Number: 16611N.
Name: ENC New York Inc.
Address: 182–16 147th Street, Jamaica, NY 11413.
Date Revoked: March 12, 2010.
Reason: Failed to maintain a valid bond.

License Number: 016706N.
Name: Inter-trade Liner Shipping Co., Inc.
Address: 2111 West Cresent Avenue, Suite E, Anaheim, CA 92801.
Date Revoked: March 12, 2010.
Reason: Failed to maintain a valid bond.

License Number: 016914NF.
Name: Air Sea Cargo Network, Inc.
Address: 3480 Diablo Avenue, Hayward, CA 94545.
Date Revoked: March 12, 2010.
Reason: Failed to maintain valid bonds.

License Number: 017970N.
Name: Diarama Export, Inc.
Address: 2754 NW North River Drive, Suite 6, Miami, FL 33142.
Date Revoked: March 18, 2010.
Reason: Failed to maintain a valid bond.

License Number: 019032N.
Name: Fil-Am Cargo Corporation.
Address: 8340 Van Nuys Blvd., Unit L, Panorama, CA 91402.
Date Revoked: March 12, 2010.
Reason: Failed to maintain a valid bond.

License Number: 020347NF.
Name: Summit of Washington LLC.
Address: 8033 W. 224th Street, Bldg. F, Kent, WA 98032.
Date Revoked: March 12, 2010.
Reason: Failed to maintain valid bonds.

License Number: 020623N.
Name: Carie Freight, Inc.
Address: 1990 North Rosemead Blvd., Suite 201, South El Monte, CA 91733.
Date Revoked: January 31, 2010.
Reason: Surrendered license voluntarily.

License Number: 020764N.
Name: Get One Later, Inc. dba Omega Shipping West.
Address: 4379 Sheila Street, Los Angeles, CA 90023.
Date Revoked: October 4, 2010.
Reason: Failed to maintain a valid bond.

License Number: 020770NF.
Name: Four Point USA Inc.
Address: 6307 NW 99th Avenue, Doral, FL 33178.
Date Revoked: March 18, 2010.
Reason: Surrendered license voluntarily.

License Number: 020782NF.
Name: Euroworld Transport System America, Inc.
Address: 350 S. Northwest Highway, Suite 300, Park Ridge, IL 60068.
Date Revoked: March 23, 2010.
Reason: Surrendered license voluntarily.

License Number: 020849N.
Name: Master Freight America, Corp.
Address: 2025 NW 102nd Avenue, Unit 111, Miami, FL 33172.
Date Revoked: March 11, 2010.
Reason: Failed to maintain a valid bond.

License Number: 021258NF.
Name: Aero Logistics, LLC.
Address: 345 Swift Avenue, South San Francisco, CA 94080.
Date Revoked: March 1, 2010.
Reason: Surrendered license voluntarily.

License Number: 021270N.
Name: CT Telecom, Inc. dba JK Logis.
Address: 154–09 146th Avenue, 3rd Floor, Unit A, Jamaica, NY 11434.
Date Revoked: March 2, 2010.
Reason: Surrendered license voluntarily.

License Number: 021387N.
Name: Gaius Logistics Services LLC.
Address: 501 Penhorn Avenue, Unit 1, Secaucus, NJ 07094.
Date Revoked: March 14, 2010.
Reason: Failed to maintain a valid bond.

License Number: 021491F.
Name: Virginia A. Wodock dba I.F.S. of Indiana.
Address: 823 South Round Barn Road, Suite 2, Richmond, IN 47374.
Date Revoked: March 14, 2010.
Reason: Failed to maintain a valid bond.

License Number: 021896N.
Name: Logistic Freight Forwarders Group, Inc.
Address: 7232 NW 56th Street, Miami, FL 33166.
Date Revoked: March 25, 2010.
Reason: Failed to maintain a valid bond.

Sandra L. Kusumoto,
Director, Bureau of Certification and Licensing.

[FR Doc. 2010–9231 Filed 4–21–10; 8:45 am]
BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; Survey of Health Care Professionals' Awareness and Perceptions of the National Cancer Institute's Intramural Clinical Trials (NCI)

SUMMARY: In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Cancer Institute (NCI), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection: Title: The Survey of Health Care Professionals' Awareness and Perceptions of the National Cancer Institute's Intramural Clinical Trials (NCI) *Type of Information Collection Request:* New. *Need and Use of Information Collection:* To assess respondents' awareness and knowledge of NCI and measure awareness of NCI clinical trials at the NIH Clinical Center in Bethesda, Md. The survey will be disseminated electronically to members of the American Medical Association (AMA) with a certain primary specialties.

Frequency of Response: Yearly. *Affected Public:* Individual adults. *Type of Respondents:* Health care providers (AMA members who have allowed the use of their e-mail address).

The annual reporting burden is estimated at 28 hours (*see* Table below).

A.12–1—ESTIMATES OF ANNUAL BURDEN HOURS

Type of respondents	Number of respondents	Frequency of response	Average Time per response (minutes/hour)	Annual burden hours
Health care professionals who complete the survey	330	1	5/60 (0.083)	27.5
Totals	330	330		27.5

There are no Capital Costs, Operating Costs, and/or Maintenance Costs to report.

Request for Comments: Written comments and/or suggestions from the public and affected agencies should address one or more of the following points: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Susan McMullen, RN, Director, Office of Patient Outreach and Recruitment, Center for Cancer Research, NCI, Bloch Building 82, Room 101, MSC 8200, 9030 Old Georgetown Road, Bethesda, Maryland 20892 or by e-mailing your request, including your address to: *mcmulles@mail.nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Dated: April 15, 2010.

Vivian Horovitch-Kelley,

NCI Project Clearance Liaison, National Institutes of Health.

[FR Doc. 2010–9259 Filed 4–21–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2002–D–0094] (formerly Docket No. 02D–0049)

Draft Guidance for the Public, Food and Drug Administration Advisory Committee Members, and Food and Drug Administration Staff: Public Availability of Advisory Committee Members' Financial Interest Information and Waivers; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for the public, FDA advisory committee members, and FDA staff entitled "Guidance for the Public, FDA Advisory Committee Members, and FDA Staff: Public Availability of Advisory Committee Members' Financial Interest Information and Waivers." This draft guidance is intended to help the public, FDA advisory committee members, and FDA staff to understand and implement FDA procedures regarding public availability of information regarding certain financial interests and waivers granted by FDA to permit individuals to participate in an advisory committee meeting. The draft guidance would provide even greater transparency to FDA's advisory committee process than current guidance. The draft guidance announced in this notice, when finalized, would replace guidance of the same title dated August 2008.

DATES: Although you may comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit written or electronic comments on the draft guidance by June 21, 2010.

ADDRESSES: Submit written requests for single copies of the guidance to Office of Special Medical Programs, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, rm. 5103, Silver Spring, MD 20993. Send one self-addressed adhesive label to assist that office in processing your requests. Submit phone requests to 800–835–4709 or 301–827–1800. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit written comments on the draft guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Michael Ortwerth, Office of Special Medical Programs, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, rm. 5103, Silver Spring, MD 20993, 301–796–8220.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance entitled "Guidance for the Public, FDA Advisory Committee Members, and FDA Staff: Public Availability of Advisory Committee Members' Financial Interest Information and Waivers." FDA's advisory committees provide independent and expert advice on scientific, technical, and policy matters related to the development and evaluation of products regulated by FDA. FDA implements a rigorous process for soliciting and vetting candidates for advisory committee meetings to minimize any potential for financial conflicts of interest. The agency is authorized by statute to grant waivers to allow individuals with potentially conflicting financial interests to participate in meetings where we conclude, after close scrutiny, that certain criteria are met. (See 18 U.S.C. 208(b)(1) and (b)(3), section 712(c)(2)(B) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 379d-1) (added by the Food and Drug Administration Amendments Act of 2007, Public Law No. 110–85), and section 701 (21 U.S.C. 371) (effective October 1, 2007)).

In January 2002, FDA issued the "Draft Guidance on Disclosure of Conflicts of Interest for Special

Government Employees Participating in FDA Product Specific Advisory Committees," and requested comments on the draft guidance (formerly Docket No. 02D–0049 now Docket No. FDA–2002–D–0094). The draft guidance was limited in application to special government employees (SGEs) participating in advisory committee meetings at which particular matters relating to particular products were discussed.

In August 2008, after an internal assessment of FDA's advisory committee process and based on the comments submitted to the docket for the January 2002 draft guidance and a revised draft guidance published for public comment in October 2007, the agency issued guidance that expanded public availability of relevant information, brought additional transparency to FDA's waiver process, and increased the consistency and clarity of the process (*www.fda.gov/downloads/RegulatoryInformation/Guidances/ucm125647.pdf)*.

FDA is now making available for public comment revisions to the August 2008 guidance that provide even greater transparency. The agency has tentatively concluded that it is appropriate to request that individuals receiving a waiver of conflict of interest to participate in an FDA advisory committee meeting disclose the name of the company or institution when identifying the "nature" of the disqualifying financial interest.

In determining how much information to publicly disclose, FDA needs to provide enough detail so the public can understand the nature of the potential conflict and FDA's decisionmaking regarding participation, while not disclosing so much detail that the agency would be unable to attract essential expertise to its advisory committees. Under the August 2008 guidance, the nature of the financial interest was identified only as sponsor, competitor, or other affected firm. This approach was informed, in part, by a survey in 2001 of active advisory committee members that asked whether members would decline to participate based on varying levels of disclosure.

FDA is now proposing to disclose more detail than it did under its August 2008 guidance. Specifically, the agency proposes to disclose the name of the company or institution associated with the financial interest. New information indicates that this additional detail would not be a deterrent to current and potential advisory committee members. For example, the agency notes that academic institutions, peer-reviewed journals, and scientific symposia, among other entities/venues, have in recent years developed more rigorous policies for disclosure of potential conflicts of interest with the work that is being presented or discussed. (See "Conflict of Interest in Medical Research, Education, and Practice, Committee on Conflict of Interest in Medical Research, Education, and Practice, Board on Health Sciences Policy," Institute of Medicine of the National Academies (see p. 62 at *http://books.nap.edu/openbook.php?record_id=12598*). While policies differ among organizations, many provide for disclosure of the name of the company or entity constituting the potential conflict of interest. (See "Uniform Format for Disclosure of Competing Interests in ICMJE Journals" that describes a disclosure policy and format that includes identification of the entity that is the source of the financial interest; adopted by all International Committee of Medical Journal Editors (ICMJE) journals (accessed at *http://content.nejm.org/cgi/content/full/361/19/1896*)). In addition, FDA informally polled several active advisory committee members. While not a representative sample, the survey indicated that disclosing the names of companies would not adversely affect FDA's ability to attract and retain expert advisors. Accordingly, we have tentatively concluded that the public now expects this level of detail to help them understand the nature of a potential conflict and that individuals would accept this level of detail as a routine part of required disclosures.

To help us in issuing a final guidance, FDA is requesting comments on whether disclosing the name of the company or institution associated with the financial interest would: (1) Increase the transparency of FDA's decisions regarding advisory committee member participation and (2) not significantly deter current and potential advisory committee members from service on those committees.

The draft guidance also includes a template for disclosing to the public the financial interests for which waivers are granted and a template for disclosing to the public all waivers that FDA grants. The draft guidance further describes FDA's process for making these documents available on its Web site in advance of each advisory committee meeting.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the agency's current thinking on public availability of information regarding advisory committee members' financial interests and waivers granted by FDA to permit participation in advisory committee meetings. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

II. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/RegulatoryInformation/Guidances/ucm122045.htm* or *http://www.regulations.gov*.

Dated: April 19, 2010.

David Dorsey,

Acting Deputy Commissioner for Policy, Planning and Budget.

[FR Doc. 2010–9313 Filed 4–21–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Health Center Program

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of Noncompetitive Replacement Awards to Cornerstone Care, Inc.

SUMMARY: The Health Resources and Services Administration (HRSA) will be transferring Health Center Program (section 330 of the Public Health Service Act) New Access Point (NAP), Increased Demand for Service (IDS), and Capital Improvement Program (CIP) funds originally awarded to Community Medical Services to Cornerstone Care, Inc. to ensure the provision of critical primary health care services to underserved populations in Fayette County, Pennsylvania.

SUPPLEMENTARY INFORMATION:

Former Grantee of Record: Community Medical Services.

Original Period of Grant Support: March 1, 2009 to February 28, 2011 (NAP); March 27, 2009 to March 26, 2011 (IDS); and June 29, 2009 to June 28, 2011 (CIP).

Replacement Awardee: Cornerstone Care, Inc.

Amount of Replacement Awards: $391,306 (NAP), $101,000 (IDS) and $250,000 (CIP).

Period of Replacement Awards: The period of support for the replacement awards is March 1, 2009 to February 28, 2011 (NAP); March 27, 2009 to March 26, 2011 (IDS); and June 29, 2009 to June 28, 2011 (CIP).

Authority: Section 330 of the Public Health Service Act, 42 U.S.C. 245b.

CFDA Number: 93.703.

Justification for the Exception to Competition:

The former grantee, Community Medical Services (CMS), Inc., is unable to meet several Health Center Program statutory and regulatory requirements. CMS notified HRSA that it was unable to carry out the administrative and programmatic requirements to appropriately manage the grant funds and indicated that it would be relinquishing the grant funds. CMS's inability to meet these requirements has restricted it from providing necessary primary health care services in Fayette County, Pennsylvania, to the more than 10,500 low income, underserved and uninsured individuals in the service area, as had been proposed in their approved New Access Point grant application.

Cornerstone Care Inc. (CCI) is an experienced provider of care and is currently providing primary health care services under a contractual agreement with CMS to the original target population, has a demonstrated record of compliance with the Health Center Program statutory and regulatory requirements and is located in the same geographical area.

This underserved target population has an immediate need for vital primary health care services and would be negatively impacted by any delay or disruption of services caused by a competition. As a result, in order to ensure that critical primary health care services remain available to the original target population without disruption, this replacement award will not be competed.

FOR FURTHER INFORMATION CONTACT: Marquita Cullom-Stott via e-mail at *MCullom-Stott@hrsa.gov* or 301–594–4300.

Dated: April 16, 2010.

Marcia K. Brand,

Deputy Administrator.

[FR Doc. 2010–9308 Filed 4–21–10; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice of Meeting: Secretary's Advisory Committee on Genetics, Health, and Society

Pursuant to Public Law 92–463, notice is hereby given of the twenty-second meeting of the Secretary's Advisory Committee on Genetics, Health, and Society (SACGHS), U.S. Public Health Service. The meeting will be held from 8:30 a.m. to approximately 5:30 p.m. on Tuesday, June 15, 2010, and from 8 a.m. to approximately 2:45 p.m. on Wednesday, June 16, 2010, at the Washington Plaza Hotel, 10 Thomas Circle, NW., Washington, DC 20005. The meeting will be open to the public with attendance limited to space available. The meeting will also be Web cast.

The main agenda item will be an exploratory session on the implications of affordable whole-genome sequencing. The meeting will also include updates and discussions on other issues SACGHS has been addressing, including the work of the Secretary's Advisory Committee on Heritable Disorders in Newborns and Children related to the retention and use of dried blood spot specimens from newborn screening.

As always, the Committee welcomes hearing from anyone wishing to provide public comment on any issue related to genetics, health and society. Please note that because SACGHS operates under the provisions of the Federal Advisory Committee Act, all public comments will be made available to the public. Individuals who would like to provide public comment should notify the SACGHS Executive Secretary, Ms. Sarah Carr, by telephone at 301–496–9838 or e-mail at *carrs@od.nih.gov.* The SACGHS office is located at 6705 Rockledge Drive, Suite 750, Bethesda, MD 20892. Anyone planning to attend the meeting who needs special assistance, such as sign language interpretation or other reasonable accommodations, is also asked to contact the Executive Secretary.

Under authority of 42 U.S.C. 217a, section 222 of the Public Health Service Act, as amended, the Department of Health and Human Services established SACGHS to serve as a public forum for deliberations on the broad range of human health and societal issues raised by the development and use of genetic and genomic technologies and, as warranted, to provide advice on these issues. The draft meeting agenda and other information about SACGHS, including information about access to the Web cast, will be available at the following Web site: *http://oba.od.nih.gov/SACGHS/sacghs_meetings.html.*

Dated: April 16, 2010.

Jennifer Spaeth,

Director, NIH Office of Federal Advisory Committee Policy.

[FR Doc. 2010–9311 Filed 4–21–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Drug Discovery, Chemoprevention and Targeted Therapy.

Date: May 25–27, 2010.

Time: 8 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Peter J. Wirth, PhD, Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 6116 Executive Boulevard, Room 8129, Bethesda, MD 20892–8328. 301–496–7565.*pw2q@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel, Innovative and Early Stage Development of Emerging Technologies in Biospecimen Science.

Date: June 14, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Donald L. Coppock, PhD, Scientific Review Officer, Special Review and Logistic Branch, Division of Extramural Activities, NCI, National Institutes of Health, 6116 Executive Blvd., Rm 7151, Bethesda, MD 20892. 301–451–9385. *donald.coppock@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel, SPORE in Lymphoma and Breast Cancer.

Date: June 15–16, 2010.

Time: 5 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Shamala K. Srinivas, PhD, Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 8123, Bethesda, MD 20892. 301–594–1224. *ss537t@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: April 16, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–9312 Filed 4–21–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Toxicology Program (NTP); Office of Liaison, Policy and Review Meeting of the NTP Board of Scientific Counselors

AGENCY: National Institute of Environmental Health Sciences (NIEHS), National Institutes of Health.

ACTION: Meeting announcement and request for comments.

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given of a meeting of the NTP Board of Scientific Counselors (BSC). The BSC is a federally chartered, external advisory group composed of scientists from the public and private sectors that provides primary scientific oversight to the NTP Director and evaluates the scientific merit of the NTP's intramural and collaborative programs.

DATES: The BSC meeting will be held on June 21–22, 2010. The deadline for submission of written comments is June 7, 2010, and for pre-registration to attend the meeting, including registering to present oral comments, is June 14, 2010. Persons needing interpreting services in order to attend should contact 301–402–8180 (voice) or 301–435–1908 (TTY). For other accommodations while on the NIEHS campus, contact 919–541–2475 or e-mail *niehsoeeo@niehs.nih.gov.* Requests should be made at least 7 business days in advance of the event.

ADDRESSES: The BSC meeting will be held in the Rodbell Auditorium, Rall Building at the NIEHS, 111 T.W. Alexander Drive, Research Triangle Park, NC 27709. Public comments on all agenda topics and any other correspondence should be submitted to Dr. Lori White, Designated Federal Officer for the BSC, NTP Office of Liaison, Policy and Review, NIEHS, P.O. Box 12233, K2–03, Research Triangle Park, NC 27709; telephone: 919–541–9834; fax: 919–541–0295; *whiteld@niehs.nih.gov.* Courier address: NIEHS, 530 Davis Drive, Room K2136, Morrisville, NC 27560.

FOR FURTHER INFORMATION CONTACT: Dr. Lori D. White (telephone: 919–541–9834 or *whiteld@niehs.nih.gov*).

SUPPLEMENTARY INFORMATION:

Preliminary Agenda Topics and Availability of Meeting Materials

- Report of the NIEHS/NTP Director.
- Report of the NTP Associate Director.
- Center for the Evaluation of Risks to Human Reproduction (CERHR) Proposed Evaluation Concept: Cancer Chemotherapy During Pregnancy.
- Peer Review of Draft Substance Profiles for the 12th Report on Carcinogens (RoC): glass wool fibers, cobalt-tungsten carbide: powders and hard metals, and formaldehyde.
- NTP Testing Program Nomination and Proposed Research Project: Hydroxyurea.

The preliminary agenda, roster of BSC members, background materials, public comments, and any additional information, when available, will be posted on the BSC meeting Web site (*http://ntp.niehs.nih.gov/go/165*) or may be requested in hardcopy from the Designated Federal Officer for the BSC (*see* **ADDRESSES** above). Updates to the preliminary agenda will also be posted to this site. The draft substance profiles will be available by close of business, April 21, 2010, on the NTP BSC meeting Web site. The draft research concepts for the CERHR evaluation and the NTP Testing Program nomination will be available on the BSC meeting page (*http://ntp.niehs.nih.gov/go/165*) by May 10, 2010.

Following the meeting, summary minutes will be prepared and made available on the BSC meeting Web site.

Attendance and Registration

The meeting is scheduled for June 21–22, 2010, beginning at 8:30 a.m. (Eastern Daylight Time) and continuing to approximately 5:30 p.m. on June 21 and until adjournment on June 22. This meeting is open to the public with attendance limited only by the space available. Individuals who plan to attend are encouraged to register online at the BSC meeting Web site (*http://ntp.niehs.nih.gov/go/165*) by June 14, 2010, to facilitate planning for the meeting. Registered attendees are encouraged to access the meeting website to stay abreast of the most current information regarding the meeting. The NTP is making plans to videocast the meeting through the Internet at *http://www.niehs.nih.gov/news/video/live.*

Request for Comments

Written comments submitted in response to this notice should be received by June 7, 2010. Comments will be posted on the BSC meeting Web site and persons submitting them will be identified by their name and affiliation and/or sponsoring organization, if applicable. Persons submitting written comments should include their name, affiliation (if applicable), phone, e-mail, and sponsoring organization (if any) with the document.

Time will be allotted during the meeting for the public to present oral comments to the BSC on the agenda topics. In addition to in-person oral comments at the meeting at the NIEHS, public comments can be presented by teleconference line. There will be 50 lines for this call; availability will be on a first-come, first-served basis. The available lines will be open from 8 a.m. until 5:30 p.m. on June 21, and 8 a.m. until adjournment on June 22, although public comments will be received only during the formal public comment periods, which will be indicated on the preliminary agenda. Each organization is allowed one time slot per agenda topic. At least 7 minutes will be allotted to each speaker, and if time permits, may be extended to 10 minutes at the discretion of the BSC chair. Persons wishing to present oral comments are encouraged to pre-register on the NTP meeting Web site and indicate whether they will present comments in-person or via the teleconference line. The access number for the teleconference line will be provided to registrants by email prior to the meeting. Registration for oral

comments will also be available on June 21 and June 22, although time allowed for presentation by these registrants may be less than that for pre-registered speakers and will be determined by the number of persons who register at the meeting.

Persons registering to make oral comments are asked to send a copy of their statement to the Designated Federal Officer for the BSC (*see* **ADDRESSES** above) by June 14, 2010, to enable review by the BSC prior to the meeting. Written statements can supplement and may expand the oral presentation. If registering on-site and reading from written text, please bring 40 copies of the statement for distribution to the BSC and NTP staff and to supplement the record. Registered speakers using PowerPoint slides with their oral comments should send them to the Designated Federal Officer (*see* **ADDRESSES**) by June 14, 2010.

Background Information on CERHR

The NTP established CERHR in 1998 [63 FR 68782]. CERHR is a publicly accessible resource for information about adverse reproductive and/or developmental health effects associated with exposure to environmental and/or occupational exposures. CERHR follows a formal process for the evaluation of selected substances that includes opportunities for public input. CERHR invites the nomination of substances for review or scientists for its expert registry. Information about CERHR and the nomination process can be obtained from its homepage (*http://cerhr.niehs.nih.gov*) or by contacting Dr. Kristina Thayer (919–541–5021 or *thayer@niehs.nih.gov*). CERHR selects substances for evaluation based upon several factors including production volume, potential for human exposure from use and occurrence in the environment, extent of public concern, and extent of data from reproductive and developmental toxicity studies. Expert panels conduct scientific evaluations of substances selected by CERHR in public forums. Following these evaluations, CERHR prepares the NTP–CERHR monograph on the substance evaluated. The monograph is transmitted to appropriate Federal and State agencies and made available to the public.

Background Information on the Report on Carcinogens

The RoC is a public information document prepared for the U.S. Congress by the NTP in response to Section 301(b)(4) of the Public Health Service Act, as amended. The intent of the document is to provide a listing of agents, substances, mixtures, or exposure circumstances that are either known or reasonably anticipated to cause cancer in humans and to which a significant number of people in the United States are exposed. The NTP is following a multi-step scientific review process with multiple opportunities for public input for preparation of the 12th RoC (*http://ntp.niehs.nih.gov/go/29353*) that was announced in the **Federal Register** on April 16, 2007 (72 FR 18999). On several occasions, the NTP has published notices announcing candidate substances under consideration for review for the 12th RoC (69 FR 28940, 69 FR 62276, 70 FR 60548, 72 FR 26394). Publication of the RoC is intended to occur every two years (42 U.S.C. 301(b)(4)); however, in 2007, the NTP initiated a revised and extended review process for the 12th RoC (72 FR 18999). Although the NTP initially planned to review a larger set of candidate substances, in light of the time and resources required to carry out the review process, the NTP has now defined the set of eight candidate substances for the 12th RoC. The three draft substance profiles being peer-reviewed at this BSC meeting are the second and last set of candidate substances that the NTP intends to review for the 12th RoC. The draft substance profiles for the first set of five candidate substances for the 12th RoC were peer reviewed by the BSC at a meeting on February 24, 2009 (*http://ntp.niehs.nih.gov/go/9741*). Information about the review of candidate substances for the 12th RoC, including public comments and background documents, is available on the RoC Web site (*http://ntp.niehs.nih.gov/go/10091*) or from the RoC Center Director, Dr. Ruth Lunn (919–316–4637 or *lunn@niehs.nih.gov*). The remaining candidate substances initially identified for possible review for the 12th RoC may be considered for the 13th RoC.

Background Information on NTP Testing Program Nominations and Proposed Research Projects

The NTP actively seeks to identify and select for study chemicals and other substances for which sufficient information is not available to adequately evaluate potential human health hazards. The NTP accomplishes this goal through a formal, open nomination and selection process. Substances considered appropriate for study generally fall into two broad, yet overlapping categories: (1) Substances judged to have high concern as possible public health hazards based on the extent of human exposure and/or suspicion of toxicity and (2) substances for which toxicological data gaps exist and additional studies would aid in assessing potential human health risks, *e.g.,* by facilitating cross-species extrapolation or evaluating dose-response relationships. Nominations are subject to a multi-step, formal process of review before selections for testing are made and toxicological studies are designed and implemented. The nomination review and selection process is accomplished through the participation of representatives from the NIEHS, other Federal agencies represented on the Interagency Committee for Chemical Evaluation and Coordination (ICCEC)—the NTP Federal interagency review committee for NTP study nominations, the BSC, the NTP Executive Committee—the NTP federal interagency policy body, and the public. The nomination review and selection process is described in further detail on the NTP Web site (*http://ntp.niehs.nih.gov/,* select "Nominations to the Testing Program").

Background documents for each nomination are available on the NTP Web site *http://ntp.niehs.nih.gov/go/nom.* The NTP invites interested parties to submit written comments, provide supplementary information, or present oral comments at the BSC meeting on the nominated substances and preliminary study recommendations (*see* "Request for Comments" below). The NTP welcomes toxicology study information from completed, ongoing, or anticipated studies, as well as information on current U.S. production levels, use or consumption patterns, human exposure, environmental occurrence, or public health concerns for any of the nominated substances. The NTP is interested in identifying appropriate animal and non-animal experimental models for mechanistic-based research, including genetically modified rodents and high-throughput *in vitro* test methods, and as such, solicits comments regarding the use of specific *in vivo* and *in vitro* experimental approaches to address questions relevant to the nominated substances and issues under consideration. Although the deadline for submission of written comments to be considered at the BSC meeting is June 7, 2010 (*see* "Request for Comments" above), the NTP welcomes comments or additional information on these study nominations at any time.

To facilitate review of the proposed research project by the BSC and the public, NTP staff developed a draft research concept document for the nomination recommended for study. A research concept is a brief document

outlining the nomination or study rationale, and the significance, study approach, and expected outcome of a proposed research program tailored for each nomination. The purpose of a research concept is to outline the general elements of a program of study that would address the specific issues that prompted the nomination and the preliminary study recommendations. A research concept may also encompass larger public health issues or topics in toxicology that could be appropriately addressed through studies on the nominated substance(s). Draft research concept will be available on the BSC meeting page (*http://ntp.niehs.nih.gov/go/165*) by May 10, 2010.

Background Information on the NTP Board of Scientific Counselors

The BSC is a technical advisory body comprised of scientists from the public and private sectors that provides primary scientific oversight to the NTP. Specifically, the BSC advises the NTP on matters of scientific program content, both present and future, and conducts periodic review of the program for the purpose of determining and advising on the scientific merit of its activities and their overall scientific quality. Its members are selected from recognized authorities knowledgeable in fields such as toxicology, pharmacology, pathology, biochemistry, epidemiology, risk assessment, carcinogenesis, mutagenesis, molecular biology, behavioral toxicology, neurotoxicology, immunotoxicology, reproductive toxicology or teratology, and biostatistics. Members serve overlapping terms of up to four years. The BSC usually meets biannually.

Dated: April 13, 2010.

John R. Bucher,

Associate Director, National Toxicology Program.

[FR Doc. 2010–9252 Filed 4–21–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel, "RECOVERY" The National Standard for Normal Fetal Growth.

Date: May 12, 2010.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852. (Telephone Conference Call)

Contact Person: Sathasiva B. Kandasamy, Ph.D., Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892–9304. (301) 435–6680. *skandasa@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: April 16, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–9300 Filed 4–21–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; "Inner City Asthma Consortium: Statistical and Clinical Coordinating Center (ICACSACCC)."

Date: May 10, 2010.

Time: 11 a.m. to 4 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Raymond Richard Schleef, PhD., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, (301) 451–3679, *schleefrr@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 15, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–9169 Filed 4–21–10; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Advisory Council on the National Health Service Corps; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following meeting:

Name: National Advisory Council on the National Health Service Corps (NHSC).

Dates and Times: May 20, 2010, 2 p.m.–5:15 p.m.; May 21, 2010, 8:30 a.m.–4 p.m.; and May 22, 2010, 8:15 a.m.–12:30 p.m.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852, Phone: 301–822–9201.

Status: The meeting will be open to the public.

Agenda: The Council will be convening in Bethesda, Maryland, to hear updates from the Agency and the Bureau of Clinician Recruitment and Service (BCRS), discuss recruitment and marketing strategies for the NHSC, and address current workforce issues.

For Further Information Contact: Njeri Jones, Bureau of Clinician Recruitment and Service, Health Resources and Services Administration, Parklawn Building, Room 8A–46, 5600 Fishers Lane, Rockville, MD 20857; e-mail: *NJones@hrsa.gov*; telephone: 301–443–2541.

Dated: April 15, 2010.

Sahira Rafiullah,

Director, Division of Policy and Information Coordination.

[FR Doc. 2010–9222 Filed 4–21–10; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0001]

Town Hall Discussion With the Director of the Center for Devices and Radiological Health and Other Senior Center Management

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comments.

The Food and Drug Administration (FDA) is announcing a public meeting entitled: "Town Hall Discussion With the Director of the Center for Devices and Radiological Health and Other Senior Center Management." The purpose of this meeting is to present the Center for Devices and Radiological Health (CDRH) fiscal year (FY) 2010 priorities. In addition, FDA is interested in engaging in discussions about issues that are of importance to the medical device industry.

Dates and Time: The public meeting will be held on May 18, 2010, from 9 a.m. to 4 p.m.

Location: The public meeting will be held at the Hilton Minneapolis, Saint Paul Airport, 3800 American Blvd. East, Bloomington, MN, 55425–1658. The meeting will not be videotaped or webcast.

Contact Person: Heather Howell, Food and Drug Administration, Center for Devices and Radiological Health, 10903 New Hampshire Ave., Bldg. 66 (rm. 4320), Silver Spring, MD 20993, 301–796–5718, e-mail: *heather.howell@fda.hhs.gov*.

Registration and Requests for Oral Presentations: If you wish to attend the public meeting, you must register online at: *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/ucm206671.htm*. Provide complete contact information for each attendee, including: Name, title, company or organization, address, e-mail, and telephone number. Registration requests must be received by 5 p.m. on Wednesday, May 5, 2010.

If you wish to make an oral presentation during any of the sessions at the meeting (see section II of this document), you must indicate this at the time of registration. FDA will do its best to accommodate requests to speak. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations, and to request time for a joint presentation. FDA will determine the amount of time allotted to each presenter and the approximate time that each oral presentation is scheduled to begin.

Registration is free and will be on a first-come, first-served basis. Early registration is recommended because seating is limited. FDA may limit the number of participants from each organization based on space limitations. Registrants will receive confirmation once they have been accepted. Onsite registration on the day of the public meeting will be provided on a space-available basis beginning at 8 a.m.

If you need special accommodations due to a disability, please contact Susan Monahan at 301–796–5661 or *susan.monahan@fda.hhs.gov* at least 7 days in advance of the meeting.

Comments: FDA is holding this public meeting to share information and discuss issues of importance to the medical device industry. CDRH is specifically interested in addressing the following question: What mechanism(s) would you prefer or suggest for FDA to engage with industry? The deadline for responding to this question and for submitting other comments related to this public meeting is Wednesday, May 5, 2010.

Regardless of attendance at the public meeting, interested persons may submit electronic or written comments. Submit electronic comments to *http://www.regulations.gov*. Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION:

I. Background

CDRH has announced four priority areas of activity for fiscal year 2010, each of which presents significant opportunities to improve the Center's effectiveness in fulfilling our public health mission. More information, including specific goals and actions associated with each priority, is available under "CDRH Strategic Planning" at: *www.fda.gov/AboutFDA/CentersOffices/CDRH*.

II. Public Meeting

The objective of this public meeting is to present CDRH FY 2010 priorities. In addition, FDA is interested in engaging in discussions about issues that are of importance to the medical device industry. CDRH wishes to obtain feedback/ideas for facilitating two-way communication between CDRH and the medical device industry.

The meeting will open with an introduction of CDRH Senior Staff in attendance. Following introductions, Jeffrey Shuren, the Director of CDRH, will present the FY 2010 CDRH priorities. Industry representatives and other members of the public will then be given the opportunity to present comments to CDRH Senior Staff. Attendees from CDRH may respond to questions presented by industry and other members of the public.

In advance of the meeting, additional information, including a meeting agenda with a speakers' schedule, will be made available on the Internet. This information will be placed on file in the public docket (docket number found in brackets in the heading of this document), which is available at *http://www.regulations.gov*. This information will also be available at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm* (select the appropriate meeting from the list).

III. Transcripts

Transcripts of the public meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 6–30, Rockville, MD 20857, approximately 15 working days after the public meeting at a cost of 10 cents per page. A transcript of the public meeting will be available on the Internet at *http://www.regulations.gov*.

Dated: April 16, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–9242 Filed 4–21–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose

confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; R25 Review (PAR–07–221).

Date: April 29, 2010.

Time: 12 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6101 Executive Boulevard, Rockville, MD 20852. (Telephone Conference Call)

Contact Person: Jose F. Ruiz, Ph.D., Scientific Review Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, 6101 Executive Blvd., Rm. 213, MSC 8401, Bethesda, MD 20892, 301–451–3086, *ruizjf@nida.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: April 16, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–9301 Filed 4–21–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: SAT and BTSS Study Sections.

Date: May 14, 2010.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting)

Contact Person: Roberto J. Matus, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7854, Bethesda, MD 20892. (301) 435–2204. *matusr@csr.nih.gov.*

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group, Bioengineering, Technology and Surgical Sciences Study Section.

Date: May 17–18, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Khalid Masood, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5120, MSC 7854, Bethesda, MD 20892. 301–435–2392. *masoodk@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 16, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–9314 Filed 4–21–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0001]

Food Labeling; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration (FDA), Office of Regulatory Affairs (ORA), Dallas District Office (DALDO), in collaboration with Oklahoma State University (OSU), Robert M. Kerr Food & Agricultural Products Center (FAPC), is announcing a public workshop entitled "Food Labeling Workshop." This public workshop is intended to provide information about FDA food labeling regulations and other related subjects to the regulated industry, particularly small businesses and startups.

Date and Time: The public workshop will be held on May 17 and 18, 2010, from 8 a.m. to 5 p.m.

Location: The public workshop will be held at FAPC, OSU, 148 FAPC, Stillwater, OK 74078–6055.

Contact: David Arvelo, Food and Drug Administration, 4040 North Central Expressway, suite 900, Dallas, TX 75204, 214–253–4952, FAX: 214–253–4970, or email: *david.arvelo@fda.hhs.gov*.

For information on accommodation options, contact conference coordinators Karen Smith or Andrea Graves at FAPC, OSU, 148 FAPC, Stillwater, OK 74078–6055, 405–744–6071, FAX: 405–744–6313, or email: *karenl.smith@okstate.edu* or *andrea.graves@okstate.edu*.

Registration: You are encouraged to register by May 3, 2010. The workshop has a $400 registration fee to cover the cost of facilities, materials, lunch, and breaks. Seats are limited; please submit your registration as soon as possible. Workshop space will be filled in order of receipt of registration. Those accepted into the workshop will receive confirmation. Registration will close after the workshop is filled. Registration at the site is not guaranteed, but may be possible on a space available basis on the day of the public workshop beginning at 8 a.m. The cost of registration at the site is $400 payable to FAPC. If you need special accommodations due to a disability, please contact Karen Smith (see *Contact*) at least 7 days in advance. There are no registration fees for FDA employees. More information is also available online at *http://www.fapc.biz/foodlabeling.html*. (FDA has verified the Web site address, but we are not responsible for any subsequent changes to the Web site after this document publishes in the **Federal Register**.)

Registration form instructions: To register, please complete the online registration form at *http://www.fapc.biz/forms/foodlabeling.htm*.

Transcripts: Transcripts of the public workshop will not be available due to the format of this workshop. Course handouts may be requested at cost through the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20857, approximately 15 working days after the public workshop at a cost of 10 cents per page.

SUPPLEMENTARY INFORMATION: The public workshop is being held in response to the large volume of food labeling inquiries from small food manufacturers and startups originating from the area covered by DALDO. DALDO presents the workshop to help achieve objectives set forth in section

406 of the Food and Drug Administration Modernization Act of 1997 (21 U.S.C. 393), which include working closely with stakeholders and maximizing the availability and clarity of information to stakeholders and the public. This is consistent with the purposes of ORA's Small Business Representative Program, which are in part to respond to industry inquiries, develop educational materials, and sponsor workshops and conferences to provide firms, particularly small businesses, with firsthand working knowledge of FDA's requirements and compliance policies. The workshop is also consistent with the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), as outreach activities by government agencies to small businesses.

The goal of the public workshop is to present information that will enable manufacturers and regulated industry to better comply with labeling requirements, especially in light of growing concerns about obesity and food allergens. Information presented will be based on agency position as articulated through regulation, compliance policy guides, and information previously made available to the public. Topics to be discussed at the workshop include the following: (1) Mandatory label elements, (2) the Food Allergen Labeling and Consumer Protection Act of 2004, (3) nutrition labeling requirements, (4) health and nutrition claims, and (5) special labeling issues such as exemptions. FDA expects that participation in the public workshop will provide regulated industry with greater understanding of the agency's regulatory and policy perspectives on food labeling and increase voluntary compliance with labeling requirements.

Dated: April 16, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–9288 Filed 4–21–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of Biotechnology Activities; Recombinant DNA Research: Proposed Actions Under the NIH Guidelines for Research Involving Recombinant DNA Molecules (NIH Guidelines)

AGENCY: National Institutes of Health (NIH), PHS, DHHS.

ACTION: Notice of a proposed action under the *NIH Guidelines.*

SUMMARY: In March 2009, the NIH Office of Biotechnology Activities (OBA) published a proposal to revise the *NIH Guidelines for Research with Recombinant DNA Molecules (NIH Guidelines)* to address biosafety for research with synthetic nucleic acids (74 FR 9411). The proposal included amending the scope of the *NIH Guidelines* to specifically encompass research with synthetic nucleic acids. In addition, in consultation with the NIH Recombinant DNA Advisory Committee (RAC), OBA proposed changes to several other sections of the *NIH Guidelines,* including Section III–E–1, which addresses containment for work with partial viral genomes in tissue culture. In response to public comments received on the proposed changes to Section III–E–1 (74 FR 9411), a substantively revised proposal has been developed and OBA is seeking additional comment on this Section. After comments are received on this revised proposal and reviewed at a public RAC meeting, OBA will publish a final notice of action for Section III–E–1 and the other proposed revisions included in the March 2009 **Federal Register** (FR) notice.

Section III–E–1 of the *NIH Guidelines* allows investigators to proceed with certain tissue culture experiments under Biosafety Level 1 (BL1) containment upon registration of the experiment with an Institutional Biosafety Committee (IBC). Under the current *NIH Guidelines,* an investigator can initiate an experiment in tissue culture at BL1 containment if no more than two-thirds of the full viral genome is present and the preparation is free of "helper virus," *i.e.*, a virus that could be used to rescue infectious, replication competent virus. Experiments performed under III–E–1 apply to viruses in all Risk Groups except for *Variola major or Variola minor* (smallpox, alastrim, whitepox—Section III–D–3–d). In the March 2009 FR, OBA proposed to reduce the portion of the genome that could be present to less than one-half due to concerns that synthetic techniques might lead to functional viruses that contained less than two-thirds of a full viral genome. Based on the comments received in response to the FR notice of March 2009, discussions at a public stakeholder meeting on June 23, 2009 [see URL: *http://oba.od.nih.gov/rdna_rac/rac_pub_con.html*] and further consultations with the RAC, OBA is amending its original proposal to include additional criteria for lowering containment. These new criteria will allow containment to be lowered to BL1 for experiments performed in tissue culture when more than one-half of the genome is present, as long as the function of critical viral genes is sufficiently understood to allow the determination that a complete deletion in one or more essential viral capsid, envelope or polymerase genes required for cell-to-cell transmission of viral nucleic acids will effectively impair viral replication. The deletion(s) must be designed such that it is not possible to rescue critical functions through homologous recombination. If such a deletion is not feasible or practical, an experiment may also be included under Section III–E–1 if the recombinant viral genome contains less than one-half of the full viral genome. As explained in the March 2009 proposal, this latter criterion would only apply to Risk Group (RG) 3 and RG4 viruses (*see NIH Guidelines* Appendix B) as the *NIH Guidelines* currently exempt research with less than one-half of the genome of RG1 or RG2 virus (*NIH Guidelines* Appendices C–I and C–I–A).

In light of this substantive change from the original proposal, OBA is seeking further comment on this revised proposal.

DATES: The public is encouraged to submit written comments on this proposed action. Comments may be submitted to OBA in paper or electronic form at the OBA mailing, fax, and e-mail addresses shown below under the heading **FOR FURTHER INFORMATION.** All comments should be submitted by June 1, 2010. All written comments received in response to this notice will be available for public inspection in the NIH OBA office, 6705 Rockledge Drive, Suite 750, MSC 7985, Bethesda, MD 20892–7985, weekdays between the hours of 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: If you have questions, or require additional information about these proposed changes, please contact OBA by e-mail at *oba@od.nih.gov,* or telephone at 301–496–9838. Comments can be submitted to the same e-mail address or by fax to 301–496–9839 or mail to the Office of Biotechnology Activities, National Institutes of Health, 6705 Rockledge Drive, Suite 750, MSC 7985, Bethesda, Maryland 20892–7985. Background information may be obtained by contacting NIH OBA by e-mail at *oba@od.nih.gov.*

SUPPLEMENTARY INFORMATION:

Background: Section of III–E of the *NIH Guidelines* addresses experiments for which IBC notification is required at the time the research is initiated. Experiments covered in this section of

the *NIH Guidelines* are considered to be of low biosafety risk and therefore although IBC review and approval is still required, such approval need not be obtained prior to initiating research. This is in contrast to all other experiments described in the *NIH Guidelines* for which IBC review and approval is required prior to initiation of the experiment.

Section III–E–1 of the *NIH Guidelines* addresses biocontainment levels for experiments involving eukaryotic viruses propagated and/or maintained in tissue culture systems. The current language in the *NIH Guidelines* allows the experiment to be conducted under BL1 containment provided that a given recombinant DNA molecule contains no more than two-thirds of the genome of a eukaryotic virus from the same Family ("the two-thirds rule"). Section III–E–1 currently states:

"Recombinant DNA molecules containing no more than two-thirds of the genome of any eukaryotic virus (all viruses from a single Family being considered identical [*see* Section V–J, *Footnotes and References of Sections I–IV*]) may be propagated and maintained in cells in tissue culture using BL1 containment. For such experiments, it must be demonstrated that the cells lack helper virus for the specific Families of defective viruses being used. If helper virus is present, procedures specified under Section III–D–3, *Experiments Involving the Use of Infectious Animal or Plant DNA or RNA Viruses or Defective Animal or Plant DNA or RNA Viruses in the Presence of Helper Virus in Tissue Culture Systems,* should be used. The DNA may contain fragments of the genome of viruses from more than one Family but each fragment shall be less than two-thirds of a genome."

Thus to qualify for a reduction in containment pursuant to this section, the recombinant molecule may be constructed from (1) recombinant DNA molecules containing no more than two-thirds of the genome of any eukaryotic virus (all viruses from a single Family being considered identical or (2) the recombinant molecule may be constructed from genomic fragments of viruses from different taxonomic Families provided that each fragment from a single viral Family used in the construct conforms to the two-thirds rule. In addition, it must be demonstrated that the tissue culture system is free of helper virus that could lead to rescue of infectious virus. If helper virus is present, containment is determined by Section III–D of the *NIH Guidelines.* Under Section III–D containment is usually determined by the RG designation for the eukaryotic virus.

This section was reviewed by the RAC in response to concerns that it may be possible to construct, using synthetic methods, a virus that would contain less than two-thirds of the genome of any one virus or Family of viruses but still be potentially infectious. In addition, in light of current understanding of virus biology, it was proposed that it might be possible to develop a criterion based on deletion of functional genes in lieu of a quantitative genome percentage. The RAC also recognized that the requirement to demonstrate the absence of helper virus did not address other ways in which infectious virus could be rescued. For example, it has been demonstrated that replication competent adenovirus can arise from HEK 293 producer cells via homologous recombination in the absence of any helper virus; [1] similar events have also been reported in murine retrovirus producer cells.[2]

After discussion of several potential criteria to define what constitutes a functionally defective virus, the RAC ultimately recommended retaining a quantitative threshold. In part, this was due to the need for an unambiguous standard, as this section allows investigators to initiate experiments at the lowest level of containment (BL1) prior to IBC review and approval. The RAC recommended that OBA consider changing the two-thirds rule to a "one-half rule," such that one could only initiate these experiments in tissue culture when less than one-half of the full viral genome was present. This was based in part on concerns that novel approaches to genetic manipulation could lead to the creation of novel minimal genomes [3] while maintaining viability at least under in vitro conditions.

Based on these recommendations, OBA proposed the following changes to Section III–E–1 in the March 4, 2009 **Federal Register** notice:

Recombinant and synthetic nucleic acid molecules containing no more than half of the genome of any one Risk Group 3 or 4 eukaryotic virus (all viruses from a single Family being considered identical [*see* Section V–J, *Footnotes and References of Sections I–IV*]) may be propagated and maintained in cells in tissue culture using BL1 containment (as defined in Appendix G) provided there is evidence that the resulting nucleic acids in these cells are not capable of producing a replication competent nucleic acid. For such experiments, it must be demonstrated that the cells lack helper virus for the specific Families of defective viruses being used. If helper virus is present, procedures specified under Section III–D–3, *Experiments Involving the Use of Infectious Animal or Plant DNA or RNA viruses or Defective Animal or Plant DNA or RNA viruses in the Presence of Helper Virus in Tissue Culture Systems* should be used. The nucleic acids may contain fragments of the genome of viruses from more than one Family, but each fragment from any given Family shall be less than one-half of a genome.

Comments Submitted in Response to the March 2009 FR Notice

Five comments were submitted to OBA in response to the proposed revisions to Section III–E–1 of the *NIH Guidelines.* All of these comments focused on the proposal to require that only one-half of the genome be present instead of the previous two-thirds. Two comments questioned the validity of limiting the applicability of Section III–E–1 to RG3 and RG4 viruses without inclusion of RG2 viruses. No change was made in response to these comments because the *NIH Guidelines* currently exempt tissue culture experiments involving RG1 and/or RG2 viruses in which more than one-half of their genome are deleted (*see* Appendices C–I/C–I–A).

Two comments agreed with the proposed revisions but two other comments questioned the validity of stipulating a relative genome size (*i.e.,* less than one-half) as the basis for lowering containment rather than relying on the inability of a virus to replicate, regardless of the amount of viral genomic sequence effectively deleted. One of these comments further expressed significant concerns about the impact that the proposed revisions would have on ongoing recombinant

[1] Lochmüller, H., *et al.* (1994). Emergence of early region 1-containing replication-competent adenovirus in stocks of replication defective adenovirus recombinants (ΔE1 + ΔE3) during multiple passages in 293 cells. *Hum. Gene Ther.* 5:1485–91.

Hehir, K. *et al.* (1996). Molecular characterization of replication-competent variants of adenovirus vectors and genome modifications to prevent their occurrence. *J. Virol.,* 70(12):8459–67.

Fallaux, F. J., *et al.* (1998). New helper cells and matched early region 1-deletion adenovirus vectors prevent generation of replication-competent adenoviruses. *Hum. Gene Ther.,* 9:1900–17.

[2] Otto E., *et al.* (1994). Characterization of a replication-competent retrovirus resulting from recombination of packaging and vector sequences, *Hum Gene Ther.* 5:567–75.

[3] Lartigue, C. *et al.* (2009). Creating Bacterial Strains from Genomes That Have Been Cloned and Engineered in Yeast. Science 325(5948):1693–96.

Hutchison III, C.A. *et al.* (1999). Global transposon mutagenesis and a minimal mycoplasma genome. Science 286(5447):2165–9.

research involving Venezuelan Equine Encephalitis virus (VEE), a virus of the Family *Togaviridae,* Genus *Alphavirus.* The comment noted that ongoing research on defective viral replicon particles (VRP) of VEE has been supported by NIH funding for at least 15 years and that these defective genomes contain less than two-thirds but more than one-half of the viral genome. VRP-based vaccines are currently under evaluation in clinical trials. The central feature of VRP-based vaccines is their ability to express an inserted non-VEE gene at high levels for induction of an immune response in the absence of all viral replication. The essential viral components encoded within the missing one-third of the defective VEE genome sequence are all the capsid structural components; these are required for infectious particle formation and virus replication. Removing more than one-half of the VEE genome from VRP particles would disable the essential viral RNA replication machinery that is key to the high level VRP expression system, and constitutes the functional basis of the vaccine itself. The comment went on to note that a number of RG3 and RG4 viruses contain a small number of genes, and elimination of any one of them produces a non-viable virus. It is thus possible to disable certain viruses by deleting far less than one-third of their genome.

OBA considered these comments carefully with input from the RAC. The comment about RG3 and RG4 viruses led to further discussion of whether there were certain types of genes that, if deleted, would consistently produce severe functional deficiencies such that virus replication would be completely or sufficiently impaired to ensure the loss of transmissibility and infectivity. The proposed language presented herein would allow experiments using viral constructs (excluding all research with *V. major* or *V. minor*) that contain targeted genomic deletions, which impair the ability of the virus to replicate in tissue culture, to be conducted at BL1 containment under Section III–E–1. The proposed language specifies both the type of impairment (*i.e.,* deletion) and the biological targets for these impairments (capsid, envelope or polymerase genes, *i.e.,* functions critical for cell to cell transmission). As many tissue culture experiments are routinely carried out at BL2 containment to avoid contamination of the culture, this section primarily allows containment to be lowered for work with RG3 and RG4 viruses. The majority of RG3 and RG4 viruses are RNA viruses. The structural genes listed above are the favored functional targets historically used to genetically disable these higher risk group viruses under the existing "two-thirds rule." If sufficient knowledge about the function of particular viral genes exists, it will now be possible to impair the virus through targeted deletions and to qualify for containment reduction regardless of the quantity of the genome that is deleted. However, a complete deletion of genetic sequence will be required such that it will not be possible to rescue biological function by homologous recombination among partial viral genomes or nucleic acids present in tissue culture cells used for virus or vector rescue. Therefore, this new criterion should still ensure that only work that can be safety conducted at BL1 will be allowed to proceed.

This criterion would be in addition to the one-half rule that was proposed in the March 2009 FR notice. The RAC recommended retaining a quantitative threshold of one-half a genome size for those viruses in which the understanding of the biology of the virus is incomplete and therefore it is not possible to predict with certainty the effect that any particular genetic impairment will have on the ability of a virus to replicate and infect cells. Again, the latter will only apply to RG3 or RG4 viruses in tissue culture as experiments with recombinant molecules containing less than one-half of the genome of RG1 or RG2 agents are currently exempt under the *NIH Guidelines.*

Finally, OBA notes that while most tissue culture experiments will be performed at BL2, Section III–E–1 as proposed does permit containment to be lowered to BL1. However, concerns were raised regarding risks associated with integrating viruses that could cause insertional mutagenesis. Appendix B–V of the *NIH Guidelines* states that for some animal agents that are infectious to human cells, *e.g.,* amphotropic and xenotropic strains of murine leukemia virus, a containment level appropriate for RG2 agents is recommended. In addition, in 2006, OBA issued a *Guidance on Biosafety Considerations for Research with Lentiviral Vectors* (*http://oba.od.nih.gov/rdna_rac/rac_guidance_lentivirus.html*) that also recommended a minimum of BL2 for most research with lentiviral vectors. In light of these requirements, OBA has clarified that BL2 containment should be used for tissue culture experiments using retroviruses and lentiviruses that have the potential to transduce human cells and cause insertional mutagenesis.

OBA is requesting comment on the following proposed revision to Section III–E–1:

Section III–E–1. Experiments Involving the Formation of Recombinant DNA Molecules Propagated and Maintained in Tissue Culture Systems

Recombinant nucleic acids from a eukaryotic virus (excluding all research with *V. major* or *V. minor*) and/or synthetic nucleic acid molecules based on a sequence from a eukaryotic virus (excluding *V. major* or *V. minor*) may be propagated and maintained in cells in tissue culture using BL1 containment (as defined in Appendix G) if:

(i) There is a complete deletion in one or more essential viral capsid, envelope or polymerase genes required for cell-to-cell transmission of viral nucleic acids or

(ii) For Risk Group 3 or Risk Group 4 viruses no more than half of the genome is present, (all viruses from a single Family being considered identical [*see* Section V–J, *Footnotes and References of Sections I–IV*]). The nucleic acids may contain fragments of the genome of viruses from more than one Family but each fragment shall be less than one-half of a genome.

In addition, there must be evidence that the resulting nucleic acids are not capable of producing a replication competent virus in a cell line that would normally support replication of the wild-type virus. When reduction in containment is based on a deletion in one or more essential viral capsid, envelope or polymerase gene, evidence such as sequence or other appropriate data, should be submitted to the IBC to demonstrate that there is a complete deletion of genetic sequence such that these functions can not be rescued through homologous recombination. It must also be demonstrated that the cells lack helper virus for specific Families of defective viruses being used. If helper virus is present, review will proceed under Section III–D–3, *Experiments Involving the Use of Infectious Animal or Plant DNA or RNA Viruses or Defective Animal or Plant DNA or RNA Viruses in the Presence of Helper Virus in Tissue Culture Systems.*

A minimum of BL2 containment is required for experiments with retroviruses and lentiviruses that have the potential to transduce human cells and cause insertional mutagenesis.

Dated: April 16, 2010.

Jacqueline Corrigan-Curay,

Acting Director, Office of Biotechnology Activities, National Institutes of Health.

[FR Doc. 2010–9258 Filed 4–21–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2010–0021]

National Protection and Programs Directorate; Statewide Communication Interoperability Plan Implementation Report

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: 30-Day Notice and request for comments; New Information Collection Request: 1670–NEW.

SUMMARY: The Department of Homeland Security, National Protection and Programs Directorate/Cybersecurity and Communications/Office of Emergency Communications, has submitted the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). The National Protection and Programs Directorate is soliciting comments concerning New Information Collection Request, Statewide Communication Interoperability Plan Implementation Report. DHS previously published this information collection request (ICR) in the **Federal Register** on January 5, 2010, at 75 FR 417, for a 60-day public comment period. DHS received no comments. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until May 24, 2010. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to OMB Desk Officer, Department of Homeland Security, Office of Civil Rights and Civil Liberties. Comments must be identified by DHS–2010–0021 and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.*
- *E-mail: oira_submission@omb.eop.gov.* Include the docket number in the subject line of the message.
- *Fax:* (202) 395–5806.

Instructions: All submissions received must include the words "Department of Homeland Security" and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

FOR FURTHER INFORMATION CONTACT: If additional information is required contact: The Department of Homeland Security (DHS), National Protection and Programs Directorate/Cybersecurity and Communications/Office of Emergency Communications, Jonathan Clinton, 202–343–1609, *Jonathan.Clinton@dhs.gov.*

SUPPLEMENTARY INFORMATION: The Office of Emergency Communications (OEC), formed under Title XVIII of the Homeland Security Act of 2002, 6 U.S.C. 101 *et seq.,* is responsible for ensuring that activities funded by the Interoperable Emergency Communications Grant Program (IECGP) (6 U.S.C. 579) comply with the Statewide Communication Interoperability Plan (SCIP) for that State required by section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)). Further, under the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 579(m)), a State that receives a grant under the IECGP must annually submit to the Director of OEC a report on the progress of the State in implementing its SCIP and on achieving interoperability at the city, county, regional, State, and interstate levels. OEC is then required to make these reports publicly available (6 U.S.C 579(m)). The SCIP Implementation Report Form is designed to meet these statutory requirements. SCIP Implementation Reports will be submitted electronically.

Analysis

Agency: Department of Homeland Security, National Protection and Programs Directorate.

Title: Statewide Communication Interoperability Plan Implementation Report.

Form: Not Applicable.

OMB Number: 1670–NEW.

Frequency: Yearly.

Affected Public: State, local, or tribal government.

Number of Respondents: 56.

Estimated Time per Respondent: 6 Hours.

Total Burden Hours: 336 annual burden hours.

Total Burden Cost (operating/maintaining): $8,205.12.

Signed: April 14, 2010.

Thomas Chase Garwood, III,

Chief Information Officer, National Protection and Programs Directorate, Department of Homeland Security.

[FR Doc. 2010–9320 Filed 4–21–10; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2010–0032]

Critical Infrastructure Partnership Advisory Council

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: Notice of the Critical Infrastructure Partnership Advisory Council (CIPAC) charter renewal.

SUMMARY: The Department of Homeland Security (DHS) announced the establishment of the CIPAC by notice published in the **Federal Register** on March 24, 2006. That notice identified the purpose of CIPAC as well as its membership. This notice provides (i) The notice of the CIPAC charter renewal, (ii) instructions on how the public can obtain the CIPAC membership roster and other information on the Council, and (iii) information on the State, Local, Tribal, and Territorial Government Coordinating Council and its membership within CIPAC.

FOR FURTHER INFORMATION CONTACT: Nancy J. Wong, Director, Partnership Programs and Information Sharing Office, Partnership and Outreach Division, Office of Infrastructure Protection, National Protection and Programs Directorate, Department of Homeland Security, 245 Murray Lane, SW., Mail Stop 0607, Arlington, VA 20598–0607, telephone (703) 603–5072, e-mail *CIPAC@dhs.gov.*

Responsible DHS Official: Nancy J. Wong, Director Partnership Programs and Information Sharing Office, Partnership and Outreach Division, Office of Infrastructure Protection, National Protection and Programs Directorate, Department of Homeland Security, 245 Murray Lane, SW., Mail Stop 0607, Arlington, VA 20598–0607, telephone (703) 603–5072.

SUPPLEMENTARY INFORMATION:

Notice of CIPAC Renewal: On March 19, 2010, the Secretary of Homeland Security extended CIPAC for a period of two years. The current CIPAC charter reflecting the Secretary's action is available on the CIPAC Web site.

Purpose and Activities: CIPAC facilitates interaction between government officials and representatives of the community of owners and operators for each of the critical infrastructure and key resources (CIKR) sectors defined by Homeland Security Presidential Directive 7 (HSPD–7) and identified in the National Infrastructure Protection Plan (NIPP). The scope of activities covered by CIPAC includes planning; coordinating among government and CIKR owner/operator security partners; implementing security program initiatives; conducting operational activities related to critical infrastructure protection security measures, incident response, recovery, and infrastructure resilience; reconstituting CIKR assets and systems for both man-made and naturally occurring events; and sharing threat, vulnerability, risk mitigation, and infrastructure continuity information.

Organizational Structure: CIPAC members are organized into the 18 HSPD–7 CIKR sectors. Within all of the sectors containing CIKR owner/operators, there generally exists a Sector Coordinating Council (SCC) that includes CIKR owners and/or operators or their representative trade associations. Each of the sectors also has a Government Coordinating Council (GCC) whose membership includes a lead Federal agency that is defined as the Sector Specific Agency (SSA), and all of the relevant Federal, State, local, tribal, and/or territorial government agencies (or their representative bodies) whose mission interests also involve the scope of the CIPAC activities for that particular sector.

Membership: CIPAC Membership includes (i) CIKR owner and/or operator members of an SCC; (ii) trade associations representing the interests of CIKR owners and/or operators that own and invest in infrastructure assets or in the systems and processes to secure them, or representing CIKR owners and/or operators whom are held responsible by the public for CIKR operations and the response and recovery when their CIKR assets and systems are disrupted who are members of an SCC; (iii) each sector's GCC; and (iv), based upon DHS' recent establishment of this council, State, local, tribal, and territorial governmental officials comprising the DHS State, Local, Tribal, and Territorial GCC.

CIPAC Membership Roster and Council Information: The current roster of CIPAC membership is published on the CIPAC Web site (*http://www.dhs.gov/cipac*) and is updated as the CIPAC membership changes. Members of the public may visit the CIPAC Web site at any time to obtain current CIPAC membership as well as the current and historic list of CIPAC meetings and agendas.

Dated: April 16, 2010.

Nancy Wong,

Designated Federal Official for the CIPAC.

[FR Doc. 2010–9321 Filed 4–21–10; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Extension of Agency Information Collection Activity Under OMB Review: Highway Corporate Security Review (CSR)

AGENCY: Transportation Security Administration, DHS.

ACTION: Notice of reinstatement.

SUMMARY: This notice is a correction notice for the previous 30-day notice, 74 FR 57326 that was published on November 5, 2009 announcing that the Transportation Security Administration (TSA) forwarded the Information Collection Request (ICR), OMB control number 1652–0036, abstracted below to the Office of Management and Budget (OMB) for review and approval of a reinstatement of a formerly approved collection under the Paperwork Reduction Act. The ICR had not been reviewed by OMB, and will be forwarded to OMB within 30 days of this **Federal Register** notice. The ICR describes the nature of the information collection and its expected burden. TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on June 15, 2009, 74 FR 28264. TSA received two comments and they have been addressed by letters to the commenters. The collection involves the assessment of current security practices in the highway and motor carrier industry by way of its Highway Corporate Security Review Program, which encompasses site visits and interviews, and is part of the larger domain awareness, prevention and protection program supporting TSA's and the Department of Homeland Security's missions.

DATES: Send your comments by May 24, 2010. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to Desk Officer, Department of Homeland Security/TSA, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Joanna Johnson, Office of Information Technology, TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011; telephone (571) 227–3651; e-mail *joanna.johnson@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation is available at *http://www.reginfo.gov.* Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

TSA published a notice in the **Federal Register** on June 15, 2009 (74 FR 28264) announcing our intent to reinstate the OMB control number, 1652–0036, for this information collection. In response

to this notice, TSA has received comments from the American Trucking Association (ATA) and the American Bus Association (ABA). TSA has responded to ATA's and ABA's concerns and thanked them for their comments.

Information Collection Requirement

Title: Corporate Security Review (CSR).

Type of Request: Reinstatement.

OMB Control Number: 1652–0036.

Form(s): Corporate Security Review Interview Form.

Affected Public: Owners and operators of school bus, motor coach, and trucking (general freight and hazardous materials) companies, privately-owned assets, State Departments of Transportation, and State Departments of Education.

Abstract: TSA is seeking to reinstate its OMB approval for this information collection so that TSA can continue to ascertain minimum security standards and identify coverage gaps, activities that are critical to carrying out its transportation security mission. TSA conducts this collection through voluntary face-to-face visits at the headquarters of the subject surface transportation owners/operators. During the site visit, TSA personnel complete the CSR form, which asks security-related questions. This assessment is necessary for TSA to establish the current state of security practices for highway modes of transportation. TSA will then be able to make policy and programmatic decisions to improve the overall security posture within the surface transportation community. The data collected also can be utilized to develop security practice assessments and issue security guidelines, best practices, and lessons learned for the stakeholder community.

Number of Respondents: 400.

Estimated Annual Burden Hours: An estimated 1,200 hours annually.

Issued in Arlington, Virginia on April 15, 2010.

Joanna Johnson,

Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2010–9223 Filed 4–21–10; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Form N–644; Extension of an Existing Information Collection; Comment Request

ACTION: 60-Day Notice of Information Collection Under Review; Form N–644, Application for Posthumous Citizenship; OMB Control No. 1615–0059.

The Department Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until June 21, 2010.

During this 60 day period, USCIS will be evaluating whether to revise the Form N–644. Should USCIS decide to revise Form N–644 we will advise the public when we publish the 30-day notice in the **Federal Register** in accordance with the Paperwork Reduction Act. The public will then have 30 days to comment on any revisions to the Form N–644.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Department of Homeland Security (DHS), USCIS, Chief, Regulatory Products Division, Clearance Officer, 111 Massachusetts Avenue, NW., Washington, DC 20529–2210. Comments may also be submitted to DHS via facsimile to 202–272–8352 or via e-mail at *rfs.regs@dhs.gov.* When submitting comments by e-mail, please make sure to add OMB Control No. 1615–0059 in the subject box. Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of an existing information collection.

(2) *Title of the Form/Collection:* Application for Posthumous Citizenship.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form N–644; U.S. Citizenship and Immigration Services (USCIS).

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The information collected will be used to determine an applicant's eligibility to request posthumous citizenship status for a decedent and to determine the decedent's eligibility for such status.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 50 responses at 1 hour and 50 minutes (1.83 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 92 annual burden hours.

If you need a copy of the information collection instrument, please visit the Web site at: *http://www.regulations.gov/.*

We may also be contacted at: USCIS, Regulatory Products Division, 111 Massachusetts Avenue, NW., Washington, DC 20529–2210, Telephone number 202–272–8377.

Dated: April 16, 2010.

Sunday Aigbe,

Chief, Regulatory Products Division, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2010–9217 Filed 4–21–10; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Form I–694; Extension of an Existing Information Collection; Comment Request

ACTION: 60-Day Notice of Information Collection Under Review; Form I–694, Notice of Appeal of Decision Under Section 210 or 245A of the Immigration and Nationality Act; OMB Control No. 1615–0034.

The Department Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until June 21, 2010.

During this 60-day period, USCIS will be evaluating whether to revise the Form I–694. Should USCIS decide to revise Form I–694 we will advise the public when we publish the 30-day notice in the **Federal Register** in accordance with the Paperwork Reduction Act. The public will then have 30 days to comment on any revisions to the Form I–694.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Department of Homeland Security (DHS), USCIS, Chief, Regulatory Products Division, Clearance Officer, 111 Massachusetts Avenue, NW., Washington, DC 20529–2210. Comments may also be submitted to DHS via facsimile to 202–272–8352 or via e-mail at *rfs.regs@dhs.gov.* When submitting comments by e-mail, please make sure to add OMB Control No. 1615–0034 in the subject box. Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of an existing information collection.

(2) *Title of the Form/Collection:* Notice of Appeal of Decision Under Section 210 and 245A of the Immigration and Nationality Act.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–694; U.S. Citizenship and Immigration Services (USCIS).

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. This information collection will be used by USCIS in considering appeals of denials or termination of temporary and permanent residence status by legalization applicants and special agricultural workers, under sections 210 and 245A of the Immigration and Nationality Act, and related applications for waiver of grounds of inadmissibility.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 1,192 responses at 30 minutes (.50) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 596 annual burden hours.

If you need a copy of the information collection instrument, please visit the Web site at: *http://www.regulations.gov/.*

We may also be contacted at: USCIS, Regulatory Products Division, 111 Massachusetts Avenue, NW., Washington, DC 20529–2210, Telephone number 202–272–8377.

Dated: April 16, 2010.

Sunday Aigbe,

Chief, Regulatory Products Division, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2010–9246 Filed 4–21–10; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Form I–821; Extension of an Existing Information Collection; Comment Request

ACTION: 60-Day Notice of Information Collection Under Review; Form I–821, Application for Temporary Protected Status; OMB Control No. 1615–0043.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until June 21, 2010.

During this 60-day period, USCIS will be evaluating whether to revise the Form I–821. Should USCIS decide to revise Form I–821 we will advise the public when we publish the 30-day notice in the **Federal Register** in accordance with the Paperwork Reduction Act. The public will then have 30 days to comment on any revisions to the Form I–821.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Department of Homeland Security (DHS), USCIS, Chief, Regulatory Products Division, Clearance Officer, 111 Massachusetts Avenue, NW., Washington, DC 20529–2210. Comments may also be submitted to DHS via facsimile to 202–272–8352 or via e-mail at *rfs.regs@dhs.gov.* When submitting comments by e-mail, please make sure to add OMB Control No. 1615–0043 in the subject box. Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of an existing information collection.

(2) *Title of the Form/Collection:* Application for Temporary Protected Status.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–821; U.S. Citizenship and Immigration Services (USCIS).

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Form I–821 is necessary in order for USCIS to make a determination that the applicant meets the TPS eligibility requirements and conditions.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 335,333 responses at 1 hour and 30 minutes (1.5 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 502,999 annual burden hours.

If you need a copy of the information collection instrument, please visit the Web site at: *http://www.regulations.gov/.*

We may also be contacted at: USCIS, Regulatory Products Division, 111 Massachusetts Avenue, NW., Washington, DC 20529–2210, Telephone number 202–272–8377.

Dated: April 16, 2010.

Sunday Aigbe,

Chief, Regulatory Products Division, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2010–9251 Filed 4–21–10; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2010–0002; Internal Agency Docket No. FEMA–1897–DR]

New Jersey; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of New Jersey (FEMA–1897–DR), dated April 2, 2010, and related determinations.

DATES: *Effective Date:* April 15, 2010.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Recovery Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective April 15, 2010.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2010–9318 Filed 4–21–10; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1883–DR; Docket ID FEMA–2010–0002]

Oklahoma; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Oklahoma (FEMA–1883–DR), dated March 5, 2010, and related determinations.

DATES: *Effective Date:* April 8, 2010.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Recovery Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Oklahoma is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of March 5, 2010.

Tillman County for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2010–9238 Filed 4–21–10; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1893–DR; Docket ID FEMA–2010–0002]

West Virginia; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of West Virginia (FEMA–1893–DR), dated March 29, 2010, and related determinations.

DATES: *Effective Date:* April 9, 2010.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Recovery Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective April 9, 2010.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2010–9236 Filed 4–21–10; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5285–N–18]

Notice of Proposed Information Collection: Comment Request; Notice of Submission of Proposed Information Collection to OMB; Management Certifications and Management Entity Profile

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date: June 21, 2010.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Leroy McKinney Jr., Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410; e-mail *leroy.mckinneyjr@hud.gov* or telephone (202) 402–5564 or the number for the Federal Information Relay Service (1–800–877–8339).

FOR FURTHER INFORMATION CONTACT: Harry Messner, Office of Asset Management, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410; e-mail *harry.messner@hud.gov* or telephone (202) 402–2626 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Management Certifications and Management Entity Profile.

OMB Control Number, if applicable: 2502–0305.

Description of the need for the information and proposed use: Owners of HUD-held, -insured, or subsidized multifamily housing projects must provide information for HUD's oversight of management agents/entities.

Agency form numbers, if applicable: HUD–9832, HUD–9839A, HUD–9839B, HUD–9839C.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The number of burden hours is 3,906. The number of respondents is 31,566, the number of responses is 3,157, the frequency of response is on occasion, and the burden hour per response is 2.50.

Status of the proposed information collection: Extension of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: April 15, 2010.

Ronald Y. Spraker,

Associate General Deputy Assistant Secretary for Housing.

[FR Doc. 2010–9235 Filed 4–21–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR—5380–N–15]

Notice of Proposed Information Collection: Comment Request; The Green Retrofit Program of the American Recovery and Revitalization Act of 2009

AGENCY: Office of Affordable Housing Preservation of the Office of Multifamily Housing.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for a review and approval, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* June 21, 2010.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Leroy McKinney Jr., Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410; e-mail *Leroy.McKinneyJr@HUD.gov* or telephone (202)402–8048 or the number for the Federal Information Relay Service (1–800–877–8339).

FOR FURTHER INFORMATION CONTACT: Patricia Casey, Closing/Post Closing Manager, Office of Affordable Housing Preservation, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 402–8385 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: This Notice informs the public that the U.S. Department of Housing and Urban Development (HUD) has submitted to OMB an information collection package with respect to the Green Retrofit Program authorized by the American Recovery and Revitalization Act of 2009. The legislation includes authority for HUD to make loans, make grants,

and take a variety of other actions to facilitate utility-saving investments and other investments that produce environmental benefits, in certain existing HUD-assisted multifamily housing, subject to agreement between HUD and the Owner. The Green Retrofit Program is detailed in HUD Notice H 09–02 issued on May 13, 2009.

This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: The Green Retrofit Program of the American Recovery and Revitalization Act of 2009.

Description of Information Collection: Information will be collected to ensure compliance with program mandates, Recovery Act reporting requirements, Davis-Bacon wage reporting requirements, and to measure the effectiveness of Green retrofits.

OMB Control Number: 2502–0588

Agency Form Numbers: None

Members of Affected Public: Profit-motivated and not-for-profit owners of multifamily housing projects which have been approved for a grant or loan under the Green Retrofit Program. Eligible grant or loan recipients include projects receiving rental assistance pursuant to:

- Section 202 of the Housing Act of 1959 (12 U.S.C. 17012),
- Section 811 of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 8013); or
- Section 8 of the United States Housing Act of 1937 as amended (42 U.S.C.1437f);

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of responses, and hours of response: An estimation of the total number of hours needed to prepare the information collection is 9,800, number of respondents is 200, the frequency of response is weekly, quarterly and every other month, and the hours per response is 3.0.

Status of the proposed information collection: This is an extension of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: April 15, 2010.

Ronald Y. Spraker,

Associate General Deputy Assistant Secretary for Housing.

[FR Doc. 2010–9240 Filed 4–21–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5382–N–07]

Notice of Proposed Information Collection for Public Comment: Notice of Funding Availability for the Doctoral Dissertation Research Grant Program

AGENCY: Office of the Assistant Secretary for Public Development and Research, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comment Due Date:* June 21, 2010.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Reports Liaison Officer, Office of Policy Development and Research, Department of Housing and Urban Development, 451 7th Street, SW., Room 8228, Washington, DC 20410–6000.

FOR FURTHER INFORMATION CONTACT: Susan Brunson, 202–402–3852 (this is not a toll-free number), for copies of the proposed forms and other available documents.

SUPPLEMENTARY INFORMATION: The Department of Housing and Urban Development will submit the proposed extension of information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Notice of Funding Availability for the Doctoral Dissertation Research Grant Program.

OMB Control Number: 2528–0213.

Description of the Need for the Information and Proposed Use: The information is being collected to select applicants for award in this statutorily created competitive grant program and to monitor performance of grantees to ensure they meet statutory and program goals and requirements.

Agency Form Numbers: SF–424, SF–424 Supplemental, HUD–424–CB, SF–LLL, HUD–27300, HUD–2880, HUD–2994, HUD–96010 and HUD–96011.

Members of the Affected Public: Ph.D. students preparing their dissertations on HUD-related topics

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: Information pursuant to grant award will be submitted once a year. The following chart details the respondent burden on a quarterly, semi-annual and annual basis:

	Number of respondents	Total annual responses	Hours per response	Total hours
Applicants	80	80	32	2560
Semi-Annual Reports	15	30	4	120
Final Reports	15	15	2	30

	Number of respondents	Total annual responses	Hours per response	Total hours
Recordkeeping	15	15	4	60
Total	125	140	42	2770

Status of the proposed information collection: Pending OMB approval.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: April 14, 2010.

Raphael W. Bostic,

Assistant Secretary for Policy Development and Research.

[FR Doc. 2010–9212 Filed 4–21–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5382–N–08]

Notice of Proposed Information Collection for Public Comment: Notice of Funding Availability for the Historically Black Colleges and Universities Program

AGENCY: Office of the Assistant Secretary for Public Development and Research, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comment Due Date:* June 21, 2010.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Reports Liaison Officer, Office of Policy Development and Research, Department of Housing and Urban Development, 451 7th Street, SW., Room 8228, Washington, DC 20410–6000.

FOR FURTHER INFORMATION CONTACT: Susan Brunson, 202–401–3852 (this is not a toll-free number), for copies of the proposed forms and other available documents.

SUPPLEMENTARY INFORMATION: The Department of Housing and Urban Development will submit the proposed extension of information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Notice of Funding Availability for the Historically Black Colleges and Universities (HBCU) Program.

OMB Control Number: 2528–0235.

Description of the Need for the Information and Proposed Use: The information is being collected to select applicants for award in this statutorily created competitive grant program and to monitor performance of grantees to ensure they meet statutory and program goals and requirements.

Agency Form Numbers: SF–424, SF–424Supplemental, HUD–424–CB, SF–LLL, HUD–2880, HUD–2993, HUD–2994–A, HUD–40076, HUD–96010, HUD–96011 and HUD–27300.

Members of the Affected Public: Historically Black Colleges and Universities (HBCU).

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: Information pursuant to grant award will be submitted once a year. The following chart details the respondent burden on a quarterly, semi-annual and annual basis:

	Number of respondents	Total annual responses	Hours per response	Total hours
Applicants	105	105	200	21,000
Quarterly Report	75	300	24	7,200
Semi-Annual Reports	60	120	48	5,760
Final Reports	15	15	60	900
Recordkeeping	135	135	24	3,240
Total	390	675	356	38,100

Status of the proposed information collection: Pending OMB approval.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: April 14, 2010.

Raphael W. Bostic,

Assistant Secretary for Policy Development and Research.

[FR Doc. 2010–9214 Filed 4–21–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5285–N–19]

Notice of Proposed Information Collection: Comment Request; Financial Statement of Corporate Application for Cooperative Housing Mortgage

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date: June 21, 2010.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Leroy McKinney Jr., Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410; e-mail *leroy.mckinneyjr@hud.gov* or telephone (202) 402–5564 or the number for the Federal Information Relay Service (1–800–877–8339).

FOR FURTHER INFORMATION CONTACT: Joyce Allen, Director, Office of Multifamily Housing Development, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708–1142 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. This Notice also lists the following information:

Title of Proposal: Financial Statement of Corporate Application for Cooperative Housing Mortgage.

OMB Control Number, if applicable: 2502–0058.

Description of the need for the information and proposed use: The information collected on the "Financial Statement of Corporate Application for Cooperative Housing Mortgage" form provides HUD with information to determine feasibility, mortgagor/contractor acceptability as well as the financial data, costs, drawings, and specifications.

Agency form numbers, if applicable: HUD–93232A.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The number of burden hours is 27. The number of respondents is 27, the number of responses is 27, the frequency of response is monthly, and the burden hour per response is 1 hour.

Status of the proposed information collection: This is an extension of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: April 15, 2010.

Ronald Y. Spraker,

Associate General Deputy Assistant Secretary for Housing.

[FR Doc. 2010–9232 Filed 4–21–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5285–N–21]

Notice of Proposed Information

Collection: Comment Request; Multifamily Project Construction Contract, Building Loan Agreement, and Construction Change Request

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date: June 21, 2010.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Leroy McKinney Jr., Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410; e-mail *leroy.mckinneyjr@hud.gov* or telephone (202) 402–5564 or the number for the Federal Information Relay Service (1–800–877–8339).

FOR FURTHER INFORMATION CONTACT: Joyce Allen, Director, Office of Multifamily Housing Development, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 708–1142 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. This Notice also lists the following information:

Title of Proposal: Multifamily Project Construction Contract, Building Loan Agreement, and Construction Change Request.

OMB Control Number, if Applicable: 2502–0011.

Description of the Need for the Information and Proposed Use: The information collected on the "Multifamily Project Construction Contract, Building Loan Agreement, and Construction Change Request" form provides HUD with information from contractors, mortgagors/borrowers, and mortgagees/lenders for construction of multifamily projects and to obtain approval of changes in previously approved contract drawings and/or specifications.

Agency Form Numbers, if Applicable: HUD–92437, HUD–92441, HUD–92442, HUD–92442–A, HUD–92442–CA and HUD–92442–A–CA.

Estimation of the Total Numbers of Hours Needed to Prepare the Information Collection Including Number of Respondents, Frequency of Response, and Hours of Response: The number of burden hours is 9,140. The number of respondents is 1,120, the number of responses is 1,420, the frequency of response is annually, and the burden hour per response is 54 hours.

Status of the Proposed Information Collection: This is an extension of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: April 15, 2010.

Ronald Y. Spraker,

Associate General Deputy Assistant Secretary for Housing.

[FR Doc. 2010–9215 Filed 4–21–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5380–N–20]

Notice of Proposed Information Collection: Comment Request; Section 811 Supportive Housing for Persons With Disabilities Capital Advance Application Submission Requirements

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* June 21, 2010.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Leroy McKinney Jr., Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410; e-mail *Leroy.McKinneyJr@HUD.gov* or telephone (202) 402–8048 or the number for the Federal Information Relay Service (1–800–877–8339).

FOR FURTHER INFORMATION CONTACT: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708–3000 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Section 811 Supportive Housing for Persons with Disabilities, Application Submission Requirements.

OMB Control Number, if applicable: 2502–0462.

Description of the need for the information and proposed use: The collection of this information is necessary to the Department to assist HUD in determining applicant eligibility and ability to develop housing for persons with disabilities within statutory and program criteria. A thorough evaluation of an applicant's submission is necessary to protect the government's financial interest.

Agency form numbers, if applicable: HUD–92016–CA, HUD–92041, HUD–92042, HUD–92043, HUD–2880, HUD–2991, HUD–2990, HUD–96010, HUD–96011, HUD 2994–A; Standard grant forms: SF–424, SF–424–Supplemental, SF LLL.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The number of burden hours is 11,833. The number of respondents is 136, the number of responses is 136, the frequency of response is on occasion, and the burden hour per response is 90.81.

Status of the proposed information collection: Extension of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: April 15, 2010.

Ronald Y. Spraker,

Associate General Deputy Assistant Secretary for Housing.

[FR Doc. 2010–9213 Filed 4–21–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5380–N–13]

Notice of Proposed Information Collection: Comment Request; Application for Insurance Benefits; Multifamily Mortgage

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* June 21, 2010.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Leroy McKinney, Jr. Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410; e-mail *Leroy.McKinneyJr@HUD.gov* or telephone (202) 402–5564 or the number

for the Federal Information Relay Service (1–800–877–8339).

FOR FURTHER INFORMATION CONTACT: Betty Belin, Director, Multifamily Claims Branch, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 402–2807 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Multifamily Mortgagee's Application for Insurance Benefits.

OMB Control Number, if applicable: 2502–0419.

Description of the need for the information and proposed use:

1. A lender with an insured multifamily mortgage pays an annual insurance premium to the Department. When and if the mortgage goes into default, the lender may elect to file a claim for insurance benefits with the Department. A requirement of the claims process is the submission of an application for insurance benefits. Form HUD 2747, Mortgagee's Application for Insurance Benefits (Multifamily Mortgage), satisfies this requirement.

Agency form numbers, if applicable: Form HUD 2747.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The number of annual burden hours is 9, the number of respondents is 110 per year, the frequency of response is on occasion, and the burden hour per response is .08.

Status of the proposed information collection: This is a request for extension of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S. C., Chapter 35, as amended.

Dated: April 15, 2010.

Ronald Y. Spraker,

Associate General Deputy Assistant Secretary for Housing.

[FR Doc. 2010–9243 Filed 4–21–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5380–N–16]

Notice of Proposed Information Collection: Comment Request; Mortgage Insurance Termination, Application for Premium Refund or Distributive Share

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* June 21, 2010.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Leroy McKinney Jr., Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410; e-mail *Leroy.McKinneyJr@HUD.gov* or telephone (202) 402–8048 or the number for the Federal Information Relay Service (1–800–877–8339).

FOR FURTHER INFORMATION CONTACT: Program Contact, Branch Chief, Disbursements and Customer Service Branch, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 402–3545 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Mortgage Insurance Termination, Application for Premium Refund or Distributive Share.

OMB Control Number, if applicable: 2502–0414.

Description of the need for the information and proposed use: Mortgage Insurance Termination is used by servicing mortgagees to comply with HUD requirements for reporting termination of FHA mortgage insurance. This information is used whenever FHA mortgage insurance is terminated and no claim for insurance benefits will be filed. This information is submitted on via the internet or EDI and is used to directly pay eligible homeowners. This condition occurs when the form passes the criteria of certain system edits.

As the result the system generates a disbursement to the eligible homeowner for the refund consisting of the unused portion of the paid premium. The collection information required is used to update HUD's Single Family Insurance System. The billing of mortgage insurance premiums is discontinued as a result of the transaction. Without this information the premium collection/monitoring function would be severely impeded and program data would be unreliable. Under streamline III when the form is processed and but does not pass the series of edits the system generates in these cases the Application for Premium Refund or Distributive Share Payment to the homeowner to be completed and returned to HUD for further processing for the refund. In general a Premium Refund is the difference between the amount of prepaid premium and the amount of the premium that has been earned by HUD up to the time the mortgage is terminated.

Agency form numbers, if applicable: Information is provided electronically.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: Public reporting burden for this collection of information for the Mortgage Insurance Termination is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources gathering and maintaining the data needed, and completing and reviewing the collection of information. The number of respondents is 6,000 and the frequency of response is as required and the volume per respondents is 1 to 40,000 depending on the size of their FHA portfolio.

Public reporting burden for this collection of information for the Application for Premium Refund or Distributive Share is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources gathering and maintaining the data needed, and completing and reviewing the collection of information. The number of respondents is 50,000 and the frequency of response is one time and the volume per respondents is 1.

Status of the proposed information collection: Recurring collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: April 15, 2010.

Ronald Y. Spraker,

Associate General Deputy Assistant Secretary for Housing.

[FR Doc. 2010–9239 Filed 4–21–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5380–N–17]

Notice of Proposed Information Collection: Comment Request; Acquisition/Disposition of Mortgaged Single-Family Properties

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* June 21, 2010.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Leroy McKinney, Jr., Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410; e-mail *leroy.mckinneyjr@hud.gov* or telephone (202) 402–5564 or the number for the Federal Information Relay Service (1–800–877–8339).

FOR FURTHER INFORMATION CONTACT: Vance Morris, Director, Office of Single Family Program, Asset Management, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708–2121 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Acquisition/Disposition of Mortgaged Single-Family Properties.

OMB Control Number, if applicable: 2502–0306.

Description of the need for the information and proposed use: This collection of information consists of the sales contracts and addenda that will be used in binding contracts between purchasers of acquired single-family assets and HUD.

Agency form numbers, if applicable: HUD–9519–A, HUD–9544, HUD–9545–Y, HUD–9545–Z, HUD–9548, HUD–9548–D, HUD–9548–E, HUD–9548–F, HUD–9548–G, and HUD–9548–H.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The number of burden hours is 135,513.49. The number of respondents is 13,136 the frequency of response is on occasion, and the estimated time needed to prepare the response varies from 2 minutes to 30 minutes per response.

Status of the proposed information collection: This is a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: April 15, 2010.

Ronald Y. Spraker,

Associate General Deputy Assistant Secretary for Housing.

[FR Doc. 2010–9237 Filed 4–21–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5414–Fa–01]

Announcement of Funding Awards for the Housing Choice Voucher Family Self-Sufficiency Administrative Fee for Fiscal Year 2009

AGENCY: Office of Public and Indian Housing, HUD.

ACTION: Announcement of Funding Awards.

SUMMARY: In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department for funding under Notice PIH 2009–40 (HA) for the Housing Choice Voucher Family Self-Sufficiency (HCV/FSS) Administrative Fee funding. This announcement contains the consolidated names and addresses of those award recipients selected for funding based on the funding priority categories established in the NOFA.

FOR FURTHER INFORMATION CONTACT: For questions concerning the FY 2009 Housing Choice Voucher Family Self-Sufficiency (HCV/FSS) Administrative Fee awards, contact the Office of Public and Indian Housing's Grant Management Center, Program Analyst, Darrin C. Dorsett, Department of Housing and Urban Development, Washington, DC, telephone (202) 475–8861. For the hearing or speech impaired, these numbers may be accessed via TTY (text telephone) by calling the Federal Information Relay Service at 1 (800) 877–8339. (Other than

the "800" TTY number, these telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

The authority for the $50,000,000 in one-year budget authority for the Housing Choice Voucher Family Self-Sufficiency (HCV/FSS) Administrative Fee funding under the Tenant-Based Assistance Account for family self sufficiency coordinators under section 23 of the United States Housing Act of 1937, is found in the Omnibus Appropriations Act, 2009 (Pub. L. 111–8, dated March 11, 2009).

This program is intended to promote the development of local strategies to coordinate the use of rental assistance with public and private resources to enable participating families to obtain employment that will enable them to decrease dependence on welfare assistance. The FSS program coordinator ensures that program participants are linked to the supportive services they need to achieve greater economic independence.

The Fiscal Year 2009 awards announced in this Notice were selected for funding in a competition announced in Notice PIH2009–40 (HA), issued on September 29, 2009. In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the names, addresses, and amounts of the 688 awards made under the Housing Choice Voucher Family Self-Sufficiency Administrative Fee competition.

Dated: March 30, 2010.

Deborah Hernandez,

General Deputy Assistant Secretary for Public and Indian Housing.

APPENDIX A—FISCAL YEAR 2009 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY ADMINISTRATIVE FEE

Recipient	Address/City/State/Zip code	Amount
Alaska Housing Finance Corporation	P.O. Box 101020, Anchorage, AK 99510	$131,116
Albertville Housing Authority	P.O. Box 1126, 711 South Broad Street, Albertville, AL 35950	41,824
Alexander City Housing Authority	2110 County Road, Alexander, AL 35010	33,278
Florence Housing Authority	110 South Cypress Street, Suite 1, Florence, AL 35630	51,729
Housing Authority of the Birmingham District	1826 3rd Avenue South, Birmingham, AL 35233	65,558
Housing Authority of the City of Decatur, Alabama	P.O. Box 878, Decatur, AL 35601	34,778
Housing Authority of the City of Montgomery, AL	1020 Bell Street, Montgomery, AL 36104	51,288
Huntsville Housing Authority	P.O. Box 486, 200 Washington Street, Huntsville, AL 35804	119,665
Jefferson County Housing Authority	3700 Industrial Parkway, Birmingham, AL 35217	99,293
Leeds Housing Authority	1630 Moore Street, Leeds, AL 35094	19,250
Mobile Housing Board	P.O. Box 1345, Mobile, AL 36633	80,266
Prichard Housing Authority	4559 St. Stephens Road, Eight Mile, AL 36613	46,145
The Housing Authority of the City of Bessemer	1515 Fairfax Avenue, South, Bessemer, AL 35020	47,584
Tuscaloosa Housing Authority	P.O. Box 2281, Tuscaloosa, AL 35403	51,450
Conway County Housing Authority	P.O. Box 229, Morrilton, AR, 72110	39,151
Fort Smith Housing Authority	2100 North 31st Street, Fort Smith, AR 72904	51,510
Housing Authority of Lonoke County	P.O. Box 74, 617 No. Greenlaw, Carlisle, AR 72024	46,427
Housing Authority of the City of Hope	720 Texas Street, Hope, AR 71801	31,314
Housing Authority of the City of Hot Springs	P.O. Box 1257, Hot Springs, AR 71901	35,360
Housing Authority of the City of Pine Bluff	2503 Belle Meade, Pine Bluff, AR 71601	43,200
Housing Authority of the City of West Memphis	2820 Harrison Street, West Memphis, AR 72301	44,525
Jonesboro Urban Renewal and Housing Authority	330 Union, Jonesboro, AR 72401	52,550
Little Rock Housing Authority	100 South Arch Street, Little Rock, AR 72201	38,000
McGehee Public Residential Housing Facilities Board	P.O. Box 725, McGehee, AR 71654	39,810
Mississippi County Public Facilities Board	810 West Keiser, Osceola, AR 72370	38,925
North Little Rock Housing Authority	P.O. Box 516, North Little Rock, AR 72115	110,039
Northwest Regional Housing Authority	P.O. Box 2568, 114 Sisco Avenue, Harrison, AR 72602	40,609
Pope County Public Facilities Board	P.O. Box 846, 301 East 3rd Street, Russellville, AR 72811	35,695
Pulaski County Housing Agency	201 South Broadway, Suite 220, Little Rock, AR 72205	35,510
White River Regional Housing Authority	P.O. Box 650, Melbourne, AR 72556	49,002
Wynne Housing Authority	200 Fisher Place, Wynne, AR 72396	34,000
City of Chandler, Housing and Redevelopment Division	P.O. Box 4008, Mail Stop 101, Chandler, AZ 85244	54,442
City of Douglas Public Housing Authority	425 10th Street, Douglas, AZ 85607	66,600
City of Mesa Housing Authority	20 East Main Street, Suite 250, Mesa, AZ 85201	68,000
City of Phoenix Housing Department	251 West Washington, 4th Floor, Phoenix, AZ 85003	136,000
City of Scottsdale Housing Agency	7515 East 1st Street, Scottsdale, AZ 85251	68,000
City of Tempe Housing Services	21 East 6th Street, Suite 214, Tempe, AZ 85281	68,000
City of Tucson	310 North Commerce Park Loop, Tucson, AZ 85726	59,562
Housing Authority of Cochise County	P.O. Box 167, 100 Clawson Avenue, Bisbee, AZ 85603	45,773
Housing Authority of Maricopa County	2024 North 7th Street, Phoenix, AZ 85006	45,145
Mohave County Housing Authority	P.O. Box 7000, Kingman, AZ 86402	50,100
Pinal County Housing & Community Development	970 North Eleven Mile Corner Road, Casa Grande, AZ 85294	55,368
Yuma County Housing Department	8450 West Highway 95 #88, Somerton, AZ 85350	57,501
Area Housing Authority of the County of Ventura	1400 West Hillcrest Drive, Newbury Park, CA 91320	63,500
City of Anaheim Housing Authority	201 South Anaheim Boulevard, Suite 203, Anaheim, CA 92805	136,000
City of Baldwin Park Housing Authority	14403 East Pacific Avenue, Baldwin Park, CA 91706	68,000
City of Inglewood Housing Authority	1 Manchester Boulevard, Suite 750, Inglewood, CA 90301	68,000
City of Norwalk Housing Authority	12035 Firestone Boulevard, Norwalk, CA 90650	79,996
City of Oceanside Community Development Commission	300 North Coast Highway, Oceanside, CA 92054	136,000
City of Pomona Housing Authority	505 South Garey Avenue, Pomona, CA 91766	73,667
City of San Jose Housing Authority (056)	505 West Julian Street, San Jose, CA 95110	71,500
City of Santa Rosa Housing Authority	Department of Economic Development and Housing, P.O. Box 1806, Santa Rosa, CA 95402.	68,000

APPENDIX A—FISCAL YEAR 2009 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY ADMINISTRATIVE FEE—Continued

Recipient	Address/City/State/Zip code	Amount
Compton Local Housing Authority	600 North Alameda Street, Compton, CA 90221	68,000
Consolidated Area Housing Authority of Sutter County	448 Garden Highway, Yuba City, CA 95991	55,752
County of Sacramento Housing Authority	630 I Street, Sacramento, CA 95814	68,000
Culver City Housing Agency	9770 Culver Boulevard, Culver City, CA 90232	65,558
Department of Housing & Community Development	P.O. Box 952054, 1800 3rd Street, Sacramento, CA 94252	34,000
El Dorado County Community Services	937 Spring Street, Placerville, CA 95667	59,309
Fairfield Housing Authority	823–B Jefferson Street, Fairfield, CA 94533	66,155
Garden Grove Housing Authority	11277 Garden Grove Boulevard, Suite 101–C, Garden Grove, CA 92842.	66,660
Housing Authority of Kings County	P.O. Box 355, Hanford, CA 93232	56,667
Housing Authority of the City of Benicia	28 Riverhill Drive, Benicia, CA 94510	65,558
Housing Authority of the City of Fresno	Post Office Box 11985, Fresno, CA 93776	240,735
Housing Authority of the City of Hollister	2931 Mission Street, Santa Cruz, CA 95060	34,000
Housing Authority of the City of Long Beach	521 East 4th Street, Long Beach, CA 90802	204,000
Housing Authority of the City of Los Angeles	2500 Wilshire Boulevard, PH, Los Angeles, CA 90057	204,000
Housing Authority of the City of Madera	205 North G Street, Madera, CA 93637	56,158
Housing Authority of the City of Oxnard	435 South D Street, Oxnard, CA 93030	66,660
Housing Authority of the City of Redding	P.O. Box 496071, Redding, CA 96049	58,136
Housing Authority of the City of San Buenaventura	995 Riverside Street, Ventura, CA 93001	54,404
Housing Authority of the City of San Luis Obispo	487 Leff Street, San Luis Obispo, CA 93401	51,066
Housing Authority of the City of Santa Ana	P.O. Box 22030, Santa Ana, CA 92702	64,326
Housing Authority of the City of Santa Barbara	808 Laguna Street, Santa Barbara, CA 93101	133,320
Housing Authority of the City of Vallejo	P.O. Box 1432, 200 Georgia Street, Vallejo, CA 94590	68,000
Housing Authority of the County of Alameda	22941 Atherton Street, Hayward, CA 94541	204,000
Housing Authority of the County of Butte	2039 Forest Avenue, Chico, CA 95928	63,000
Housing Authority of the County of Contra Costa	P.O. Box 2759, 3133 Estudillo Street, Martinez, CA 94553	138,875
Housing Authority of the County of Fresno	Post Office Box 11985, 1331 Fulton Mall, Fresno, CA 93776	243,579
Housing Authority of the County of Kern	601—24th Street, Bakersfield, CA 93301	188,412
Housing Authority of the County of Marin	4020 Civic Center Drive, San Rafael, CA 94903	133,320
Housing Authority of the County of Monterey	123 Rico Street, Salinas, CA 93907	63,891
Housing Authority of the County of Riverside	5555 Arlington Avenue, Riverside, CA 92504	199,627
Housing Authority of the County of San Bernardino	715 East Brier Drive, San Bernardino, CA 92408	121,640
Housing Authority of the County of San Diego	3989 Ruffin Road, San Diego, CA 92123	66,660
Housing Authority of the County of San Joaquin	P.O. Box 447, Stockton, CA 95201	131,116
Housing Authority of the County of San Mateo	264 Harbor Boulevard, #A, Belmont, CA, 94002	136,000
Housing Authority of the County of Santa Barbara	815 West Ocean Avenue, Lompoc, CA 93436	83,325
Housing Authority of the County of Santa Cruz	2931 Mission Street, Santa Cruz, CA 95060	81,948
Housing Authority of the County of Stanislaus	P.O. Box 581918, 1701 Robertson Road, Modesto, CA 95358	135,000
Imperial Valley Housing Authority	1401 D Street, Brawley, CA 92227	61,151
Lake County Housing Commission	P.O. Box 1049, 16170 Main Street, Suite D, Lower Lake, CA 95459.	63,133
Oakland Housing Authority	1619 Harrison Street, Oakland, CA 94612	196,674
Orange County Housing Authority	1770 North Broadway, Santa Ana, CA 92706	209,128
Pico Rivera Housing Assistance Agency	6615 Passons Boulevard, Pico Rivera, CA 90660	64,689
Roseville Housing Authority	311 Vernon Street, Roseville, CA 95678	65,557
San Diego Housing Commission	1122 Broadway, Suite 300, San Diego, CA 92101	199,800
Santa Clara County Housing Authority	505 West Julian Street, San Jose, CA 95110	71,500
Santa Monica Housing Authority	1901 Main Street, Suite A, Santa Monica, CA 90405	64,640
Shasta County Housing Authority	1450 Court Street, Suite 108, Redding, CA 96001	50,723
Solano County Housing Authority	40 Eldridge Avenue, Suite 2, Vacaville, CA 95688	70,706
Sonoma County Housing Authority	1440 Guerneville Road, Santa Rosa, CA 95403	65,558
The Housing Authority of the County of Los Angeles	12131 Telegraph Road, Santa Fe Springs, CA 90670	204,000
Vacaville Housing Authority	40 Eldridge Avenue, Suite 2, Vacaville, CA 95688	229,454
Yuba County Housing Authority	915 8th Street, Suite 130, Marysville, CA 95901	55,597
Adams County Housing Authority	7190 Colorado Boulevard, Commerce City, CO 80022	49,354
Boulder County Housing Authority	P.O. Box 471, Boulder, CO 80306	123,504
Colorado Department of Local Affairs, Division of Housing	1313 Sherman Street, Room 518, Denver, CO 80203	47,550
Fort Collins Housing Authority	1715 West Mountain Avenue, Fort Collins, CO 80521	133,320
Grand Junction Housing Authority	1011 North 10th Street, Grand Junction, CO 81501	56,580
Housing Authority of the City & County of Denver	777 Grant Street, Denver, CO 80203	44,024
Housing Authority of the City of Englewood	3460 South Sherman, Suite 101, Englewood, CO 80113	43,692
Housing Authority of the City of Loveland	375 West 37th Street, Suite 200, Loveland, CO 80538	41,521
Housing Authority of the City of Pueblo	1414 North Santa Fe Avenue, Pueblo, CO 81003	42,379
Lakewood Housing Authority	575 Union Boulevard, Suite 100, Lakewood, CO 80228	33,330
Bristol Housing Authority	164 Jerome Avenue, Bristol, CT 6010	66,660
Connecticut Department of Social Services	25 Sigourney Street, Hartford, CT 6106	204,000
Housing Authority of the City of Ansonia	36 Main Street, Ansonia, CT 6401	52,955
Housing Authority of the City of Meriden	P.O. Box 911, 22 Church Street, Meriden, CT 6451	52,701
Housing Authority of the City of New Britain	16 Armistice Street, New Britain, CT 6053	68,000
Housing Authority of the City of Norwalk	P.O. Box 508, 24 ½ Monroe Street, Norwalk, CT 6856	68,000
Housing Authority of the City of Stamford	22 Clinton Street, Stamford, CT 6901	68,000

APPENDIX A—FISCAL YEAR 2009 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY ADMINISTRATIVE FEE—Continued

Recipient	Address/City/State/Zip code	Amount
West Hartford Housing Authority	80 Shield Street, West Hartford, CT 6110	68,000
Boca Raton Housing Authority	2333A West Glades Road, Boca Raton, FL 33431	51,005
Broward County Housing Authority	4780 North State Road 7, Lauderdale Lakes, FL 33319	100,621
Clearwater Housing Authority	908 Cleveland Street, Clearwater, FL 33755	47,296
County of Volusia, FL	110 West Rich Avenue, Deland, FL 32720	56,460
Deerfield Beach Housing Authority	533 South Dixie Highway, Suite 201, Deerfield Beach, FL 33441.	46,764
Delray Beach Housing Authority	600 North Congress Avenue, Suite 310–B, Delray Beach, FL 33445.	50,917
Fort Pierce Housing Authority	707 North 7th Street, Fort Pierce, FL 34950	63,166
Hialeah Housing Authority	75 East 6th Street, Hialeah, FL 33040	71,637
Hillsborough County Housing Choice Voucher	3620 West Humphrey Street, Tampa, FL 33614	190,035
Housing Authority of the City of Fort Lauderdale	437 Southwest 4th Avenue, Fort Lauderdale, FL 33315	131,648
Housing Authority of the City of Fort Myers	4224 Michigan Avenue, Fort Myers, FL 33916	103,894
Housing Authority of the City of Homestead	29355 South Federal Highway, Homestead, FL 33033	22,500
Housing Authority of the City of Miami Beach	200 Alton Road, Miami Beach, FL 33139	63,000
Housing Authority of the City of Pompano Beach	P.O. Box 2006, Pompano Beach, FL 33061	49,454
Housing Authority of the City of Tampa	1529 West Main Street, Tampa, FL 33607	151,611
Jacksonville Housing Authority	1300 Broad Street, Jacksonville, FL 32202	142,426
Lee County Housing Authority	14170 Warner Circle Northwest, North Fort Myers, FL 33903	46,415
Manatee County Housing Authority	5631 11th Street East, Bradenton, FL 34203	62,000
Ocala Housing Authority	1629 Northwest 4th Street, Ocala, FL 34475	49,893
Orange County Housing and Community Development	525 East South Street, Orlando, FL 32801	68,000
Palm Beach County Housing Authority	3432 West 45th Street, West Palm Beach, FL 33407	79,367
Pasco County Housing Authority	14517 7th Street, Dade City, FL 33523	32,749
Pinellas County Housing Authority	11479 Ulmerton Road, Largo, FL 33778	63,900
Punta Gorda Housing Authority	340 Gulf Breeze Avenue, Punta Gorda, FL 33950	52,500
Sarasota Housing Authority	1300 Boulevard of the Arts, Sarasota, FL 34236	10,000
Tallahassee Housing Authority	2940 Grady Road, Tallahassee, FL 32312	52,346
The Housing Authority of the City of Daytona Beach	211 North Ridgewood Avenue, Daytona Beach, FL 32114	41,132
The Housing Authority of the City of Lakeland	P.O. Box 1009, Lakeland, FL 33802	87,380
Walton County Housing Agency	76 North 6th Street, DeFuniak Springs, FL 32433	25,000
West Palm Beach Housing Authority	1715 Division Avenue, West Palm Beach, FL 33407	87,526
Housing Authority City of Jonesboro	203 Hightower Street, Jonesboro, GA 30236	109,404
Housing Authority of Columbus, Georgia	P.O. Box 630, Columbus, GA 31902	45,450
Housing Authority of DeKalb County, Georgia	750 Commerce Drive, Suite 201, Decatur, GA 30030	42,500
Housing Authority of Fulton County	4273 Wendell Drive, Atlanta, GA 30336	46,101
Housing Authority of Newnan	48 Ball Street, Newman, GA 30263	17,000
Housing Authority of Savannah	P.O. Box 1179, 1407 Wheaton Street, Savannah, GA 31402	136,000
Housing Authority of the City of Augusta, Georgia	1435 Walton Way, Augusta, GA 30901	225,399
Housing Authority of the City of Carrollton, GA	1 Roop Street, Carrollton, GA 30117	55,892
Housing Authority of the City of College Park	2000 West Priceton Avenue, College Park, GA 30337	63,434
Housing Authority of the City of East Point	3056 Norman Berry Drive, East Point, GA 30344	66,660
Housing Authority of the City of Marietta	P.O. Drawer K, 95 Cole Street, Marietta, GA 30061	56,510
The Housing Authority, City of Brunswick	P.O. Box 1118, Brunswick, GA 31521	42,517
Guam Housing and Urban Renewal Authority	117 Bien Venida Avenue, Sinajana, GU 96910	54,209
City and County of Honolulu	Honolulu Hale, Honolulu, HI 96813	185,986
County of Maui	35 Lunalilo Street, Suite 400, Wailuku, HI 96793	68,000
Hawaii County Housing Agency	50 Wailuku Drive, Hilo, HI 96720	65,549
Hawaii Public Housing Authority	P.O. Box 17907, Honolulu, HI 96817	124,813
Kauai, County of DBA Kauai County Housing Agency	4444 Rice Street, Suite 330, Lihue, HI 96766	130,000
Central Iowa Regional Housing Authority	1201 S.E. Gateway Drive, Grimes, IA 50111	56,959
City of Cedar Rapids (Housing Services)	1211 6th Street SW, Cedar Rapids, IA 52404	136,000
City of Des Moines, Municipal Housing Agency	100 East Euclid Avenue, #101, Des Moines, IA 50313	131,656
City of Dubuque	3500 West 6th Street, Suite 312, Dubuque, IA 52001	46,472
City of Sioux City Housing Authority	P.O. Box 447, 405 6th Street, Suite 107, Sioux City, IA 51102	65,558
Eastern Iowa Regional Housing Authority	7600 Commerce Park, Dubuque, IA 52002	66,307
Iowa City Housing Authority	410 East Washington Street, Iowa City, IA 52240	120,515
Mid Iowa Regional Housing Authority	1605 1st Avenue No, Suite 1, Fort Dodge, IA 50501	46,589
Municipal Housing Agency of Council Bluffs, IA	505 South 6th Street, Council Bluffs, IA 51501	48,194
Municipal Housing Agency of the City of Fort Dodge	700 South 17th Street, Fort Dodge, IA 50501	34,027
Muscatine Municipal Housing Agency	215 Sycamore, Muscatine, IA 52761	54,791
Region XII Regional Housing Authority	P.O. Box 663, 320 East 7th Street, Carroll, IA 51401	45,400
Southern Iowa Regional Housing Authority	219 North Pine Street, Creston, IA 50801	43,416
Waterloo Housing Authority	620 Mulberry Street, Suite #102, Waterloo, IA 50703	35,000
Ada County Housing Authority	1276 West River Street, Suite 300, Boise, ID 83702	111,708
Boise City Housing Authority	1276 West River Street, Suite 300, Boise, ID 83702	111,710
Idaho Housing and Finance Association	P.O. Box 7899, 565 West Myrtle, Boise, ID 83707	161,664
Southwestern Idaho Cooperative Housing Authority	1108 West Finch Drive, Nampa, ID 83651	96,202
Chicago Housing Authority	60 East Van Buren, Chicago, IL 60605	167,214
County of Lake	33928 North Route 45, Grayslake, IL 60073	101,360

APPENDIX A—FISCAL YEAR 2009 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY ADMINISTRATIVE FEE—Continued

Recipient	Address/City/State/Zip code	Amount
Decatur Housing Authority	1808 East Locust Street, Decatur, IL 62521	49,090
Dupage Housing Authority	711 East Roosevelt Road, Wheaton, IL 60187	134,001
Housing Authority of Champaign County	205 West Park Avenue, Champaign, IL 61820	32,832
Housing Authority of Cook County	175 West Jackson Boulevard, Suite 350, Chicago, IL 60604	168,000
Housing Authority of Elgin	120 South State Street, Elgin, IL 60123	66,660
Housing Authority of Joliet	6 South Broadway Street, Joliet, IL 60436	63,900
Housing Authority of Marion County	719 East Howard Street, Centralia, IL 62801	55,380
Housing Authority of the City of Bloomington	104 East Wood Street, Bloomington, IL 61701	51,269
Housing Authority of the City of Rock Island	227 21st Street, Rock Island, IL 61201	64,909
Housing Authority of the City of Waukegan	215 South Martin Luther King Jr. Avenue, Waukegan, IL 60085	50,316
Kankakee County Housing Authority	P.O. Box 965, 185 North St. Joseph Avenue, Kankakee, IL 60901.	53,565
Kendall Housing Authority	208 South Bridge Street, Yorkville, IL 60560	22,333
Madison County Housing Authority	1609 Olive Street, Collinsville, IL 62234	37,689
Menard County Housing Authority	P.O. Box 168, 101 West Sheridan, Petersburg, IL 62675	44,187
Peoria Housing Authority	100 South Richard Pryor Place, Peoria, IL 61605	48,213
Rockford Housing Authority	223 South Winnebago Street, Rockford, IL 61102	126,084
Springfield Housing Authority	200 North Eleventh Street, Springfield, IL 62703	58,000
Winnebago County Housing Authority	3617 Delaware Street, Rockford, IL 61102	63,603
Bloomington Housing Authority	1007 North Summit, Bloomington, IN 47404	94,838
Evansville Housing Authority	500 Court Street, Evansville, IN 47708	68,000
Gary Housing Authority	578 Broadway, Gary, IN 46402	50,400
Housing Authority City of Peru	701 East Main Street, Peru, IN 46970	45,490
Housing Authority of City of Terre Haute	P.O. Box 3086, Terre Haute, IN 47803	111,079
Housing Authority of the City of Elkhart	1396 Benham Avenue, Elkhart, IN 46516	98,867
Housing Authority of the City of Fort Wayne, Indiana	P.O. Box 13489, 7315 Hanna Street, Fort Wayne, IN 46869	87,534
Housing Authority of the City of Goshen	1101 West Lincoln Avenue, Suite 100, Goshen, IN 46526	50,948
Housing Authority of the City of Hammond	1402 173rd Street, Hammond, IN 46324	73,538
Housing Authority of the City of Kokomo, IN	P.O. Box 1207, 210 East Taylor Street, Kokomo, IN 46903	41,244
Housing Authority of the City of Marion, IN	601 South Adams Street, Marion, IN 46953	34,842
Housing Authority of the City of Muncie	409 East 1st Street, Muncie, IN 47302	48,204
Housing Authority of the City of South Bend	501 Alonzo Watson Drive, South Bend, IN 46601	36,748
Housing Authority of the County of Delaware, Indiana	2401 South Haddix Avenue, Muncie, IN 47302	27,500
Housing Authority of Vincennes	P.O. Box 1636, 501 Hart Street, Vincennes, IN 47591	86,406
Indianapolis Housing Agency	1919 North Meridian Street, Indianapolis, IN 46202	143,829
Knox County Housing Authority	11 Powell Street, Bicknell, IN 47512	32,157
Logansport Housing Authority	719 Spencer Street, Suite 100, Logansport, IN 46947	29,706
The Housing Authority of the City of Columbus	799 McClure Road, Columbus, IN 47201	45,572
The Housing Authority of the City of New Albany, IN	P.O. Box 11, New Albany, IN 47150	48,480
City of Wichita Housing Authority	332 North Riverview, Wichita, KS 67203	147,046
Housing Authority of Olathe, KS	P.O. Box 768, 201 North Cherry Street, Olathe, KS 66051	54,278
Johnson County Housing Authority	12425 West 87th Street Parkway, Suite 200, Lenexa, KS, 66215.	62,127
Lawrence-Douglas County Housing Authority	1600 Haskell Avenue, Lawrence, KS 66044	87,134
Topeka Housing Authority	2010 South East California Avenue, Topeka, KS 66607	43,148
Appalachian Foothills Housing Agency, Inc	1214 Riverside Boulevard, Wurtland, KY 41144	43,766
Barbourville Urban Renewal & CDA	P.O. Box 806, Barbourville, KY 40906	32,380
Boone County Fiscal Court	P.O. Box 536, Burlington, KY 41005	64,909
Campbell County Department of Housing	P.O. Box 424, 1010 Monmouth Street, Newport, KY 41072	47,852
Campbellsville Housing & Redevelopment Authority	400 Ingram Avenue, Campbellsville, KY 42718	17,689
City of Covington CDA	2300 Madison Avenue, Covington, KY 41014	51,005
City of Paducah Section 8 Housing	Post Office Box 2267, Paducah, KY 42002	27,889
City of Richmond Section 8 Housing	P.O. Box 250, Richmond, KY 40476	36,091
Cumberland Valley Regional Housing Authority	P.O. Box 806, Barbourville, KY 40906	85,273
Housing Authority of Cynthiana	148 Federal Street, Cynthiana, KY 41031	62,664
Housing Authority of Floyd County	402 John M. Stumbo Drive, Langley, KY 41645	33,300
Housing Authority of Frankfort	590 Walter Todd Drive, Frankfort, KY 40601	48,246
Housing Authority of Georgetown	139 Scroggin Park, Georgetown, KY 40324	79,813
Housing Authority of Newport, KY	P.O. Box 72459, 30 East 8th Street, Newport, KY 41071	52,213
Housing Authority of Somerset	(606) 679–1332, Somerset, KY 42502	41,915
Kentucky Housing Corporation	1231 Louisville Road, Frankfort, KY 40601	152,426
Lexington-Fayette Urban County Housing Authority	300 West New Circle Road, Lexington, KY 40505	49,534
Louisville Metro Housing Authority	420 South Eighth Street, Louisville, KY 40203	191,388
Pike County Housing Authority	P.O. Box 1468, Pikeville, KY 41501	68,000
Pineville Urban Renewal & Community	P.O. Box 460, 114 West Kentucky Avenue, Pineville, KY 40977	15,812
Calcasieu Parish Police Jury Housing Department	1011 Lakeshore Drive, Suite #602, Lake Charles, LA 70601	14,820
Housing Authority of New Orleans	4100 Touro Street, New Orleans, LA 70122	75,966
Jefferson Parish Housing Authority	1718 Betty Street, Marrero, LA 70072	107,150
Natchitoches Parish Housing Authority	525 Fourth Street, Natchitoches, LA 71457	56,865
Shreveport Housing Authority	2500 Line Avenue, Shreveport, LA 71104	39,704
Terrebonne Parish Consolidated Government	809 Barrow Street, Houma, LA 70360	43,048

APPENDIX A—FISCAL YEAR 2009 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY ADMINISTRATIVE FEE—Continued

Recipient	Address/City/State/Zip code	Amount
Acton Housing Authority	P.O. Box 681, Acton, MA 1720	59,337
Arlington Housing Authority	4 Winslow Street, Arlington, MA 2474	66,660
Attleboro Housing Authority	37 Carlon Street, Attleboro, MA 2703	66,944
Boston Housing Authority	52 Chauncy Street, Boston, MA 2111	193,792
Braintree Housing Authority	25 Roosevelt Street, Braintree, MA 2184	53,163
Brockton Housing Authority	P.O. Box 7070, 45 Goddard Road, Brockton, MA 2301	68,000
Chelmsford Housing Authority	10 Wilson Street, Chelmsford, MA 1824	62,729
Chelsea Housing Authority	54 Locke Street, Chelsea, MA 2150	64,909
Commonwealth of Massachusetts	100 Cambridge Street, Boston, MA 2114	215,445
Framingham Housing Authority	1 John J. Brady Drive, Framingham, MA 1702	66,307
Gardner Housing Authority	116 Church Street, Gardner, MA 1440	50,260
Gloucester Housing Authority	P.O. Box 1599, Gloucester, MA 1931	42,528
Greenfield Housing Authority	1 Elm Terrace, Greenfield, MA 1301	109,814
Holyoke Housing Authority	475 Maple Street, Suite One, Holyoke, MA 1040	48,680
Leominster Housing Authority	100 Main Street, Leominster, MA 1453	47,772
Lowell Housing Authority	P.O. Box 60, 350 Moody Street, Lowell, MA 1853	64,909
Lynn Housing Authority & Neighborhood Development	10 Church Street, Lynn, MA 1902	60,039
Malden Housing Authority	630 Salem Street, Malden, MA 2148	34,000
Medford Housing Authority	121 Riverside Avenue, Medford, MA 2155	66,660
Melrose Housing Authority	910 Main Street, Melrose, MA 2176	38,633
Methuen Housing Authority	24 Mystic Street, Methuen, MA 1844	55,117
Milton Housing Authority	65 Miller Avenue, Milton, MA 2186	66,660
North Andover Housing Authority	One Morkeski Meadows, North Andover, MA 1844	57,284
Plymouth Housing Authority	P.O. Box 3537, 69 Allerton Street, Plymouth, MA 2361	45,904
Quincy Housing Authority	80 Clay Street, Quincy, MA 2170	72,215
Revere Housing Authority	70 Cooledge Street, Revere, MA 2151	66,600
Somerville Housing Authority	30 Memorial Road, Somerville, MA 2145	44,374
Taunton Housing Authority	30 Olney Street, Suite B, Taunton, MA 2780	60,642
Wayland Housing Authority	109 Main Street, Wayland, MA 1778	10,000
Woburn Housing Authority	59 Campbell Street, Woburn, MA 1801	56,309
Worcester Housing Authority	40 Belmont Street, Worcester, MA 1605	130,000
Baltimore County Housing OFC	6401 York Road, Baltimore, MD 21212	130,163
Carroll County Bureau of Housing	10 Distillery Drive, Suite 101, Westminster, MD 21157	66,929
Cecil County Housing Agency	200 Chesapeake Boulevard, Suite 1800, Elkton, MD 21921	51,519
City of Westminster	1838 Emerald Hill Lane, Westminster, MD 21157	44,142
Harford County Housing Agency	15 South Main Street, Suite 106, Bel Air, MD 21014	55,679
Housing Authority of Baltimore City	417 East Fayette Street, Baltimore, MD 21202	217,948
Housing Authority of St. Mary's County, Maryland	21155 Lexwood Drive, Suite C, Lexington Park, MD 20653	44,602
Housing Authority of the City of Frederick	209 Madison Street, Frederick, MD 21701	49,370
Housing Authority of Washington Co	319 East Antietam Street, 2nd Floor, Hagerstown, MD 21740	31,000
Housing Commission of Anne Arundel County	7477 Baltimore Annapolis Boulevard, Suite 301, Glen Burnie, MD 21061.	127,260
Housing Opportunities Commission	10400 Detrick Avenue, Kensington, MD 20895	201,168
Howard County Housing Commission	6751 Columbia Gateway Drive, Columbia, MD 21046	60,455
Maryland Department of Housing and Community Development	100 Community Place, Crownesville, MD 21032	37,526
Queen Anne's County Housing Authority	P.O. Box 327, Centreville, MD 21617	43,481
Rockville Housing Enterprises	621A Southlawn Lane, Rockville, MD 20850	36,000
The Housing Authority of the City of Hagerstown, MD	35 West Baltimore Street, Hagerstown, MD 21740	50,168
Augusta Housing Authority	33 Union Street, Augusta, ME 4330	40,204
Bangor Housing Authority	161 Davis Road, Bangor, ME 4401	48,858
City of Caribou	25 High Street, Caribou, ME 4736	48,247
Housing Authority of the City of Old Town	358 Main Street, Old Town, ME 4468	23,735
Lewiston Housing Authority	1 College Street, Lewiston, ME 4240	39,577
Maine State Housing Authority	353 Water Street, Augusta, ME 4330	54,031
Portland Housing Authority	14 Baxter Boulevard, Portland, ME 4101	52,332
Westbrook Housing Authority	30 Liza Harmon Drive, Westbrook, ME 4092	40,205
Dearborn Heights Housing Commission	1160 Sheridan Street, Plymouth, MI 48170	44,031
Detroit Housing Commission	2211 Orleans, Detroit, MI 48207	65,000
Grand Rapids Housing Commission	1420 Fuller Avenue SE, Grand Rapids, MI 49507	194,758
Kent County Housing Commission	82 Ionia Avenue, NW, Suite 390, Grand Rapids, MI 49503	115,924
Michigan State Housing Development Authority	735 East Michigan Avenue, Lansing, MI 48909	204,000
Plymouth Housing Commission	1160 Sheridan Street, Plymouth, MI 48170	88,062
Pontiac Housing Commission	132 Franklin Boulevard, Pontiac, MI 48341	60,123
Saginaw Housing Commission	1803 Norman Street, Saginaw, MI 48605	86,492
Traverse City Housing Commission	10200 East Carter Centre, Traverse City, MI, 49684	66,307
Westland Housing Commission	32715 Dorsey Road, Westland, MI 48186	33,069
Wyoming Housing Commission	2450 36th Street SW, Wyoming, MI 49519	140,215
Brainerd Housing and Redevelopment Authority	324 East River Road, Brainerd, MN 56401	68,000
Dakota County CDA	1228 Town Centre Drive, Eagan, MN 55123	24,630
Housing & Redevelopment Authority of Clay County	P.O. Box 99, 116 Center Avenue East, Dilworth, MN 56529	81,370
Housing & Redevelopment Authority, Duluth, MN	P.O. Box 16900, 222 East Second Street, Duluth, MN 55816	64,894

APPENDIX A—FISCAL YEAR 2009 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY ADMINISTRATIVE FEE—Continued

Recipient	Address/City/State/Zip code	Amount
Housing Authority of St. Louis Park	5005 Minnetonka Boulevard, St. Louis Park, MN 55416	20,356
Housing Redevelopment Authority of Virginia MN	442 Pine Mill Court, Virginia, MN 55792	58,132
Mankato Economic Development Authority	PO Box 3368, 10 Civic Center Plaza, Mankato, MN 56002	52,550
Metropolitan Council HRA	390 Robert Street North, St. Paul, MN 55101	63,263
Northwest Minnesota Multi-County Housing and Redevelopment Authority.	P.O. Box 128, 205 Garfield Avenue, Mentor, MN 56716	37,704
Public Housing Agency of the City of Saint Paul	555 North Wabasha Street, Suite 400, Saint Paul, MN 55102	68,000
South Central MN Multi-County HRA	360 Pierce Avenue, Suite 106, North Mankato, MN 56003	38,422
Southeastern Minnesota Multi-County Housing & Redevelopment Authority.	134 East Second Street, Wabasha, MN 55981	36,064
Washington County Housing and Redevelopment Authority	321 Broadway Avenue, St. Paul Park, MN 55071	42,500
Franklin County PHA	P.O. Box 920, Hillsboro, MO 63050	85,980
Housing Assistance Program St. Charles County	16 North Court Street, Bowling Green, MO 63334	42,405
Housing Authority of Kansas City, Missouri	301 East Armour, Kansas City, MO 64111	176,499
Housing Authority of St. Louis County	8865 Natural Bridge Road, St. Louis, MO 63121	101,910
Housing Authority of the City of Columbia, Missouri	201 Switzler Street, Columbia, MO 65203	50,870
Housing Authority of the City of Liberty, MO	17 East Kansas, Liberty, MO 64068	44,203
Housing Authority of the City of Springfield, Missouri	421 West Madison Street, Springfield, MO 65806	26,559
Lincoln County PHA	16 North Court Street, Bowling Green, MO 63334	110,786
Phelps County Public Housing Agency	#4 Industrial Drive, St. James, MO 65559	53,458
Ripley County Public Housing Agency	3019 Fair Street, Poplar Bluff, MO 63901	42,344
Saint Charles Housing Authority	1041 Olive Street, Saint Charles, MO 63301	47,886
St. Clair County PHA	106 West Fourth Street, Appleton City, MO 64724	138,765
St. Francois County Public Housing Agency	P.O. Box 308, 403 Parkway Drive, Park Hills, MO 63601	31,218
St. Louis Housing Authority	3520 Page Boulevard, St. Louis, MO 63106	60,902
Mississippi Regional Housing Authority No. IV	P.O. Box 1051, Columbus, MS 39703	37,842
Mississippi Regional Housing Authority No. VII	P.O. Box 748, McComb, MS 39649	45,065
Mississippi Regional Housing Authority VI	2180 Terry Road, Jackson MS 39204	125,533
Mississippi Regional Housing Authority VIII	P.O. Box 2347, 10430 Three Rivers Road, Gulfport, MS 39505	68,000
MS Regional Housing Authority No. V	P.O. Box 419, Newton, MS 39345	32,901
North Delta Regional Housing Authority	P.O. Box 1148, #4 East Second Street, Clarksdale, MS 38614	46,359
South Delta Regional Housing Authority	202 Weston Avenue, Leland, MS 38756	50,000
Tennessee Valley Regional Housing Authority	P.O. Box 1329, Corinth, MS 38835	165,150
The Housing Authority of the City of Biloxi	P.O. Box 447, Biloxi, MS 39533	51,500
The Housing Authority of the City of Jackson, MS	P.O. Box 11327, 2747 Livingston Road, Jackson, MS 39213	56,028
The Housing Authority of the City of Meridian	2425 E Street, Meridian, MS 39301	61,819
Housing Authority of Billings	2415 1st Avenue North, Billings, MT 59101	40,643
Missoula Housing Authority	1235 34th Street, Missoula, MT 59801	133,320
City of Concord Housing Department	P.O. Box 308, 283 Harold Goodman Circle, Concord, NC 28026.	37,778
East Spencer Housing Authority	P.O. Box 367, 206 South Long Street, East Spencer, NC 28039.	47,883
Eastern Carolina Human Services Agency, Inc	P.O. Drawer 796, 246 Georgetown Road, Jacksonville, NC 28541.	82,771
Economic Improvement Council, Inc.	712 Virginia Road, Edenton, NC 27932	43,730
Gastonia Housing Authority	P.O. Box 2398, Gastonia, NC 28053	47,295
Greensboro Housing Authority	P.O. Box 21287, 450 North Church Street, Greensboro, NC 27401.	164,463
Housing Authority of the City of Asheville	166 South French Broad Avenue, Asheville, NC 28801	72,316
Housing Authority of the City of Charlotte	1301 South Boulevard, Charlotte, NC 28203	47,755
Housing Authority of the City of Greenville	1103 Broad Street, Greenville, NC 27834	114,053
Housing Authority of the City of High Point	500 East Russell Avenue, High Point, NC 27261	48,518
Housing Authority of the City of Kinston, NC	P.O. Box 697, 608 North Queen Street, Kinston, NC 28501	51,982
Housing Authority of the City of Wilmington, NC	1524 South 16th Street, Wilmington, NC 28401	55,273
Housing Authority of the City of Wilson	213 Broad Street, Wilson, NC 27893	50,000
Housing Authority of the City of Winston-Salem	500 West 4th Street, Suite 300, Winston-Salem, NC 27101	70,500
Isothermal Planning & Development Commission	P.O. Box 841, 111 West Court Street, Rutherfordton, NC 28139.	35,420
Mid-East Regional Housing Authority	809 Pennsylvania Avenue, Washington, NC 27889	40,400
Mountain Projects, Inc	2251 Old Balsam Road, Waynesville, NC 28786	33,437
Northwestern Regional Housing Authority	P.O. Box 2510, Boone, NC 28607	206,884
Rowan County Housing Authority	310 Long Meadow Drive, Salisbury, NC 28147	90,000
Sandhills Community Action Program	P.O. Box 937, 103 Saunders Street, Carthage, NC 28327	35,000
Sanford Housing Authority	P.O. Box 636, Sanford, NC 27330	44,226
Statesville Housing Authority	110 West Allison Street, Statesville, NC 28677	44,969
The Housing Authority of the City of Durham	330 East Main Street, Durham, NC 27701	68,000
Twin Rivers Opportunities, Inc	318 Craven Street, New Bern, NC 28563	44,362
Washington Housing Authority	809 Pennsylvania Avenue, Washington, NC 27889	40,000
Western Carolina Community Action	P.O. Box 685, 220 King Creek Boulevard, Hendersonville, NC 28793.	61,094
Fargo Housing and Redevelopment Authority	325 Broadway, Fargo, ND 58102	55,126

APPENDIX A—FISCAL YEAR 2009 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY ADMINISTRATIVE FEE—Continued

Recipient	Address/City/State/Zip code	Amount
Minot Housing Authority	107 Burdick Expressway East, Minot, ND 58701	42,757
The Housing Authority of the City of Grand Forks, ND	1405 1 Avenue N, Grand Forks, ND 58203	103,352
Douglas County Housing Authority	5404 North 107th Plaza, Omaha, NE 68134	55,250
Goldenrod Regional Agency	P.O. Box 799, 1017 Avenue East, Wisner, NE 68791	45,075
Housing Authority of the City of Lincoln	5700 R Street, Lincoln, NE 68505	60,349
Kearney Housing Authority	P.O. Box 1236, 2715 Avenue I, Kearney, NE 68848	7,535
Omaha Housing Authority	540 South 27th Street, Omaha, NE 68105	140,479
Dover Housing Authority	62 Whittier Street, Dover, NH 3820	85,000
Laconia Housing & Redevelopment Authority	25 Union Avenue, Laconia, NH 3246	19,969
Manchester Housing and Redevelopment Authority	198 Hanover Street, Manchester, NH 3104	44,551
New Hampshire Housing Finance Authority	32 Constitution Drive, Bedford, NH 3110	173,894
Burlington County Board of Social Services	795 Woodlane Road, Mount Holly, NJ 8060	66,660
Department of Community Affairs	P.O. Box 051, 101 South Broad Street, Trenton, NJ 8625	204,000
Fort Lee Housing Authority	1403 Teresa Drive, Fort Lee, NJ 7024	50,070
Housing Authority of Gloucester County	100 Pop Moylan Boulevard, Deptford, NJ 8096	42,970
Housing Authority of the Borough of Madison	15 Chateau Thierry Avenue, Madison, NJ 7940	54,686
Housing Authority of the City of Camden	2021 Watson Street, 2nd Floor, Camden, NJ 8105	40,337
Housing Authority of the City of East Orange	160 Halsted Street, East Orange, NJ 7018	66,660
Housing Authority of the City of Jersey City	400 U.S. Highway #1, Marion Gardens, Jersey City, NJ 7306	105,310
Housing Authority of the City of Newark	500 Broad Street, Newark, NJ 7102	65,245
Housing Authority of the City of Orange	340 Thomas Boulevard, Orange, NJ 7050	68,000
Housing Authority of the City of Perth Amboy	P.O. Box 390, 881 Amboy Avenue, Perth Amboy, NJ 8862	128,730
Housing Authority of the County of Morris	99 Ketch Road, Morristown, NJ 7960	32,163
Housing Authority of the Town of Boonton	125 Chestnut Street, Boonton, NJ 7005	66,228
Housing Authority of the Township of Irvington	624 Nye Avenue, Irvington, NJ 7111	68,000
Housing Authority of Woodbridge, NJ	20 Bunns Lane, Woodbridge, NJ 7095	22,065
Housing Authority Town of Dover	215 East Blackwell Street, Dover, NJ 7801	63,554
Lakewood Housing Authority	317 Sampson Avenue, Lakewood, NJ 8701	65,558
Lakewood Tenants Organization, Inc. (Lakewood Township Residential Assistance Program LTRAP).	P.O. Box 856, 600 West Kennedy Boulevard, Lakewood, NJ 8701.	50,634
Monmouth County Public Housing Agency	3000 Kozloski Road, Freehold, NJ 7728	66,660
Passaic County Public Housing Agency	100 Hamilton Plaza, Suite 510, Paterson, NJ 7011	123,224
Pleasantville Housing Authority	156 North Main Street, Pleasantville, NJ 8232	68,000
The Housing Authority of Plainfield	510 East Front Street, Plainfield, NJ 7060	81,875
Bernalillo County Housing Department	1900 Bridge Boulevard Southwest, Albuquerque, NM 87105	117,197
City of Albuquerque Housing Services	1840 University Boulevard SE, Albuquerque, NM 87106	136,000
Clovis Housing & Redevelopment Agency, Inc	P.O. Box 1240, 2101 West Grand Avenue, Clovis, NM 88102	41,212
Eastern Regional Housing Authority	106 East Reed Street, Roswell, NM 88202	39,138
Housing Authority of the City of Las Cruces	926 South San Pedro, Las Cruces, NM 88001	44,300
Housing Authority of the City of Truth or Consequences	108 South Cedar Street, Truth or Consequences, NM 87901	45,645
Santa Fe Civic Housing Authority	664 Alta Vista Street, Santa Fe, NM 87505	71,833
Taos County Housing Authority	Box 4239 NDCBU, Taos, NM 87571	59,243
Housing Authority of the City of Las Vegas	340 North 11th Street, Las Vegas, NV 89101	204,000
Housing Authority of the City of Reno	1525 East 9th Street, Reno, NV 89512	43,888
Housing Authority of the County of Clark, NV	5390 East Flamingo Road, Las Vegas, NV 89122	169,392
Albany Housing Authority	200 South Pearl Street, Brooklyn, NY 12202	136,000
City of Buffalo	65 Niagara Square-City Hall, Buffalo, NY 14202	98,697
City of Fulton	125 West Broadway, Fulton, NY 13069	29,917
City of New York Department of Housing Preservation and Development.	100 Gold Street, New York City, NY 10038	204,000
City of North Tonawanda PHA	1195 Main Street, Buffalo, NY 14209	48,102
City of Oswego Community Development Office	20 West Oneida Street, Third Floor, Oswego, NY 13126	46,673
City of Port Jervis—Community Development Agency	17–19 Sussex Street, Exchange Plaza, Port Jervis, NY 12771	14,007
City of Utica Section 8 Program	1 Kennedy Plaza, Utica, NY 13502	45,979
Cohoes Housing Authority	100 Manor Sites, Administrative Building, Cohoes, NY 12047	70,709
Erie County PHA Consortium, Town of Amherst	1195 Main Street, Buffalo, NY 14209	145,640
Geneva Housing Authority	P.O. Box 153, 41 Lewis Street, Geneva, NY 14456	63,025
Gloversville Housing Authority	181 West Street, Gloversville, NY 12078	48,712
Ithaca Housing Authority	800 South Plain Street, Ithaca, NY 14850	136,000
Jamestown Housing Authority	110 West Third Street, Jamestown, NY 14701	34,340
Johnstown Housing Authority	41 East Main Street, Johnstown, NY 12095	32,643
Mechanicville Housing Authority	Harris Avenue, Mechanicville, NY 12118	16,750
Monticello Housing Authority	76 Evergreen Drive, Monticello, NY 12701	44,625
Municipal Housing Authority of the City of Schenectady	375 Broadway, Schenectady, NY 12305	47,356
New Rochelle Municipal Housing Authority	50 Sickles Avenue, New Rochelle, NY 10801	81,136
North Fork Housing Alliance, Inc	116 South Street, Greenport, NY 11944	37,875
NYS Housing Trust Fund Corp/DHCR	25 Beaver Street, Room 732, New York, NY 10004	187,179
Poughkeepsie Housing Authority	4 Howard Street, Poughkeepsie, NY 12601	60,186
Rochester Housing Authority	675 West Main Street, Rochester, NY 14605	165,180
Town of Babylon Housing Assistance Agency	281 Phelps Lane, Room 9, N. Babylon, NY 11703	49,098
Town of Brookhaven	One Independence Hill, Farmingville, NY 11738	57,696

APPENDIX A—FISCAL YEAR 2009 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY ADMINISTRATIVE FEE—Continued

Recipient	Address/City/State/Zip code	Amount
Town of Colonie	Memorial Town Hall, Newtonville, NY 12128	52,081
Town of Guilderland	Town Hall, Route 20, Guilderland, NY 12084	64,394
Town of Huntington Housing Authority	1–A Lowndes Avenue, Huntington Station, NY 11746	68,000
Town of Poughkeepsie Section 8 Housing Program	1 Overocker Road, Poughkeepsie, NY 12603	53,357
Town of Rotterdam	Town Hall-Vinewood Avenue, Schenectady, NY 12306	54,254
Town of Smithtown	P.O. Box 575, 99 West Main Street, Smithtown, NY 11787	49,213
Troy Housing Authority	One Eddy's Lane, Troy, NY 12180	71,902
Village of Ballston Spa	66 Front Street, Ballston Spa, NY 12020	41,211
Village of Corinth	260 Main Street, Corinth, NY 12822	32,908
Village of Highland Falls	303 Main Street, Highland Falls, NY 10928	32,643
Village of Kiryas Joel Housing Authority	51 Forest Road, Suite 360, Monroe, NY 10950	81,942
Village of Scotia	4 North Ten Broeck Street, Scotia, NY 12302	28,494
Akron Metropolitan Housing Authority	100 West Cedar Street, Akron, OH 44307	182,542
Allen Metropolitan Housing Authority	600 South Main Street, Lima, OH 45804	39,110
Athens Metropolitan Housing Authority	10 Hope Drive, Athens, OH 45701	40,867
Cambridge Metropolitan Housing Authority	P.O. Box 1388, Cambridge, OH 43725	32,575
Chillicothe Metropolitan Housing Authority	178 West Fourth Street, Chillicothe, OH 45601	44,799
City of Marietta, Ohio/PHA	304 Putnam Street, Marietta, OH 45750	43,785
Clinton Metropolitan Housing Authority	478 Thorne Avenue, Wilmington, OH 45177	49,730
CMHA	16 West Central Parkway, Cincinnati, OH 45202	180,079
Columbus Metropolitan Housing Authority	880 East 11th Avenue, Columbus, OH 43211	96,258
Cuyahoga Metropolitan Housing Authority	3400 Hamilton Avenue, Cleveland, OH 44114	90,058
Dayton Metropolitan Housing Authority	P.O. Box 8750, 400 Wayne Avenue, Dayton, OH 45401	141,462
Delaware Metropolitan Housing Authority	P.O. Box 1292, 222 Curtis Street (rear), Delaware, OH 43015	46,536
Erie Metropolitan Housing Authority	322 Warren Street, Sandusky, OH 44870	63,924
Fairfield Metropolitan Housing Authority	315 North Columbus Street, Lancaster, OH 43130	52,124
Geauga Metropolitan Housing Authority	385 Center Street, Chardon, OH 44024	64,000
Jackson Metropolitan Housing Authority	P.O. Box 619, 249 West 13th Street, Wellston, OH 45692	50,305
Jefferson Metropolitan Housing Authority	815 North 6th Avenue, Steubenville, OH 43952	49,504
Knox Metropolitan Housing Authority	201A West High Street, Mount Vernon, OH 43050	57,233
Lake Metropolitan Housing Authority	189 First Street, Painesville, OH 44077	77,214
Logan County Metropolitan Housing Authority	116 North Everett Street, Bellefontaine, OH 43311	37,528
Lorain Metropolitan Housing Authority	1600 Kansas Avenue, Lorain, OH 44052	61,393
Lucas Metropolitan Housing Authority	P.O. Box 477, 435 Nebraska Avenue, Toledo, OH 43604	137,724
Medina Metropolitan Housing Authority	850 Walter Road, Medina, OH 44256	80,896
Meigs Housing Authority	117 East Memorial Drive, Pomeroy, OH 45769	14,612
Middletown Public Housing Agency	1040 Central Avenue, Middletown, OH 45044	81,482
Morgan Metropolitan Housing Authority	4580 North Street, Route 376 NW, McConnelsville, OH 43756	42,259
Morrow Metropolitan Housing Authority	81 North Rich Street, Mt. Gilead, OH 43338	37,217
Parma Public Housing Agency	1440 Rockside Road, Suite 306, Parma, OH 44134	30,603
Pickaway Metro Housing Authority	176 Rustic Drive, Circleville, OH 43113	28,250
Portage Metropolitan Housing Authority	2832 State Route 59, Ravenna, OH 44266	38,081
Springfield Metropolitan Housing Authority	101 West High Street, Springfield, OH 45502	44,203
Trumbull Metropolitan Housing Authority	4076 Youngstown Road SE, Suite 101, Warren, OH 44484	81,946
Tuscarawas Metropolitan Housing Authority	134 Second Street SW, New Philadelphia, OH 44663	46,000
Vinton Metropolitan Housing Authority	P.O. Box 487, 310 West High Street, McArthur, OH 45651	38,345
Wayne Metropolitan Housing Authority	345 North Market Street, Wooster, OH 44691	43,097
Youngstown Metropolitan Housing Authority	131 West Boardman Street, Youngstown, OH 44503	116,726
Zanesville Metropolitan Housing Authority	407 Pershing Road, Zanesville, OH 43701	157,730
Housing Authority of the City of Norman	700 North Berry Road, Norman, OK 73069	48,725
Housing Authority of the City of Shawnee, OK	P.O. Box 3427, 601 West Seventh Street, Shawnee, OK 74802	40,800
Housing Authority of the City of Stillwater	807 South Lowry, Stillwater, OK 74074	44,731
Housing Authority of the City of Tulsa	415 East Independence, Tulsa, OK 74106	38,905
Lawton Housing Authority	609 S.W. F Avenue, Lawton, OK 73501	32,643
Oklahoma City Housing Authority	1700 Northeast 4th Street, Oklahoma City, OK 73117	35,008
Oklahoma Housing Finance Agency	100 Northwest 63rd, Suite 200, Oklahoma City, OK 73116	193,140
Central Oregon Regional Housing Authority	405 S.W. 6th Street, Redmond, OR 97756	88,880
Housing Authority & Urban Renewal Agency of Polk County (dba West Valley Housing Authority.	P.O. Box 467, 204 Southwest Walnut Avenue, Dallas, OR 97338.	66,660
Housing Authority and Community Services Agency of Lane County.	177 Day Island Road, Eugene, OR 97401	133,349
Housing Authority of Clackamas County	P.O. Box 1510, Oregon City, OR 97045	81,920
Housing Authority of Douglas County	902 West Stanton Street, Roseburg, OR 97471	40,938
Housing Authority of Jackson County	2251 Table Rock Road, Medford, OR 97501	57,466
Housing Authority of Portland	135 S.W. Ash Street, Portland, OR 97204	139,179
Housing Authority of the City of Salem	360 Church Street S.E., Salem, OR 97301	196,251
Housing Authority of Washington County	111 Northeast Lincoln, Suite 200–L, Hillsboro, OR 97124	51,053
Housing Authority of Yamhill County	P.O. Box 865, 135 Northeast Dunn Place, McMinnville, OR 97128.	226,520
Linn-Benton Housing Authority	1250 Queen Avenue SE, Albany, OR 97322	231,305
Marion County Housing Authority	P.O. Box 14500, Salem, OR 97309	58,570

APPENDIX A—FISCAL YEAR 2009 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY ADMINISTRATIVE FEE—Continued

Recipient	Address/City/State/Zip code	Amount
Mid-Columbia Housing Authority	312 Court Street, Suite 419, The Dalles, OR 97058	54,000
Northeast Oregon Housing Authority	P.O. Box 3357, 2608 May Lane, La Grande, OR 97850	105,200
Northwest Oregon Housing Authority	P.O. Box 1149, 147 South Main, Warrenton, OR 97103	52,545
Adams County Housing Authority	40 East High Street, Gettysburg, PA 17325	47,768
Allegheny County Housing Authority	625 Stanwix Street, 12th Floor, Pittsburgh, PA 15222	99,880
Altoona Housing Authority	2700 Pleasant Valley Boulevard, Altoona, PA 16602	56,128
Clarion County Housing Authority	8 West Main Street, Clarion, PA 16212	80,462
Delaware County Housing Authority	P.O. Box 100, 1855 Constitution Avenue, Woodlyn, PA 19094	43,497
Easton Housing Authority	P.O. Box 876, 157 South Fourth Street, Easton, PA 18044	57,000
Fayette County Housing Authority	624 Pittsburgh Road, Uniontown, PA 15401	50,000
Housing Authority of Indiana County	104 Philadelphia Street, Indiana, PA 15701	26,167
Housing Authority of Northumberland County	50 Mahoning Street, Milton, PA 17847	33,538
Housing Authority of the City of Erie	606 Holland Street, Erie, PA 16501	49,729
Housing Authority of the City of Lancaster	325 Church Street, Lancaster, PA 17602	51,798
Housing Authority of the City of Pittsburgh	200 Ross Street, Pittsburgh, PA 15219	139,728
Housing Authority of the City of York	P.O. Box 1963, South Broad Street, York, PA 17403	41,114
Housing Authority of the County of Armstrong	350 South Jefferson Street, Kittanning, PA 16201	26,324
Housing Authority of the County of Butler	114 Woody Drive, Butler, PA 16001	45,028
Housing Authority of the County of Chester	30 West Barnard Street, Suite 2, West Chester, PA 19382	53,900
Housing Authority of the County of Dauphin	P.O. Box 7598, 501 Mohn Street, Steelton, PA 17113	102,574
Housing Authority of the County of Union	1610 Industrial Boulevard, Suite 400, Lewisburg, PA 17837	58,551
Housing/Redevelopment Authority of Cumberland	114 North Hanover Street, Carlisle, PA 17013	39,947
Lancaster County Housing Authority	202 North Prince Street, Suite 400, Lancaster, PA 17603	51,796
Lehigh County Housing Authority	635 Broad Street, Emmaus, PA 18049	48,000
Lycoming Housing Authority	1941 Lincoln Drive, Williamsport, PA 17701	19,778
Montgomery County Housing Authority	104 West Main Street, Suite 1, Norristown, PA 19401	107,417
Westmoreland County Housing Authority	154 South Greengate Road, Greensburg, PA 15601	148,556
Autonomous Municipality of Ponce	P.O. Box 331709, Ponce, PR 731	15,000
Municipality of Bayamon	P.O. Box 1588, Bayamon, PR 960	28,185
Municipality of Guaynabo	P.O. Box 7885, Guaynabo, PR 970	13,500
Municipality of Gurabo	P.O. Box 3020, Gurabo, PR 778	12,500
Municipality of Juana Diaz	P.O. Box 1409, Calle Degetau #35, Juana Diaz, PR 795	23,893
Municipality of San Juan	P.O. Box 36–2138, San Juan, PR 936	34,985
Bristol Housing Authority	1014 Hope Street, Bristol, RI 2809	36,360
Central Falls Housing Authority	30 Washington Street, Central Falls, RI 2863	63,456
Coventry Housing Authority	14 Manchester Circle, Coventry, RI 2816	51,062
Cumberland Housing Authority	573 Mendon Road, Cumberland, RI 2864	66,660
East Providence Housing Authority	99 Goldsmith Avenue, East Providence, RI 2914	48,455
Housing Authority of the City of Providence	100 Broad Street, Providence, RI 2903	126,480
Housing Authority of the Town of East Greenwich	146 First Avenue, East Greenwich, RI 2818	50,782
Narragansett Housing Authority	25 Fifth Avenue, Narragansett, RI 2882	58,479
Rhode Island Housing	44 Washington Street, Providence, RI 2903	181,800
Town of North Providence Housing Authority	945 Charles Street, North Providence, RI 2904	55,150
Warwick Housing Authority	25 Easton Avenue, Warwick, RI 2888	30,750
Beaufort Housing Authority	Post Office Box 1104, Beaufort, SC 29901	42,832
Charleston County Housing & Redevelopment Authority	2106 Mount Pleasant Street, Charleston, SC 29403	60,000
Housing Authority of Anderson	1335 East River Street, Anderson, SC 29621	47,800
Housing Authority of the City of Columbia, SC	1917 Harden Street, Columbia, SC 29204	46,352
Myrtle Beach Housing Authority	P.O. Box 2468, Myrtle Beach, SC 29578	68,000
North Charleston Housing Authority	2170 Ashley Phosphate Road, #700, North Charleston, SC 29406.	46,000
The Housing Authority of the City of Charleston	550 Meeting Street, Charleston, SC 29403	51,439
The Housing Authority of the City of Greenville, SC	P.O. Box 10047, Greenville, SC 29603	41,604
Brookings County Housing & Redevelopment Commission	1310 Main Avenue South, Brookings, SD 57006	37,449
Mobridge Housing & Redevelopment Commission	116 4th Street West, Mobridge, SD 57601	33,894
Sioux Falls Housing & Redevelopment Commission	630 South Minnesota Avenue, South Dakota, SD 57104	73,135
Chattanooga Housing Authority	P.O. Box 1486, 801 North Holtzclaw Avenue, Chattanooga, TN 37401.	108,786
East Tennessee Human Resource Agency	9111 Cross Park Drive, Suite D–100, Knoxville, TN 37923	34,406
Jackson Housing Authority	125 Preston Street, Jackson, TN 38301	101,000
Kingsport Housing & Redevelopment Authority	P.O. Box 44, Kingsport, TN 37662	88,652
Knoxville's Community Development Corporation	901 North Broadway, Knoxville, TN 37927	90,921
Memphis Housing Authority	700 Adams Avenue, Memphis, TN 38105	68,000
Metropolitan Development and Housing Agency	701 South 6th Street, Nashville, TN 37206	129,136
Oak Ridge Housing Authority	10 Van Hicks Lane, Oak Ridge, TN 37830	45,358
Southeast Tennessee Human Resource Agency	P.O. Box 909, Dunlap, TN 37327	35,000
TN Housing Development Agency	404 James Robertson Parkway, Suite 1200, Nashville, TN 37243.	124,193
Town of Crossville Housing Authority	67 Irwin Avenue, Crossville, TN 38555	50,079
Brazos Valley Council of Governments	P.O. Drawer 4128, Bryan, TX 77805	136,000
City of Amarillo	P.O. Box 1971, Amarillo, TX 79105	35,653

APPENDIX A—FISCAL YEAR 2009 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY ADMINISTRATIVE FEE—Continued

Recipient	Address/City/State/Zip code	Amount
City of Baytown Housing Authority	805 West Nazro Street, Baytown, TX 77520	22,680
City of Garland Housing Agency	210 Carver, Suite 201B, Garland, TX 75040	50,859
City of Longview Housing Authority	P.O. Box 1952, Longview, TX 75606	47,075
Dallas County Housing Agency	2377 North Stemmons Freeway, Suite 700, LB–16, Dallas, TX 75207.	32,235
Fort Worth Housing Authority	1201 East 13th Street, Fort Worth, TX 76102	200,388
Galveston Housing Authority	4700 Broadway, Galveston, TX 77551	58,565
Housing Authority of the City of Anthony	P.O. Box 1710, 1007 Franklin Street, Anthony, TX 79821	37,617
Housing Authority of the City of Arlington, Texas	501 West Sanford Street, Suite 20, Arlington, TX 76011	161,091
Housing Authority of the City of Austin	P.O. Box 6159, 1124 South HI–35, Austin, TX 78704	137,599
Housing Authority of the City of Beaumont	1890 Laurel, Beaumont, TX 77701	40,673
Housing Authority of the City of Brownsville	P.O. Box 4420, Brownsville, TX 78523	84,706
Housing Authority of the City of Del Rio	P.O. Drawer 4080, Del Rio, TX 78841	29,650
Housing Authority of the City of Kingsville	1000 West Corral, Kingsville, TX 78363	67,851
Housing Authority of the City of Lubbock	1708 Crickets Avenue, Lubbock, TX 79401	39,000
Housing Authority of the City of Pharr	104 West Polk, Pharr, TX 78577	37,130
Housing Authority of the City of Plano	1740 Avenue G, Plano, TX 75074	35,378
Housing Authority of the City of Texas City, Texas	817 Second Avenue North, Texas City, TX 77590	17,500
Housing Authority of the County of Hidalgo	1800 North Texas Boulevard, Weslaco, TX 78596	37,462
Houston Housing Authority	2640 Fountainview Drive, Suite 400, Houston, TX 77057	136,020
Laredo Housing Authority	2000 San Francisco Avenue, Laredo, TX 78040	44,608
McAllen Housing Authority	2301 Jasmine Avenue, McAllen, TX 78501	45,000
Midland County Housing Authority	1710 Edwards, Midland, TX 79701	52,556
Montgomery County Housing Authority	1500 North Frazier, Suite 101, Conroe, TX 77301	41,436
Palacios Housing Authority	45 Seashell, Palacios, TX 77465	30,000
Robstown Housing Authority	625 West Avenue F., Robstown, TX 78380	15,600
San Angelo Housing Authority	420 East 28th Street, San Angelo, TX 76903	49,000
San Antonio Housing Authority	818 South Flores, San Antonio, TX 78204	122,495
San Marcos Housing Authority	1201 Thorpe Lane, San Marcos, TX 78666	50,753
South Plains Regional Housing Authority	P.O. Box 610, 1611 FM 300, Levelland, TX 79336	33,766
Tarrant County Housing Assistance Office	2100 Circle Drive, Suite 200, Fort Worth, TX 76119	128,753
Texoma Council of Governments	1117 Gallagher Drive, Suite 300, Sherman, TX 75090	65,210
The Housing Authority of the City of Dallas	3939 North Hampton Road, Dallas, TX 75212	204,000
The Housing Authority of the City of El Paso, Texas	P.O. Box 9895, 5300 East Paisano Drive, El Paso, TX 79905	44,528
Waco Housing Authority & Affiliates	P.O. Box 978, 4400 Cobbs Drive, Waco, TX 76703	39,933
Walker County Housing Authority	340 Highway 75 North, Suite E, Huntsville, TX 77320	56,250
Cedar City Housing Authority	364 South 100 East, Cedar City, UT 84720	34,000
Davis Community Housing Authority	P.O. Box 328, 352 South 200 West, Suite #1, Farmington, UT 84025.	38,587
Housing Authority of Salt Lake City	1776 South West Temple, Salt Lake City, UT 84115	101,268
Housing Authority of the City of Ogden	2661 Washington Boulevard, Suite 102, Ogden, UT 84401	51,515
Housing Authority of the County of Salt Lake	3595 South Main Street, Salt Lake City, UT 84115	141,037
Housing Authority of Utah County	240 East Center Street, Provo, UT 84606	54,000
Provo City Housing Authority	650 West 100 North, Provo, UT 84601	80,548
St. George Housing Authority	975 North 1725 West, #101, St. George, UT 84770	41,000
Alexandria Redevelopment and Housing Authority	600 North Fairfax Street, Alexandria, VA 22314	68,000
Chesapeake Redevelopment & Housing Authority	1468 South Military Highway, Chesapeake, VA 23320	99,822
City of Virginia Beach Department of Housing and Neighborhood Preservation.	2424 Courthouse Drive, Building 18–A, Virginia Beach, VA 23456.	48,435
Fairfax County Redevelopment and Housing Authority	3700 Pender Drive, Suite 300, Fairfax, VA 22030	68,000
Franklin Redevelopment and Housing Authority	601 Campbell Avenue, Franklin, VA 23851	34,000
Hampton Redevelopment and Housing Authority	P.O. Box 280, 22 Lincoln Street, 5th Floor, Hampton, VA 23669.	41,041
Harrisonburg Redevelopment and Housing Authority	286 Kelley Street, Harrisonburg, VA 22802	23,781
James City County Office of Housing & Community Development.	5320 Palmer Lane, Suite 1A, Williamsburg, VA 23188	59,974
Loudon County Department of Family Services	102 Heritage Way NE, Suite 103, Leesburg, VA 20176	83,325
Newport News Redevelopment and Housing Authority	P.O. Box 797, Newport News, VA 23607	114,169
Norfolk Redevelopment and Housing Authority	201 Granby Street, Norfolk, VA 23510	128,170
Portsmouth Redevelopment & Housing Authority	801 Water Street, 2nd Floor, Portsmouth, VA 23704	84,744
Prince William County OHCD	15941 Donald Curtis Drive, Suite 112, Woodbridge, VA 22191	68,000
Richmond Redevelopment & Housing Authority	P.O. Box 26887, Richmond, VA 23261	66,129
Roanoke Redevelopment & Housing Authority	P.O. Box 6359, 2624 Salem Turnpike Northwest, Roanoke, VA 24017.	50,952
Suffolk Redevelopment and Housing Authority	530 East Pinner Street, Suffolk, VA 23434	65,316
Virginia Housing Development Authority	601 South Belvidere Street, Richmond, VA 23220	129,472
Waynesboro Redevelopment and Housing Authority	P.O. Box 1138, 1700 New Hope Road, Waynesboro, VA 22980	38,645
Barre Housing Authority	4 Humbert Street, Barre, VT 5641	68,000
Burlington Housing Authority	65 Main Street, Burlington, VT 5401	100,678
Vermont State Housing Authority	One Prospect Street, Montpelier, VT 5602	168,315
City of Longview Housing Authority	1207 Commerce Avenue, Longview, WA 98632	79,856

APPENDIX A—FISCAL YEAR 2009 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY ADMINISTRATIVE FEE—Continued

Recipient	Address/City/State/Zip code	Amount
Housing Authority City of Kelso	1415 South 10th, Kelso, WA 98626	37,160
Housing Authority of Chelan County & the City of Wenatchee	1555 South Methow Street, Wenatchee, WA 98801	16,083
Housing Authority of Island County	7 Northwest 6th Street, Coupeville, WA 98239	47,788
Housing Authority of the City of Everett	P.O. Box 1547, 3107 Colby Avenue, Everett, WA 98206	97,609
Housing Authority of the City of Vancouver	2500 Main Street, Vancouver, WA 98660	63,585
Housing Authority of the City of Yakima	810 North 6th Avenue, Yakima, WA 98902	41,060
Housing Authority of the County of Clallam	2603 South Francis Street, Port Angeles, WA 98362	93,238
Housing Authority of Thurston County	1206 12th Avenue SE, Olympia, WA 98501	131,116
King County Housing Authority	600 Andover Park West, Tukwila, WA 98188	194,746
Pierce County Housing Authority	603 South Polk Street, Tacoma, WA 98448	131,114
Seattle Housing Authority	120 6th Avenue North, Seattle, WA 98109	187,670
Brown County Housing Authority	100 North Jefferson Street, Green Bay, WI 54301	90,308
City of Appleton Housing Authority	925 West Northland Avenue, Appleton, WI 54914	39,121
City of Kenosha Housing Authority	625 52nd Street, Room 98, Kenosha, WI 53140	72,215
Dunn County Housing Authority	1421 Stout Road, Menomonie, WI 54751	37,025
Housing Authority of Racine County	837 Main Street, Racine, WI 53403	65,535
Housing Authority of the City of Superior, Wisconsin	P.O. Box 458, 1219 North 8th Street, Superior, WI 54880	64,540
Benwood—McMechen Housing Authority	2200 Marshall Street, Benwood, WV 26031	27,428
Charleston-Kanawha Housing Authority	1525 Washington Street, West, Charleston, WV 25312	35,072
Clarksburg-Harrison Regional Housing Authority	433 Baltimore Avenue, Clarksburg, WV 26301	42,114
Greenbrier County Housing Authority	Route 2, Box 142, Lewisburg, WV 24901	30,630
Huntington West Virginia Housing Authority	300 West Seventh Avenue, Huntington, WV 25701	36,595
Parkersburg Housing Authority	1901 Cameron Avenue, Parkersburg, WV 26101	38,923
Randolph County Housing Authority	P.O. Box 1579, Elkins, WV 26241	36,400
The Housing Authority of the City of Fairmont	P.O. Box 2738, Fairmont, WV 26555	29,887
Cheyenne Housing Authority	3304 Sheridan Street, Cheyenne, WY 82009	34,000

[FR Doc. 2010–9216 Filed 4–21–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA–6670–F, AA–6670–L, AA–6670–M, AA–6670–A2; LLAK964000–L14100000–HY0000–P]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of decision approving lands for conveyance.

SUMMARY: As required by 43 CFR 2650.7(d), notice is hereby given that the BLM will issue an appealable decision approving conveyance of the surface estate in the lands described below to Iliamna Natives Limited pursuant to the Alaska Native Claims Settlement Act. The subsurface estate in these lands will be conveyed to Bristol Bay Native Corporation when the surface estate is conveyed to Iliamna Natives Limited. The lands are in the vicinity of Iliamna, Alaska, and are located in:

Lot 5, U.S. Survey No. 2644, Alaska.
Containing 4.77 acres.

Seward Meridian, Alaska

T. 3 S., R. 31 W.,
Secs. 35 and 36.
Containing 1,280 acres.

T. 4 S., R. 31 W.,
Secs. 1 and 2.
Containing 1,280 acres.

T. 3 S., R. 32 W.,
Sec. 9.
Containing 378.41 acres.

T. 3 S., R. 33 W.,
Sec. 35.
Containing 640 acres.

T. 4 S., R. 33 W.,
Sec. 21.
Containing 640 acres.
Aggregating 4,223.18.

Notice of the decision will also be published four times in the Bristol Bay Times.

DATES: The time limits for filing an appeal are:

1. Any party claiming a property interest which is adversely affected by the decision shall have until May 24, 2010.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

ADDRESSES: A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7504.

FOR FURTHER INFORMATION, CONTACT: The Bureau of Land Management by phone at 907–271–5960, or by e-mail at *ak.blm.conveyance@ak.blm.gov.* Persons who use a telecommunication device (TTD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, 24 hours a day, seven days a week, to contact the Bureau of Land Management.

Hillary Woods,

Land Law Examiner, Land Transfer Adjudication I Branch.

[FR Doc. 2010–9355 Filed 4–21–10; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLIDT03000–L14300000.EU0000; IDI–35159, IDI–16900]

Notice of Correction to Realty Action: Proposed Sale of Public Land, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of correction.

SUMMARY: The Bureau of Land Management (BLM) published a notice in the **Federal Register** on March 3, 2009, pertaining to a direct sale of public land under the provisions of the Federal Land Policy Management Act of 1976. This document should have

explicitly terminated any existing classifications and segregations.

FOR FURTHER INFORMATION CONTACT: Tara Hagen, Realty Specialist, BLM Shoshone Field Office, 400 West F Street, Shoshone, Idaho 83352 or phone at (208) 732–7205.

Correction: Replace the first sentence of the fourth paragraph of the "**SUPPLEMENTARY INFORMATION**" section found at 74 FR 9265, March 3, 2009 with:

SUPPLEMENTARY INFORMATION: On March 3, 2009, all existing segregations and classifications will be terminated, and the above-described land will be segregated from appropriation under the public land laws, including the mining laws, except the sale provisions of the FLPMA and the lands will be open to disposal under those provisions only.

Ruth A. Miller,

Shoshone Field Manager.

[FR Doc. 2010–9369 Filed 4–21–10; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLAZP01000.L16100000. DR0000.LXSS081A0000.241A]

Notice of Availability of Record of Decision for the Agua Fria National Monument and Bradshaw-Harquahala Resource Management Plan/ Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of the Record of Decision (ROD)/Approved Resource Management Plan (RMP) for the Agua Fria National Monument and Bradshaw-Harquahala Planning Area, located in central Arizona. The Arizona State Director has signed the ROD on April 22, 2010, which constitutes the final decision of the BLM and makes the Approved RMP effective immediately.

ADDRESSES: Copies of the ROD/Approved RMP are available upon request from the Field Manager, Hassayampa Field Office, Bureau of Land Management, 21605 N. 7th Avenue, Phoenix, Arizona 85027 or via the Internet at *http://www.blm.gov/az/st/en/prog/planning/afria_plan.html.* Copies of the ROD/Approved RMP are available for public inspection at the Hassayampa Field Office, the BLM Arizona State Office, and at public libraries in Phoenix (Central Avenue branch), Prescott, Peoria, Black Canyon City, Mayer, and Wickenburg. Interested persons may also review the ROD/Approved RMP on the Internet at *http://www.blm.gov/az/st/en/prog/planning/afria_plan.html.*

FOR FURTHER INFORMATION CONTACT: For further information contact Steven Cohn, Field Manager, telephone 623–580–5500; address Bureau of Land Management, Hassayampa Field Office, 21605 N. 7th Avenue, Phoenix, Arizona 85027; or e-mail *AZ_AFNM_BRADSHAW@blm.gov.*

SUPPLEMENTARY INFORMATION: Through communication media such as meetings, newsletters, and news releases, the BLM described opportunities for the public to identify issues that needed to be addressed and to participate in the development of plan alternatives. The public also provided comments during the 90-day public comment period on the Draft RMP/Draft Environmental Impact Statement (EIS) which were addressed in the Final EIS. The Proposed RMP/Final EIS was developed in cooperation with the following agencies: The U.S. Bureau of Reclamation, the Prescott National Forest, the Tonto National Forest, the Luke Air Force Base, the Arizona Game and Fish Department, the Arizona Department of Transportation, the Federal Highway Administration, Maricopa County, Yavapai County, the City of Peoria, and the City of Phoenix. The BLM also conducted consultation with Indian tribes who have oral traditions or cultural concerns relating to the planning area or who are documented as having occupied or used portions of the planning area during prehistoric or historic times.

The Agua Fria National Monument includes 70,900 acres of BLM-administered lands. The Approved RMP for the Monument provides for the protection of the significant cultural and natural resources that were identified as objects in the Presidential Proclamation establishing the Agua Fria National Monument. The Bradshaw-Harquahala Planning Area encompasses 896,100 surface acres of BLM-administered lands. In addition to the surface acres, there are 346,300 acres of BLM-administered mineral estate, with non-Federal surface ownership, within the boundaries of the planning area. The Hassayampa Field Office also administers another 181,200 acres of mineral estate in Coconino County in northern Arizona, which are addressed in the Approved RMP. The Approved RMP includes strategies for protecting and preserving the biological, cultural, recreational, geological, educational, scientific, and scenic values that balance multiple uses of the BLM-administered lands throughout the area.

The Bradshaw-Harquahala ROD and Approved RMP identify four new Areas of Critical Environmental Concern (ACEC): Tule Creek ACEC (640 acres); Vulture Mountain ACEC (6,120 acres); Black Butte ACEC (8,260 acres); and Harquahala Mountains ACEC (74,950 acres). The following types of resource-use limitations generally apply to these ACECs: (1) Allowable uses are limited to those which are compatible with the important natural or cultural resources for which the area is designated; (2) recreation facilities are limited to projects that protect ACEC values; (3) travel is permitted only on designated open and signed routes; and (4) no new mineral material disposal sites would be authorized. Detailed information is described in the Special Designations section of the Approved RMP.

The Agua Fria National Monument ROD and Approved RMP remove designations of the Perry Mesa ACEC and the Larry Canyon ACEC, established in the Phoenix RMP (1988). The protective management prescriptions for the two ACECs are incorporated into the ROD and Approved RMP, or in the case of lands and minerals actions, are more restrictive under the ROD and Approved RMP.

The Preferred Alternative in the Draft RMP/Draft EIS (published January 6, 2006) was revised to address comments received during the 90-day public comment period. The resultant alternative became the Proposed Plan in the Proposed RMP/Final EIS, published on August 8, 2008 and has been carried forward as the Approved RMP. Six protests were received during the 30-day protest period following the release of the Proposed RMP/Final EIS. These protests were dismissed or denied by the BLM Director. Minor clarifications and changes between the Proposed Plan/Final EIS and the ROD/Approved Plan include change to text to clarify certain decisions, provide an additional map of the Black Canyon utility corridor, and make minor corrections to Proposed RMP Maps 2–83, 2–84, 2–86 and 2–90. Depictions of potential route designations have been deleted from these maps, as the Approved RMP does not contain route designations for the Bradshaw-Harquahala Planning Area. Route designations will be addressed in a future phase of plan implementation with opportunities for public participation.

The BLM has determined that the Approved RMP for the Agua Fria National Monument provides for long-

term protection of the Monument's objects, while allowing for authorized uses, recreation activities, scientific studies, and interpretive facilities that are consistent with the protection of monument values. The Approved RMP for the Bradshaw-Harquahala Planning Area provides an optimal balance between authorized resource use and the protection and long-term sustainability of sensitive resources within the planning area.

The Arizona Governor's Office did not identify any inconsistencies between the Proposed RMP/Final EIS and state or local plans, policies, and programs following the 60-day Governor's Consistency Review (initiated April 15, 2008) in accordance with planning regulations at 43 CFR 1610.3–2(e).

The Approved RMP for the Agua Fria National Monument contains implementation level decisions that identify individual roads and trails within designated areas as open, closed, or limited. These decisions, which are contained in Appendix C of the Approved RMP, are appealable under 43 CFR part 4. Any party adversely affected by an implementation decision may appeal within 30 days of publication of this Notice of Availability pursuant to 43 CFR, part 4, subpart E. The appeal should state the specific route(s), as identified in Appendix C of the Approved RMP, on which the decision is being appealed. The appeal must be filed with the Hassayampa Field Manager at the above-listed address. Please consult the appropriate regulations (43 CFR, part 4, subpart E) for further appeal requirements.

Authority: 40 CFR 1506.6.

James G. Kenna,

Arizona State Director.

[FR Doc. 2010–9177 Filed 4–21–10; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWYD01000–2009–LL13100000–NB0000–LXSI016K0000]

Notice of Rescheduled Meetings of the Pinedale Anticline Working Group, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (1976) and the Federal Advisory Committee Act (1972), the U.S. Department of the Interior, Bureau of Land Management (BLM) Pinedale Anticline Working Group (PAWG) will meet in Pinedale, Wyoming. These meetings are open to the public.

DATES: The April 22, 2010 and May 27, 2010 meetings have been combined and rescheduled. The PAWG will meet on the following date beginning at 1 p.m.: May 6, 2010.

Due to administrative delays, the 15-day advance notification required by the regulations at 41 CFR 102–3.150 could not be met. Extra effort will be made to ensure that all interested parties receive timely notification of the changed meeting dates via mail, e-mail, the Internet, and through the news media.

ADDRESSES: The meeting will be held at the BLM Pinedale Field Office, 1625 West Pine Street, Pinedale, WY.

FOR FURTHER INFORMATION CONTACT: Shelley Gregory, Bureau of Land Management, Pinedale Field Office, 1625 West Pine Street, PO Box 768, Pinedale WY 82941; 307–367–5328; *shelley_gregory@blm.gov.*

SUPPLEMENTARY INFORMATION: The PAWG was authorized and established by the Record of Decision (ROD) for the Final Environmental Impact Statement of the Pinedale Anticline Oil and Gas Exploration and Development Project Area (PAPA) on July 27, 2000 and carried forward with the release of the ROD for the Final Supplemental Environmental Impact Statement of the PAPA on September 12, 2008.

The PAWG advises the BLM on the development and implementation of monitoring plans and adaptive management decisions as PAPA development proceeds. Additional information about the PAWG can be found at: *http://www.blm.gov/wy/st/en/field_offices/Pinedale/pawg.html.*

Brian W. Davis,

Field Manager, Pinedale Field Office.

[FR Doc. 2010–9330 Filed 4–19–10; 4:15 pm]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLOR–936000–L14300000–ET0000; HAG–10–0099; OR–1202]

Notice of Proposed Withdrawal Extension and Opportunity for Public Meeting; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Forest Service has filed an application with the Bureau of Land Management (BLM) that proposes to extend the duration of Public Land Order (PLO) No. 6875 for an additional 20-year term. PLO No. 6875 withdrew approximately 1,050 acres of National Forest System lands from mining in order to protect the rare botanical specimens and the unique natural environment located within the Babyfoot and Big Craggies Botanical Areas. The withdrawal created by PLO No. 6875 will expire on August 27, 2011, unless extended. This notice also gives an opportunity to comment on the proposed action and to request a public meeting.

DATES: Comments and requests for a public meeting must be received by July 21, 2010.

ADDRESSES: Comments and meeting requests should be sent to the Oregon/Washington State Director, BLM, P.O. Box 2965, Portland, Oregon 97208–2965.

FOR FURTHER INFORMATION CONTACT: David Krantz, Rogue River-Siskiyou National Forest, (541) 618–2037, or Charles R. Roy, BLM Oregon/Washington State Office, (503) 808–6189.

SUPPLEMENTARY INFORMATION: The United States Forest Service has filed an application requesting that the Secretary of the Interior extend PLO No. 6875 (56 FR 42539 (1991)), which withdrew certain lands in Curry and Josephine Counties, Oregon, from location and entry under the United States mining laws (30 U.S.C. ch. 2), for an additional 20-year term, subject to valid existing rights. The area described contains approximately 1,050 acres in Curry and Josephine Counties. PLO No. 6875 is incorporated herein by reference.

The purpose of the proposed withdrawal extension is to continue the protection of rare botanical specimens and the unique natural environment located within the Babyfoot and Big Craggies Botanical Areas.

The use of a right-of-way, interagency agreement, or cooperative agreement would not provide adequate protection.

The Forest Service would not need to acquire water rights to fulfill the purpose of the requested withdrawal extension.

Records related to the application may be examined by contacting Charles R. Roy at the above address or phone number.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal extension may present their views in writing to

the BLM State Director at the address indicated above.

Comments, including names and street addresses of respondents, will be available for public review at the address indicated above during regular business hours.

Individual respondents may request confidentiality. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal extension. All interested parties who desire a public meeting for the purpose of being heard on the proposed withdrawal extension must submit a written request to the BLM State Director at the address indicated above by July 21, 2010. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** and in at least one local newspaper not less than 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2310.4.

(Authority: 43 CFR 2310.3–1)

Fred O'Ferrall,

Chief, Branch of Land, Mineral, and Energy Resources.

[FR Doc. 2010–9221 Filed 4–21–10; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLOR–936000–L14300000–ET0000; HAG–10–0124; OR–16124]

Notice of Proposed Withdrawal Extension and Opportunity for Public Meeting; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Forest Service (USFS) has filed an application with the Bureau of Land Management (BLM) that proposes to extend the duration of Public Land Order (PLO) No. 6868 for an additional 20-year term. PLO No. 6868 withdrew approximately 2,400 acres of National Forest System land from mining in order to protect the major anadromous fish spawning beds at the Steamboat Creek Tributaries Streamside Zone and Steamboat Creek Roadside and Streamside Zones. The withdrawal authorized by PLO No. 6868 will expire on August 13, 2011, unless extended. This notice also gives an opportunity to comment on the proposed action and to request a public meeting.

DATES: Comments and requests for a public meeting must be received by July 21, 2010.

ADDRESSES: Comments and meeting requests should be sent to the BLM Oregon/Washington State Director, BLM, P.O. Box 2965, Portland, Oregon 97208–2965.

FOR FURTHER INFORMATION CONTACT: Susan Daugherty, USFS Pacific Northwest Region, (503) 808–2416, or Charles R. Roy, BLM Oregon/Washington State Office, (503) 808–6189.

SUPPLEMENTARY INFORMATION: The USFS has filed an application requesting that the Secretary of the Interior extend PLO No. 6868 (56 FR 40263 (1991)), which withdrew 2,400 acres in Douglas and Lane Counties, Oregon, from location and entry under the United States mining laws (30 U.S.C. ch. 2), for an additional 20-year term, subject to valid existing rights. PLO No. 6868 is incorporated herein by reference.

The purpose of the proposed withdrawal extension is to continue the protection of the major anadromous fish spawning beds at the Steamboat Creek Tributaries Streamside Zone and Steamboat Creek Roadside and Streamside Zones.

The use of a right-of-way, interagency agreement, or cooperative agreement would not provide adequate protection.

The Forest Service would not need to acquire water rights to fulfill the purpose of the requested withdrawal extension.

Records related to the application may be examined by contacting Charles R. Roy at the above address or phone number.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal extension may present their views in writing to the BLM State Director at the address indicated above.

Comments, including names and street addresses of respondents, will be available for public review at the address indicated above during regular business hours.

Individual respondents may request confidentiality. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal extension. All interested parties who desire a public meeting for the purpose of being heard on the proposed withdrawal extension must submit a written request to the BLM State Director at the address indicated above by July 21, 2010. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** and in at least one local newspaper not less than 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR part 2300.

Authority: 43 CFR 2310.3–1.

Fred O'Ferrall,

Chief, Branch of Land, Mineral, and Energy Resources.

[FR Doc. 2010–9218 Filed 4–21–10; 8:45 am]

BILLING CODE 4310–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–030–1430–FQ; MNES–055404]

Public Land Order No. 7740; Partial Modification of Secretarial Order Dated July 29, 1910; Minnesota

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order modifies a Secretarial Order insofar as it affects 212 acres of National Forest System land withdrawn for protection of water power values by Power Site Reserve No. 148. This order opens the land to exchange subject to Section 24 of the Federal Power Act.

DATES: *Effective Date:* April 22, 2010.

FOR FURTHER INFORMATION CONTACT: Steven Wells, Bureau of Land Management-Eastern States, 7450

Boston Boulevard, Springfield, Virginia 22153 703–440–1535.

SUPPLEMENTARY INFORMATION: The land described in this order has been identified for disposal by the United States Forest Service for improved forest management. This action will permit the consummation of a pending land exchange and reserve the power rights to the United States.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, the Act of June 10, 1920, Section 24, as amended, 16 U.S.C. 818, and pursuant to the determination of the Federal Energy Regulatory Commission dated July 28, 2008, it is declared and ordered as follows:

1. The Secretarial Order dated July 29, 1910, which established Power Site Reserve No. 148, is hereby modified to allow for exchange in accordance with the Act of March 20, 1922, as amended, 16 U.S.C. 485, 486, as to the following described land:

Superior National Forest

4th Principal Meridian

T. 62 N., R. 11 W.,
Sec. 28, lot 3 and SE¼;SW¼;
Sec. 32, lot 4;
Sec. 33, lots 3 and 4.

The area described contains 212 acres in Lake County.

2. The land described in Paragraph 1 is hereby opened and made available for exchange in accordance with the Act of March 20, 1922, as amended, 16 U.S.C. 485, 486, subject to the provisions of Section 24 of the Federal Power Act, valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law.

Dated: April 9, 2010.

Wilma A. Lewis,

Assistant Secretary—Land and Minerals Management.

[FR Doc. 2010–9344 Filed 4–21–10; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LVCLB09B3380; CACA 50543]

Notice of Realty Action; Application for Conveyance of Federally-Owned Mineral Interests, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: An application has been filed on December 16, 2008, by the surface owner, for the conveyance of the federally-owned mineral interests in the 2292.12-acre tract of land described in this notice. Publication of this notice temporarily segregates the mineral interests in the land covered by the application from appropriation under the public land laws, including the mining laws, while the application is being processed.

DATES: Interested persons may submit written comments to the Bureau of Land Management (BLM) at the address listed below. Comments must be received no later than June 7, 2010.

ADDRESSES: Bureau of Land Management, California State Office, 2800 Cottage Way, Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Liz Easley, BLM, at the above address or at (916) 978–4673. Detailed information concerning this action is available for review at the BLM address above.

SUPPLEMENTARY INFORMATION: The tract of land referred to in this notice consists of 2,292.12 acres of land, situated in Humboldt County, and is described as follows:

Humboldt Meridian, California

T. 1 S, R. 4 E
Sec. 12, S½NE¼, SE¼NW¼, NE¼SW¼ and NE¼SE¼;
Sec. 13, NE¼NE¼ and NE¼NW¼.
T. 1 S, R. 5 E
Sec. 5, Lot 1, S½SW¼ and SW¼SE¼;
Sec. 7, Lots 1–4 inclusive, NE¼, E½NW¼, E½SW¼ and SE¼;
Sec. 8, SE¼NE¼, NE¼NW¼, W½NW¼, W½SW¼ and NE¼SE¼;
Sec. 9, SW¼NW¼, NW¼SW¼;
Sec. 17, W½NE¼, NW¼, SW¼ and W½SE¼;
Sec. 18, Lot 1, NE¼, NE¼NW¼, SE¼NW¼, NE¼SW¼, N½SE¼ and SE¼SE¼;
Sec. 20, W½NE¼, N½NW¼ and SE¼NW¼.

The area described contains approximately 2292.12 acres in Humboldt County.

Under certain conditions, Section 209(b) of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1719 (FLPMA) authorizes the sale and conveyance of the federally-owned mineral interests in land to the surface owner or prospective surface owner when the non-mineral (or so-called surface interest in land) is not federally-owned. The objective is to allow consolidation of the surface and mineral interests when either one of the following conditions exist: (1) There are no known mineral values in the land; or (2) where continued Federal ownership of the mineral interests interferes with or precludes appropriate non-mineral development and such development is a more beneficial use of the land than mineral development.

An application was filed for the sale and conveyance of the federally-owned mineral interests in the above-described tract of land. Subject to valid existing rights, on April 22, 2010 the federally-owned mineral interests in the lands described above are hereby segregated from appropriation under the public land laws, including the mining laws, while the application is being processed to determine if either one of the two specified conditions exists and, if so, to otherwise comply with the procedural requirements of 43 CFR part 2720 and Section 2A of FLPMA. The segregative effect shall terminate upon: (1) Issuance of a patent or other document of conveyance as to such mineral interests; (2) final rejection of the application; or (3) December 15, 2010, whichever occurs first.

(Authority: 43 CFR 2720.1–1(b))

Comments: Your comments are invited. Please submit all comments in writing to Liz Easley at the address listed above. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 43 CFR 2720.1–1(b))

Thomas F. Zale,

Chief, Branch of Lands Management.

[FR Doc. 2010–9248 Filed 4–21–10; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCOFO2000–L14300000.EU0000; COC–51328, COC–51330, COC–65294, COC–65295, COC–65297, COC–65298, COC–65299, COC–69189, COC–69191, COC–69193, COC–69205]

Notice of Realty Action: Proposed Non-Competitive (Direct) Sales of Public Lands, Boulder County, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

SUMMARY: The public lands described in this Notice consist of 11 small parcels ranging in size from 0.090 acres to 2.990

acres, totaling 9.39 acres in Boulder County, Colorado. The parcels are being considered for direct sale to parties at no less than the appraised fair market value (FMV) to resolve historical inadvertent, unauthorized occupancy of the parcels. No significant resource values will be affected by disposal of these parcels from Federal ownership. These sales are consistent with Bureau of Land Management (BLM) policies and the BLM Colorado Northeast Resource Management Plan, dated September 16, 1986, and have been reviewed with State and local officials.

DATES: Interested persons may submit written comments concerning the proposed sale to the BLM at the address stated below. Comments must be received by the BLM not later than June 7, 2010.

ADDRESSES: Written comments regarding these proposed sales should be addressed to the Bureau of Land Management Field Manager, Royal Gorge Field Office, 3028 East Main Street, Canon City, Colorado 81212.

FOR FURTHER INFORMATION CONTACT: Debbie Bellew, Realty Specialist, at (719) 269–8514 or by e-mail at *dbellew@blm.gov.*

SUPPLEMENTARY INFORMATION: The following described parcels of public land are proposed for sale:

Sixth Principal Meridian

T. 1 N., R. 71 W.,
- COC–51328 Section 18: Proposed Lot 166—0.090 acres;
- COC–51330 Section 18: Lots 42 and 68—0.390 acres;
- COC–69189 Section 18: Proposed Lot 148—0.170 acres.

T. 1 N., R. 72 W.,
- COC–65294 Section 7: Lot 119—0.530 acres;
- COC–65295 Section 6: Lots 169 and 170—2.990 acres;
- COC–65297 Section 7: Lot 121—1.610 acres;
- COC–65298 Section 6: Lot 176—0.390 acres;
- COC–65299 Section 6: Lot 152—0.420 acres;
- COC–69191 Section 13: Lot 93—0.440 acres;
- COC–69193 Section 13: Lot 96—0.270 acres;
- COC–69205 Section 24: Lot 74—2.090 acres.

The areas described aggregate 9.39 acres in Boulder County.

The authority for the sales is Section 203 of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (43 U.S.C. 1713) and regulations found at 43 CFR part 2710. The parcels are difficult and uneconomic to manage as part of the public lands and are not required for Federal purposes and therefore meet the qualifications for disposal from Federal ownership. The parcels were identified for disposal in the BLM Northeast Colorado Resource Management Plan approved on September 18, 1986. Regulations contained in 43 CFR 2711.3–3 make allowances for direct sales when a competitive sale is inappropriate and when the public interest would be best served by a direct sale, including a need to resolve inadvertent unauthorized use or occupancy of the lands. The fragmented land pattern in Boulder County has resulted in numerous historical trespass situations on public lands. As to the parcels described in this Notice, the BLM has completed a cadastral survey of the public land boundaries to verify the unauthorized uses. In accordance with 43 CFR 2710.0–6(c)(iii) and 43 CFR 2711.3–3(a), the BLM authorized officer finds that the public interest would be best served by resolving the inadvertent, unauthorized use and occupancy of public lands managed by the BLM by direct sales to landowners whose improvements occupy portions of the parcels. Sale of the parcels would assemble them to the respective parties' private land or improvements, allow them to continue residence in their homes where appropriate, protect their improvements, and resolve inadvertent unauthorized use and occupancy of public lands.

The parcels will be disposed of at no less than the appraised FMV. The FMV will be determined by an appraisal using the principles contained in the "Uniform Appraisal Standards for Federal Land Acquisitions." Proceeds from this sale will be deposited into the Federal Land Disposal Account authorized under Section 206 of the Federal Land Transaction Facilitation Act (FLTFA), Public Law 106–248, enacted on July 25, 2000. FLTFA provides for the use of revenues from the sale of public lands identified for disposal under land use plans in effect as of the date of enactment (in this case the BLM Colorado Northeast Resource Management Plan dated September 16, 1986).

The land will be offered for sale as follows:

COC–51328, containing 0.090 acres; $1,500; direct sale to Julia Luckey;

COC–51330, containing 0.390 acres; $6,000; direct sale to Steven Johnson;

COC–65294, containing 0.530 acres; $11,000; direct sale to Harold Bonertz;

COC–65295, containing 2.990 acres; $30,000; direct sale to John and Jean Jandreau;

COC–65297, containing 1.610 acres; $30,000; direct sale to Timothy Zienkiewicz;

COC–65298, containing 0.390 acres; $8,000; direct sale to Duncan Developments, c/o David Tamminga;

COC–65299, containing 0.420 acres; $8,500; direct sale to Leaf and Holly Running Rabbit;

COC–69189, containing 0.170 acres; $2,500; direct sale to Philip Rubin;

COC–69191, containing 0.440 acres; $11,000; direct sale to Edward and Judy Dawson;

COC–69193, containing 0.270 acres; $4,000; direct sale to Robin Black;

COC–69205, containing 2.090 acres; $13,600; direct sale to Kraft Building Contractors, c/o Duane Kraft.

Federal law requires purchasers to be: Citizens of the United States, 18 years of age or older; corporations, subject to the laws of any State or of the United States; a State, or a State instrumentality or political subdivision authorized to hold property; or an entity legally capable of conveying lands or interests therein under the laws of the State. The purchaser of a parcel will be allowed 30 days from receipt of a written offer from the BLM to submit a deposit of at least 30 percent of the appraised FMV of the parcel, and 180 days thereafter to submit the balance. Payments must be in the form of a certified check, postal money order, bank draft, or cashier's check made payable in U.S. dollars to the order of the U.S. Department of the Interior—BLM. Personal checks will not be accepted. Failure to meet conditions established for this sale will void the sale and any monies received will be forfeited. If the balance of the purchase price is not received within the 180 days, the deposit shall be forfeited to the United States.

If the offer of sale is not accepted or if the balance of the purchase price is not received within the time allowed, the trespasser will be given 180 days to remove the improvements from public land. If the improvements are not removed in a timely manner, the BLM will have the option of taking possession of the improvements and having them removed at the trespasser's expense. Whether or not the improvements are removed, the parcels will then be offered to either Boulder County in a sale or exchange action, to other adjacent landowners by direct or modified competitive sale, or to the general public through a competitive sale pursuant to current Federal regulations.

Any patents issued will contain the following numbered reservations, covenants, terms, and conditions:

(1) A reservation to the United States for a right-of-way for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945),

(2) The parcels will be subject to all valid existing rights of record at the time of conveyance,

(3) A reservation of minerals and mineral interests to the United States as to cases COC–65294, COC–65295, COC–65299, and COC–69205.

(4) A notice and indemnification statement under the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9620), as amended by the Superfund Amendments and Reauthorization Act of 1988 (100 Stat. 1670), holding the United States harmless from any release of hazardous materials that may have occurred as a result of any authorized or unauthorized use of the property by other parties, and

(5) Additional terms and conditions that the authorized officer deems appropriate to ensure proper land use and protection of the public interest.

The mineral report recommends conveyance of any mineral interest pursuant to Section 209 of the FLPMA as to cases COC–51328, COC–51330, COC–65297, COC–65298, COC–69189, COC–69191, COC–69193.

No warranty of any kind, expressed or implied, is given by the United States as to the title, physical condition, or potential uses of the parcels of land proposed for sale, and the conveyance will not be on a contingency basis. In order to determine the value, through appraisal, certain extraordinary assumptions may have been made of the attributes and limitations of the lands and potential effects of local regulations and policies on potential future land uses. Through publication of this Notice of Realty Action, the BLM gives notice that these assumptions may not be endorsed or approved by units of local government. It is the buyer's responsibility to be aware of: (1) All applicable Federal, State, or local government laws, regulations and policies that may affect the subject parcels or its future uses, and (2) existing or prospective uses of nearby properties. When conveyed out of Federal ownership, the lands will be subject to any applicable laws, regulations, and policies of the applicable local government for proposed future uses. It will be the responsibility of the purchaser to be aware of those laws, regulations, and policies, and to seek any required local approvals for future uses. Buyers should also make themselves aware of any Federal or State law or regulation that may impact the future use of the property. If any parcel lacks access from a public road or highway, it will be conveyed as such, and future access acquisition will be the responsibility of the buyer.

Public Comments: For a period until June 7, 2010, interested parties and the general public may submit in writing any comments concerning the parcels being considered for direct sale, including notification of any encumbrances or other claims relating to the parcels, to the BLM Royal Gorge Field Manager at the above address. In order to ensure consideration in the environmental analysis of the proposed sale, comments must be in writing and postmarked or delivered within 45 days of the initial date of publication of this notice. Comments, including names and street addresses of respondents, will be available for public review at the BLM Royal Gorge Field Office during regular business hours. Individual respondents may request confidentiality. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Any adverse comments will be reviewed by the BLM State Director, Colorado, who may sustain, vacate, or modify this realty action in whole or in part. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior. Information concerning the proposed land sale, including reservations, appraisal, planning and environmental documents, and mineral report, is available for review at the BLM Royal Gorge Field Office at the address listed above. Normal business hours are 7:45 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

The parcels will not be offered for sale until at least June 21, 2010.

Linda McGlothlen,

Acting Field Manager, Royal Gorge Field Office.

[FR Doc. 2010–9227 Filed 4–21–10; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORB05000 L12200000 JA0000 L.X.SS.028H000; HAG10–0046]

Notice of Temporary Road Closure of Coal Pit Spring—Cave Gulch Road (6287–0–B0), Within the Cave Gulch Area, Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of temporary closure.

SUMMARY: Notice is hereby given that a temporary road closure to public access, use, or occupancy is in effect on public lands administered by the Burns District Office, Bureau of Land Management (BLM), in the Cave Gulch area, approximately 11 miles northwest of Burns, in Harney County, Oregon.

DATES: This temporary road closure became effective following the area's big game hunting season, December 1, 2009, and will continue until the treated areas meet the criteria identified in the Categorical Exclusion (DOI–BLM–OR–B050–2010–0004–CX).

ADDRESSES: The Burns District Office address is 28910 Hwy 20 West, Hines, Oregon 97738.

FOR FURTHER INFORMATION CONTACT: Richard Roy, Three Rivers Resource Area Field Manager, at the address above or by phone at (541) 573–4425.

SUPPLEMENTARY INFORMATION: This temporary road closure to public access affects public lands in the Cave Gulch area. The public lands affected by the closure are as described as follows:

Willamette Meridian, Oregon

T. 21 S., R. 30 E.,
Sec 29 SW¼NW¼ and W½SW¼;
Sec 30 E½;
Sec 32 N½NW¼.
Containing 538 acres in Harney County

During the summer of 2009, unauthorized levels of surface disturbance occurred along some roads and two-track roads in the area of Cave Gulch. As a result, the BLM took immediate action to reduce erosion and to prevent or reduce the levels of noxious and invasive weed establishment in the bare-ground areas that were created. The BLM closed the roads to motorized vehicles to facilitate successful stabilization. The BLM posted signs at main entry points to the temporary closure area.

Maps of the closed roads and information may be obtained from the Burns District Office, 28910 Hwy 20 West, Hines, Oregon 97738. Further information may be obtained from the

Cave Gulch Temporary Road Closure and Stabilization Categorical Exclusion, DOI–BLM–OR–B050–2010–0004–CX. This document is available upon request from the Three Rivers Resource Area Field Manager, Burns District Office, Bureau of Land Management, 28910 Hwy 20 West, Hines, Oregon 97738.

The following persons are exempt from this temporary road closure: Federal, state, local officers, and employees in the performance of their official duties and persons with written authorization from the BLM.

Any person who violates the above rule may be tried before a United States Magistrate and fined no more than $1,000, imprisoned for no more than 12 months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

Authority: 43 CFR 8341.2(a) and 43 CFR 8364.1

Kenny McDaniel,

BLM Burns District Manager.

[FR Doc. 2010–9219 Filed 4–21–10; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

April 19, 2010.

The Department of Labor (DOL) hereby announces the submission of the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation including, among other things, a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAMain* or by contacting Darrin King on 202–693–4129 (this is not a toll-free number), e-mail: *DOL_PRA_PUBLIC@dol.gov*.

Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor—Office of Disability Employment Policy (ODEP), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–7316/Fax: 202–395–5806 (these are not toll-free numbers), E-mail: *OIRA_submission@omb.eop.gov* within 30 days from the date of this publication in the **Federal Register.** In order to ensure the appropriate consideration, comments should reference the OMB Control Number (see below).

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: Office of Disability Employment Policy.

Type of Review: New collection (Request for a new OMB Control Number).

Title of Collection: National Survey of Public Attitudes Towards People With Disabilities.

OMB Control Number: Pending.

Agency Form Number: N/A.

Affected Public: Individuals.

Total Estimated Number of Respondents: 4,456.

Total Estimated Annual Burden Hours: 640.

Total Estimated Annual Costs Burden: $0.

Description: This survey will assess public attitudes towards people with disabilities with a focus on workplace relations. The survey will inform ODEP's policies to promote the employment of people with disabilities as it assesses the attitudes of individuals and develops ways of changing those attitudes to improve the employment rate and overall well-being of people with disabilities in the workplace. The study will also provide direction for the development of intervention programs that can be adopted in a corporate environment to promote acceptance and integration of people with disabilities in the workplace. For additional information, see related notice published in the **Federal Register** on January 14, 2010 (75 FR page 2162).

Darrin A. King,

Departmental Clearance Officer.

[FR Doc. 2010–9370 Filed 4–21–10; 8:45 am]

BILLING CODE 4510–CX–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Terminating Investigations of Petitions Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 USC 2273) the Department of Labor herein presents summaries of determinations terminating investigations of petitions regarding eligibility to apply for trade adjustment assistance for workers by (TA–W–) number issued during the period of *August 31, 2009 through December 28, 2009.* After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 USC 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

TA–W–70,181: Hamilton Sundstrand, Windsor Locks, Connecticut.

TA–W–70,415: Gerber Legendary Blades, Portland, Oregon.

TA–W–70,578: Industrial Metal Products Corporation, Lansing, Michigan.

TA–W–70,632: All American Manufacturing Company, Inc., Chicago, Illinois.

TA–W–70,639: Quality Metal Coatings, Inc., Saint Marys, Pennsylvania.

TA–W–70,651: Freeman Marine Equipment, Inc., Gold Beach, Oregon.

TA–W–70,693: Western Electronics, Meridian Idaho.

TA–W–70,693A: Western Electronics, Westminster, Colorado.

TA–W–70,787: Johnson Controls, Inc., Pulaski, Tennessee.

TA–W–70,886: Johnson Bros—West Salem, Inc., West Salem, Ohio.

TA–W–70,890: UAW, Local 235, Hamtramck, Michigan.

TA–W–71,016: Principal Manufacturing Corporation, Broadview, Illinois.

TA–W–71,093: Bill Wink Chevrolet, Dearborn, Michigan.

TA–W–71,124: Actco Tool and Manufacturing Company, Meadville, Pennsylvania.
TA–W–71,142: Plaza Travel, Hermitage, Pennsylvania.
TA–W–71,213: Unitex Chemical Corporation, Greensboro, North Carolina.
TA–W–71,385: Nortech Systems, Inc., Merrifield, Minnesota.
TA–W–71,387: Kipe and Associates, Inc., Beaverton, Oregon.
TA–W–71,591: Aztec Machinery Company, Inc., Ivyland, Pennsylvania.
TA–W–71,675; Woodlawn Precision Machine, Inc., Woodlawn, Virginia
TA–W–71,769: Fisher and Ludlow, Saegertown, Pennsylvania.
TA–W–71,851: Best Textiles International, Ltd, New York, New York.
TA–W–71,891: Schindler Elevator Corp., Morristown, New Jersey.
TA–W–71,911: Finetex Technology, Hudson, New Hampshire.
TA–W–71,963: MAHLE Filters Systems North America, Inc., Murfreesboro, Tennessee.
TA–W–71,967: Williamsburg Manufacturing, Williamsburg, Iowa.
TA–W–71,982: Altadis U.S.A., Inc., Tampa, Florida.
TA–W–72,052: EOS Technologies, Inc., Tucson, Arizona.
TA–W–72,082: RS Bacon Veneer Company, Burr Ridge, Illinois.
TA–W–72,084: United Associated of Plumbers and Pipefitters, Local Union #98, Madison Heights, Michigan.
TA–W–72,097: Smurfit-Stone Container Corp., Murfreesboro, Tennessee.
TA–W–72,116: RCO Engineering, Inc., Roseville, Michigan.
TA–W–72,132: Plastics Engineering Company, Sheboygan, Wisconsin.
TA–W–72,320; Atmel Corporation, Colorado Springs, Colorado.
TA–W–72,357: Home Interiors, Inc., Carrollton, Texas.
TA–W–72,389: ACH Food Companies, Inc., Humboldt, Tennessee.
TA–W–72,396: Universal Style, Inc., North Bergen, New Jersey.
TA–W–72,441: Insteel Wire Products Company, Sanderson, Florida.
TA–W–72,441A: Insteel Wire Products Company, Gallatin, Tennessee.
TA–W–72,457: Datamatics Technology, Livonia, Michigan.
TA–W–72,525: Channellock, Inc., Meadville, Pennsylvania.
TA–W–72,542: Cellular Express, Inc., DBA Boston Communications, Group, Bedford, Massachusetts.
TA–W–72,637: Lynn Ladder and Scaffolding Company, Orwigsburg, Pennsylvania.
TA–W–72,701: Bombardier Recreational Products US, Inc., Sturtevant, Wisconsin.
TA–W–72,801: AGI In Store, Forest City, North Carolina.
TA–W–72,802; North American Enclosures, Inc., Central Islip, New York.
TA–W–72,970: Hopper Industries, Inc., Logansport, Indiana.
TA–W–72,994: Nautilus, Inc., Vancouver, Washington.

I hereby certify that the aforementioned determinations were issued during the period of *August 31, 2009 through December 28, 2009.* Copies of these terminations are available for inspection in Room N–5428, U.S. Department of Labor 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address. These determinations also are available on the Department's Web site at *http://www.doleta/tradeact* under the searchable listing of determinations

Dated: April 14, 2010.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 2010–9348 Filed 4–21–10; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Terminating Investigations of Petitions Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations terminating investigations of petitions regarding eligibility to apply for trade adjustment assistance for workers by (TA–W–) number issued during the period of *September 15, 2009 through February 4, 2010.* After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioning groups of workers are covered by certifications. Consequently, further investigation in these cases would serve no purpose since the petitioning groups of workers cannot be covered by more than one certification at a time.

TA–W–70,094: Premier Manufacturing Support Services, Inc., Princeton, Indiana, covered by TA–W–61,608, as amended: Personnel Management, Inc., including on-site leased workers from Premier Manufacturing Support Services, Inc., Princeton, Indiana.
TA–W–70,156: Henkel Corp., Canton, Massachusetts, covered by TA–W–70,153B; Henkel Corp., Canton, Massachusetts.
TA–W–70,157; Henkel Corp., City of Industry, California, covered by TA–W–70,153: Henkel Corp., City of Industry, California.
TA–W–70,441: Lionbridge, Corvallis, Oregon, covered by TA–W–63,939, as amended: Hewlett Packard, including on-site leased workers from Lionbridge, Corvallis, Oregon.
TA–W–70,846: Thomasville Furniture, Winston-Salem, North Carolina, covered by TA–W–70,833: Thomasville Furniture, Winston-Salem, North Carolina.
TA–W–71,092: Neocork Technologies, Conover, North Carolina, covered by TA–W–70,429: Neocork Technologies, Conover, North Carolina.
TA–W–71,126: Lam Research, Eugene, Oregon, covered by TA–W–63,747, as amended: Hynix Semiconductor, including on-site leased workers from Lam Research Corp., Eugene, Oregon.
TA–W–71,192: Auto Truck Transport, Mount Holly, North Carolina, covered by TA–W–70,018: Auto Truck Transport, Mount Holly, North Carolina.
TA–W–71,197: RM Mechanical, Boise, Idaho, covered by TA–W–72,023A, as amended: Micron Technology, Inc., including on-site leased workers from RM Mechanical, Boise, Idaho.
TA–W–71,198: Robinson Solutions, Working on-Site at Chrysler LLC, St. Louis North Assembly Plant, Fenton, Missouri, covered by TA–W–63,052, as amended: Chrysler LLC, St. Louis North Assembly Plant, including on-site leased workers from Robinson Solutions, Fenton, Missouri.
TA–W–71,198A: Robinson Solutions, Working On-Site at Chrysler LLC, St. Louis South Assembly Plant, Fenton, Missouri, covered by TA–W–62,438, as amended: Chrysler LLC, St. Louis South Assembly Plant, including on-site leased workers from Robinson Solutions, Fenton, Missouri.
TA–W–71,227: Dream Clean, Inc., Piney Flats, Tennessee, covered by TA–W–62,882, as amended: Glaxosmithkline, including on-site

leased workers from Dream Clean, Inc., Bristol, Tennessee.

TA–W–71,264: Aviza Technology, Inc., Scotts Valley, California, covered by Quimonda 200MM facility, including on-site leased workers from Aviza Technology, Sandston, Virginia.

TA–W–71,589: Hart Schaffner and Marx, Cape Giradeau, Missouri, covered by TA–W–64,153: Hart Schaffner and Marx, Cape Giradeau, Missouri.

TA–W–71,639: Pad Leasing Associates, working on-site at Newton Transportation Company, Inc., Hudson, North Carolina, covered by TA–W–71,531: Pad Leasing Associates, working on-site at Newton Transportation Company, Inc., Hudson, North Carolina.

TA–W–71,696: Health Net, Inc., Tigard, Oregon, covered by TA–W–70,166N: Health Net, Inc., Tigard, Oregon.

TA–W–71,792: Intel Corporation, Rio Rancho, New Mexico, covered by TA–W–63,952: Intel Corporation, Rio Rancho, New Mexico.

TA–W–71,879: Kenco Group, Webster City, Iowa, covered by TA–W–72,778: Kenco Group, Webster City, Iowa.

TA–W–71,925: Eastman Kodak Company, Windsor, Colorado, covered by TA–W–71,786: Eastman Kodak Company, Windsor, Colorado.

TA–W–72,077: Perry Slingsby Systems, Inc., Jupiter, Florida, covered by TA–W–72,003: Perry Slingsby Systems, Inc., Jupiter, Florida.

TA–W–72,372: Kaiser Permanente, Corona, California, covered by TA–W–71,894: Kaiser Permanente, Corona, California.

TA–W–72,432: Matthew Bender and Company, Inc., Bellevue, Washington, covered by TA–W–72,431C: Matthew Bender and Company, Inc., Bellevue, Washington.

TA–W–72,433; LexisNexis, New Providence, New Jersey, covered by TA–W–72,431B: LexisNexis, New Providence, New Jersey.

TA–W–72,694: Amdocs, Inc., CABS Billing Group, St. Louis, Missouri, covered by TA–W–70,738, as amended: Amdocs, Inc., St. Louis, Missouri, including employees working off site.

TA–W–72,758: Wacker Chemical Corporation, Allentown, Pennsylvania, covered by TA–W–70,221A: Wacker Chemical Corporation, Allentown, Pennsylvania.

TA–W–72,940: EDS, an HP Company, Alpharetta, Georgia, covered by TA–W–70,163, as amended: EDS, an HP Company, Charlotte, North Carolina including an off-site employee working out of Alpharetta, Georgia.

I hereby certify that the aforementioned determinations were issued during the period of *September 15, 2009 through February 4, 2010.* Copies of these terminations are available for inspection in Room N–5428, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address. These determinations also are available on the Department's Web site at *www.doleta/tradeact* under the searchable listing of determinations.

Dated: April 14, 2010.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 2010–9349 Filed 4–21–10; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Terminating Investigations of Petitions Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273), the Department of Labor herein presents summaries of determinations terminating investigations of petitions regarding eligibility to apply for trade adjustment assistance for workers by (TA–W–) number issued during the period of *August 27, 2009 through January 5, 2010.* After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued. These petitions were not valid because they were not filed in accordance with the requirements of 29 CFR 90.11.

TA–W–71,364: Maggy London International, New York, New York.

TA–W–72,006: Aerotek Engineering, Troy, Michigan.

TA–W–72,042: Align Technology, Santa Clara, California.

TA–W–72,173: Reliant Machine, Inc., Green Bay, Wisconsin.

TA–W–72,446: White & Green Motors/KPH Enterprise, Eaton Rapids, Michigan.

TA–W–72,591: Hutchinson Technology, Eau Claire, Wisconsin.

TA–W–72,685: First Data Corp., Daytona Beach, Florida.

TA–W–72,814: Ariba, Inc., Sunnyvale, California.

TA–W–72,891: Pulva Corp., Saxonburg, Pennsylvania.

TA–W–72,941: Boeing Aerospace Corp., Seattle, Washington.

TA–W–72,984: Delphi Delco Electronics, de Mexico, Los Indios, Texas.

TA–W–72,993: Boeing Aerospace Corp., Seattle, Washington.

I hereby certify that the aforementioned determinations were issued during the period of *August 27, 2009 through January 5, 2010.* Copies of these terminations are available for inspection in Room N–5428, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address. These determinations also are available on the Department's Web site at *www.doleta/tradeact* under the searchable listing of determinations.

Dated: April 14, 2010.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 2010–9351 Filed 4–21–10; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Terminating Investigations of Petitions Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations terminating investigations of petitions regarding eligibility to apply for trade adjustment assistance for workers by (TA–W–) number issued during the period of *November 20, 2009 through December 2, 2009.* After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued. The Department issued a negative determination on petitions related to the relevant investigation period applicable to the same worker group. The duplicative petitions did not present new information or change in circumstances which would result in a reversal of the Department's previous negative determination, and therefore

further investigation would duplicate efforts and serve no purpose.

TA–W–71,557: Electronic Data Systems, Plano, Texas, covered by TA–W–70,631: Electronic Data Systems, Plano, Texas.

TA–W–72,312: Anheuser-Busch, Inc., Mt. Vernon, Illinois, covered by TA–W–72,275: Anheuser-Busch, Inc., Mt. Vernon, Illinois.

I hereby certify that the aforementioned determinations were issued during the period of *November 20, 2009 through December 2, 2009.* Copies of these terminations are available for inspection in Room N–5428, U.S. Department of Labor 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address. These determinations also are available on the Department's Web site at *http://www.doleta/tradeact* under the searchable listing of determinations.

Dated: April 14, 2010.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 2010–9352 Filed 4–21–10; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Terminating Investigations of Petitions Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations terminating investigations of petitions regarding eligibility to apply for trade adjustment assistance for workers by (TA–W-) number issued during the period of September 3, 2009 through December 22, 2009. After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitions are the subject of ongoing investigations under petitions filed earlier covering the same petitioners.

TA–W–70,421: Delphi Automotive Systems, Warren, Ohio, covered by TA–W–70,324: Delphi Automotive Systems, Warren, Ohio.

TA–W–70,685: Curtis Wright/Benshaw, Inc., High Point, North Carolina, covered by TA–W–70,605: Curtis Wright/Benshaw, Inc., High Point, North Carolina.

TA–W–70,905: T&S Hardwoods, Sylva, North Carolina, covered by TA–W–70,783: T&S Hardwoods, Sylva, North Carolina.

TA–W–71,295: Advanced Industrial Machinery, Inc., Hickory, North Carolina, covered by TA–W–70,874: Advanced Industrial Machinery, Inc., Hickory, North Carolina.

TA–W–71,322: NewPage Corp., Wickliffe, Kentucky, covered by TA–W–71,303: NewPage Corp., Wickliffe, Kentucky.

TA–W–71,326: IBM Corporation, Boulder, Colorado, covered by TA–W–71,031, as amended: IBM Corporation, Endicott, New York, including employees working Boulder, Colorado and throughout the United States.

TA–W–71,362: A.R.E. Manufacturing, Inc., Newberg, Oregon, covered by TA–W–71,339: A.R.E. Manufacturing, Inc., Newberg, Oregon.

TA–W–71,399: IBM, Endicott, New York, covered by TA–W–70,580: IBM, Endicott, New York.

TA–W–71,545: Agilent Technologies, Loveland, Colorado, covered by TA–W–70,918: Agilent Technologies, Loveland, Colorado.

TA–W–71,566: Oxford Collections, Gaffney, South Carolina, covered by TA–W–71,457: Oxford Collections, Gaffney, South Carolina.

TA–W–71,590: General Pattern Co., Blaine, Minnesota, covered by TA–W–71,038: General Pattern Co., Blaine, Minnesota.

TA–W–71,619: Freescale Semiconductor, Austin, Texas, covered by TA–W–71,551: Freescale Semiconductor, Austin, Texas.

TA–W–71,649: Erickson Air Crane, Central Point, Oregon, covered by TA–W–71,163: Erickson Air Crane, Central Point, Oregon.

TA–W–71,728: Baxter Healthcare Corp., Mountain Home, Arkansas, covered by TA–W–71,432: Baxter Healthcare Corp., Mountain Home, Arkansas.

TA–W–71,832: Electrocraft Ohio, Inc., Gallipolis, Ohio, covered by TA–W–71,799: Electrocraft Ohio, Inc., Gallipolis, Ohio.

TA–W–71,892: DSFI, Addison, Illinois, covered by TA–W–71,718: DSFI, Addison, Illinois.

TA–W–71,909: Carolina Specialty Tools, Connelly Springs, North Carolina, covered by TA–W–71,887: Carolina Specialty Tools, Connelly Springs, North Carolina.

TA–W–72,002: International Automotive Components, Old Fort, North Carolina, covered by TA–W–71,930: International Automotive Components, Old Fort, North Carolina.

TA–W–72,110: JR Engineering, Barberton, Ohio, covered by TA–W–70,975A: B&C Corporation, JR Engineering Division, Barberton, Ohio.

TA–W–72,114: Furniture Brands—Thomasville, Plant #9, Hickory, North Carolina, covered by TA–W–70,845: Thomasville Furniture Industries, Inc., Plant 9, A Subsidiary of Furniture Brands—International, Inc., Hickory, North Carolina.

TA–W–72,233: NSI International, Inc., Farmingdale, New York, covered by TA–W–72,226: NSI International, Inc., Farmingdale, New York.

TA–W–72,254: SPI America, LLC, Lawrenceburg, Tennessee, covered by TA–W–72,254: SPI America, LLC, Lawrenceburg, Tennessee.

TA–W–72,322: Pleasant Trucking, Inc., Connellsville, Pennsylvania, covered by TA–W–72,236: Pleasant Trucking, Inc., Connellsville, Pennsylvania.

TA–W–72,323: Sony Electronics, Park Ridge, New Jersey, covered by TA–W–71,501, as amended: Sony Electronics, San Diego, California, including Park Ridge, New Jersey and many other locations throughout the United States.

TA–W–72,442: Unisys, Plymouth, Michigan, covered by TA–W–72,286: Unisys, Plymouth, Michigan.

TA–W–72,447: Cadmus Communications, Columbus, Ohio, covered by TA–W–72,405: Cadmus Journal Services, Cadmus Communications, Columbus, Ohio.

TA–W–72,479: Duro-Life Corp., Algonquin, Illinois, covered by TA–W–72,425: Duro-Life Corp., Algonquin, Illinois.

TA–W–72,535: Dura-Bar, Woodstock, Illinois, covered by TA–W–72,534: Wells Manufacturing, Dura-Bar, Woodstock, Illinois.

TA–W–72,733: HMX Tailored, Buffalo, New York, covered by TA–W–72,370: HMX Tailored, Buffalo, New York.

TA–W–72,744: The H.B. Smith Co., Westfield, Massachusetts, covered by TA–W–72,700: The H.B. Smith Co., Westfield, Massachusetts.

TA–W–72,967: General Electric Transportation, Grove City, Pennsylvania, covered by TA–W–72,883: General Electric Transportation, Grove City, Pennsylvania.

I hereby certify that the aforementioned determinations were issued during the period of September 3, 2009 through December 22, 2009. Copies of these terminations are available for inspection in Room N–5428, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address. These determinations also are available on the Department's Web site at *http://www.doleta/tradeact* under the searchable listing of determinations.

Dated: April 14, 2010.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 2010–9350 Filed 4–21–10; 8:45 am]

BILLING CODE 4510–FN–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors Search Committee for LSC President; Notice

TIME AND DATE: The Presidential Search Committee of the Legal Services Corporation's Board of Directors will meet *telephonically* on April 27, 2010. The meeting will begin at 3 p.m. (Eastern Time) and continue until conclusion of the Committee's agenda.

LOCATION: Legal Services Corporation, 3333 K Street, NW., Washington, DC, 20007, 3rd Floor Conference Center.

PUBLIC OBSERVATION: For all meetings and portions thereof open to public observation, members of the public that wish to listen to the proceedings may do so by following the telephone call-in directions given below. You are asked to keep your telephone muted to eliminate background noises. From time to time the Chairman may solicit comments from the public.

Call-In Directions for Open Session(s)

- Call toll-free number: 1–(866) 451–4981;
- When prompted, enter the following numeric pass code: 5907707348;
- When connected to the call, please "*MUTE*" your telephone immediately.

Status of Meeting: Open.

MATTERS TO BE CONSIDERED:

Open Session

1. Approval of agenda.
2. Consider and act on draft *Request for Proposals* for executive search firms.
3. Public Comment.
4. Consider and act on other business.
5. Consider and act on adjournment of meeting.

Contact Person for Information: Katherine Ward, Executive Assistant to the Vice President & General Counsel, at (202) 295–1500. Questions may be sent by electronic mail to *FR_NOTICE_QUESTIONS@lsc.gov.*

Special Needs: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Katherine Ward, at (202) 295–1500 or *FR_NOTICE_QUESTIONS@lsc.gov.*

Dated: April 20, 2010.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 2010–9542 Filed 4–20–10; 4:15 pm]

BILLING CODE 7050–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (10–045)]

Notice of Centennial Challenges 2011 CAFE Green Flight Challenge

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of Centennial Challenges 2011 CAFE Green Flight Challenge.

SUMMARY: This notice is issued in accordance with 42 U.S.C. 2451(314)(d). The 2011 CAFE Green Flight Challenge is scheduled and teams that wish to compete may register. Centennial Challenges is a program of prize competitions to stimulate innovation in technologies of interest and value to NASA and the nation. The 2011 CAFE Green Flight Challenge is a prize competition designed to bring about the development of new aviation technologies that can greatly improve the efficiency of future air vehicles while meeting minimum speed and range requirements, maintaining or enhancing safety features and reducing noise. It is being administered for NASA by the Comparative Aircraft Flight Efficiency (CAFE) Foundation. NASA is providing the prize purse.

DATES: 2011 CAFE Green Flight Challenge will be held on July 10 through July 17, 2011.

ADDRESSES: 2011 CAFE Green Flight Challenge will be held at the CAFE Flight Test Center at the Charles M. Schulz—Sonoma County Airport in Santa Rosa, California.

FOR FURTHER INFORMATION CONTACT: To register for or to get additional information regarding the 2011 CAFE Green Flight Challenge, please visit: *http://cafefoundation.org/v2/gfc_main.php.*

For general information on the NASA Centennial Challenges Program, please visit: *http://www.nasa.gov/challenges.* General questions and comments regarding the program should be addressed to Mr. Andrew Petro, Centennial Challenges Program, Innovative Partnerships Program Office, NASA Headquarters, 300 E Street, SW., Washington, DC 20546–0001. E-mail address: *andrew.j.petro@nasa.gov.*

SUPPLEMENTARY INFORMATION:

Summary

For the 2011 CAFE Green Flight Challenge, competitors will demonstrate new aviation technologies that can greatly improve the efficiency of future air vehicles while meeting minimum speed and range requirements, maintaining or enhancing safety features and reducing noise.

I. Prize Amounts

The total 2011 CAFE Green Flight Challenge purse is $1,653,000 (one million, six hundred fifty three thousand U.S. dollars). The main prize of $1,500,000 (one million, five hundred thousand U.S. dollars) is for the aircraft that meet the minimum performance and safety requirements with the best combination of efficiency and speed based on the formula detailed in the rules. There is an additional "Bio-fuel" prize of $150,000 (one hundred fifty thousand U.S. dollars) for aircraft that meet the minimum performance and safety requirements with the best combination of efficiency and speed among those using only a bio-fuel as defined in the rules. There is an honorary achievement prize of $153,000 (one hundred fifty-three thousand U.S. dollars) that will be awarded if at least three teams are competing and no main prize is won, for the aircraft with the best combination of efficiency and speed that meets a lower set of established performance requirements, as detailed in the rules.

II. Eligibility

To be eligible to win a prize, competitors must (1) register and comply with all requirements in the rules and team agreement; (2) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States; and (3) shall not be a Federal entity or Federal employee acting within the scope of their employment.

III. Rules

The complete rules and team agreement for the 2011 CAFE Green Flight Challenge can be found at: *http://cafefoundation.org/v2/gfc_main.php.*

Dated: April 14, 2010.

Douglas A. Comstock,

Director, Innovative Partnerships Program Office.

[FR Doc. 2010–9367 Filed 4–21–10; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (10–046)]

Notice of intent to grant exclusive license

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant exclusive license.

SUMMARY: This notice is issued in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i). NASA hereby gives notice of its intent to grant an exclusive license in the United States to practice the inventions described and claimed in U.S. Patent Application No. 12/558,319 "Moving-Article X–Ray Imaging System and Method for 3–D Image Generation" to GaN Corporation, having its principal place of business in Huntsville, AL. The patent rights in this invention have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. NASA has not yet made a determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

DATES: The prospective exclusive license may be granted unless, within fifteen (15) days from the date of this published notice, NASA receives written objections including evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. Competing applications completed and received by NASA within fifteen (15) days of the date of this published notice will also be treated as objections to the grant of the contemplated exclusive license.

Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

ADDRESSES: Objections relating to the prospective license may be submitted to Mr. James J. McGroary, Chief Patent Counsel/LS01, Marshall Space Flight Center, Huntsville, AL 35812, (256) 544–0013.

FOR FURTHER INFORMATION CONTACT: Sammy A. Nabors, Technology Transfer Program Office/ED03, Marshall Space Flight Center, Huntsville, AL 35812, (256) 544–5226. Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov.*

Dated: April 15, 2010.

Richard W. Sherman,

Deputy General Counsel.

[FR Doc. 2010–9364 Filed 4–21–10; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

National Science Board; Sunshine Act Meetings; Notice

The National Science Board's Committee on Strategy and Budget, pursuant to National Science Foundation regulations (45 CFR Part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of meetings for the transaction of National Science Board business and other matters specified, as follows:

DATE AND TIME: Wednesday, April 28, 2010, at 5 p.m.

SUBJECT MATTER: Discussion of Draft NSF Strategic Plan.

STATUS: Open.

This meeting will be held by teleconference originating at the National Science Board Office, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. A room at NSF will be designated for the public to listen to this teleconference meeting. All visitors must contact the Board Office at least one day prior to the meeting to arrange for a visitor's badge. Call 703–292–7000 to request your badge, which will be ready for pick-up at the visitors desk on the day of the meeting. All visitors must report to the NSF visitor desk at the 9th and N. Stuart Streets entrance to receive their visitor's badge the day of the teleconference.

Please refer to the National Science Board Web site (*http://www.nsf.gov/nsb*) for information or schedule updates, or contact: Jennie Moehlmann, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292–7000.

Dated: April 20, 2010.

Ann Ferrante,

Technical Writer/Editor.

[FR Doc. 2010–9473 Filed 4–20–10; 4:15 pm]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978 (Pub. L. 95–541)

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by May 24, 2010. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Nadene G. Kennedy at the above address or (703) 292–7405.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

The applications received are as follows:

Permit Application No. 2011–001

1. *Applicant:* Stevem D. Emslie, Department of Biology and Marine

Biology, University of North Carolina, Wilmington, NC 28403.

Activity for Which Permit is Requested: Take and Import into the U.S.A. The applicant plans to salvage sediments from abandoned and active penguin colonies by excavation of small pits, no larger than 1x1 meter, in each area. In addition, the applicant will collect 10 each organic remains (bones, tissue, feathers, eggshell fragments, otoliths, squid beaks, and other prey remains) from sediments in abandoned colonies of Adelie, Chinstrap, Gentoo, Emperor, and Macaroni penguins, Southern Giant Petrel, Antarctic Petrel, Cape Petrel, Snow Petrel, Blue Petrel, Antarctic Fulmar, White-chinned petrel, Sooty shearwater, Wilson's Storm-petrel, Black-bellied storm-petrel, Blue-eyed shag, Greater sheathbill, South Polar Skua, Brown Skua, Kelp gull, and Antarctic Tern.

The applicant also plans to capture 100 each of adult or juvenile Adelie, Chinstrap and Gentoo penguins to collect some breast feathers and blood samples for analysis of carbon and nitrogen isotope values to examine diets, and for mercury (Hg). All capture bird will be released.

Location:

ASPA 102–Rookery Islands, Holme Bay, ASPA 103–Ardery and Odbert Islands, ASPA 104–Sabrina Island, Balleny Island, ASPA 105–Beaufort Island, ASPA 106–Cape Hallett, Victoria Land, ASPA 107–Dion Islands, ASPA 108–Green Island, Berthelot Islands, ASPA 109–Moa Island, South Orkneys, ASPA 110–Lynch Island, South Orkneys, ASPA 111–Southern Powell Island and adjacent islands, South Orkneys, ASPA 112–Coppermine Peninsula, Robert Island, ASPA 113–Litchfield Island, Arthur Harbor, Palmer Archipelago, ASPA 114–North Coronation Island, ASPA 115-Lagotellerie Island, Marguerite Bay, ASPA 116–New College Valley, Caughley Beach, Cape Bird ASPA 117–Avian Island, northwest Marguerite Bay, ASPA 121–Cape Royds, Ross Island, ASPA 124–Cape Crozier, Ross Island, ASPA 125–Fildes Peninsula, King George Island, South Shetland Islands, ASPA 126–Byers Peninsula, Livingston Island, ASPA 127–Haswell Island, ASPA 128-Western shore of Admiralty Bay, King George Island, ASPA 129–Rothera Point, Adelaide Island, ASPA 132–Potter Peninsula, King George Island, ASPA 133–Harmony Point, Nelson Island, ASPA 134–Cierva Point, Danco Coast, ASPA 135–Bailey Peninsula, Budd Coast, ASPA 136–Clark Peninsula, Budd Coast, ASPA 139–Biscoe Point, Anvers Island, Palmer Archipelago, ASPA 143–Marine Plain, Mule Peninsula, Vestfold Hills, ASPA 149–Cape Shirreff, Livingston Island and ASPA 150–Ardley Island, King George Island.

Dates: October 1, 2010 to September 30, 2012.

Nadene G. Kennedy,

Permit Officer, Office of Polar Programs.

[FR Doc. 2010–9319 Filed 4–21–10; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting on May 6–8, 2010, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the **Federal Register** on Monday, October 14, 2009, (74 FR 52829–52830).

Thursday, May 6, 2010, Conference Room T2–B1, Two White Flint North, Rockville, Maryland

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–9:30 a.m.: Revision 1C to NUREG–1536, "Standard Review Plan for Spent Fuel Storage Systems at a General License Facility" (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding proposed Revision 1C to NUREG–1536, "Standard Review Plan for Spent Fuel Storage Systems at a General License Facility," and the NRC staff's resolution of public comments.

9:45 a.m.–11:15 a.m.: Preparation for Meeting with the Commission on June 9, 2010 (Open)—The Committee will discuss the topics for meeting with the Commission on June 9, 2010.

11:30 a.m.–12 p.m.: Meeting with the NRC Chairman (Open)—The Committee will hold discussions with the NRC Chairman to discuss topics of mutual interest.

1 p.m.–4 p.m.: Boiling Water Reactor (BWR) Owners Group (BWROG) Topical Report NEDC–33347P, "Containment Overpressure (COP) Credit for Net Positive Suction Head (NPSH)" and the Staff's Proposed Guidance for the Use of COP (Open/Closed)—The Committee will hold discussions with representatives of the NRC staff and the BWROG regarding the staff's review of Revision 0 to Topical Report NEDC–33347P, "COP Credit for Net Positive Suction Head," and the NRC staff's proposed guidance for the use of COP.

Note: A portion of this session may be closed to protect information that is proprietary to General Electric-Hitachi pursuant to 5 U.S.C. 552b(c)(4).

4:15 p.m.–7 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters discussed during this meeting.

Friday, May 7, 2010, Conference Room T2–B1, Two White Flint North, Rockville, Maryland

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10 a.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding items proposed for consideration by the Full Committee during future ACRS meetings, and Report of the Planning and Procedures Subcommittee on matters related to the conduct of ACRS Business, including anticipated workload and member assignments.

Note: A portion of this session may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

10 a.m.–10:15 a.m.: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss the responses from the NRC Executive Director for Operations to comments and recommendations included in recent ACRS reports and letters.

10:30 a.m.–7 p.m.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports.

Saturday, May 8, 2010, Conference Room T2–B1, Two White Flint North, Rockville, Maryland

8:30 a.m.–12:30 p.m.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports.

12:30 p.m.–1 p.m.: Miscellaneous (Open)—The Committee will continue its discussion related to the conduct of Committee activities and specific issues that were not completed during previous meetings.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 14, 2009, (74 FR 52829–52830).

In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Mr. Derek Widmayer, Cognizant ACRS Staff (Telephone: 301–415–7366, e-mail: *Derek.Widmayer@nrc.gov*), five days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

Thirty-five hard copies of each presentation or handout should be provided 30 minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the Cognizant ACRS Staff one day before meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the Cognizant ACRS Staff with a CD containing each presentation at least 30 minutes before the meeting.

In accordance with Subsection 10(d) Public Law 92–463, and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agenda, meeting transcripts, and letter reports are available through the NRC Public Document Room at *pdr.resource@nrc.gov,* or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html* or *http://www.nrc.gov/reading-rm/doc-collections/ACRS/.*

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service for observing ACRS meetings should contact Mr. Theron Brown, ACRS Audio Visual Technician (301–415–8066), between 7:30 a.m. and 3:45 p.m. (ET), at least 10 days before the meeting to ensure the availability of this service.

Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Dated: April 16, 2010.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 2010–9299 Filed 4–21–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2010–0002]

Sunshine Act; Meeting Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission [NRC–2010–0002].

DATES: Weeks of April 19, 26, May 3, 10, 17, 24, 2010.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of April 19, 2010

There are no meetings scheduled for the week of April 19, 2010.

Week of April 26, 2010—Tentative

Thursday, April 29, 2010

9:30 a.m. Briefing on the Fuel Cycle Oversight Process Revisions, (Public Meeting), (Contact: Michael Raddatz, 301–492–3108).

This meeting will be Webcast live at the Web address: *http://www.nrc.gov.*

Week of May 3, 2010—Tentative

Tuesday, May 4, 2010

9:30 a.m. Briefing on Human Capital and Equal Employment Opportunity, (Public Meeting), (Contact: Kristin Davis, 301–415–2673).

This meeting will be Webcast live at the Web address: *http://www.nrc.gov.*

10:30 a.m. Discussion of Management Issues (Closed—Ex. 2).

Week of May 10, 2010—Tentative

Tuesday, May 11, 2010

9:30 a.m. Briefing on Federal and State Materials and Environmental, Management Programs (FSME) Programs, Performance, & Future Plans (Public Meeting), (Contact: George Deegan, 301–415–7834).

This meeting will be Webcast live at the Web address: *http://www.nrc.gov.*

Week of May 17, 2010—Tentative

There are no meetings scheduled for the week of May 17, 2010.

Week of May 24, 2010—Tentative

Thursday, May 27, 2010

9:30 a.m. Briefing on the Results of the Agency Action Review Meeting, (AARM) (Public Meeting), (Contact: Nathan Sanfilippo, 301–415–3951).

This meeting will be Webcast live at the Web address: *http://www.nrc.gov.*

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* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—(301) 415–1292. Contact person for more information: Rochelle Bavol, (301) 415–1651.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/about-nrc/policy-making/schedule.html.*

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Angela Bolduc, Chief, Employee/Labor Relations and Work Life Branch, at 301–492–2230, TDD: 301–415–2100, or by e-mail at *angela.bolduc@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed electronically to subscribers. If you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an e-mail to *darlene.wright@nrc.gov.*

Dated: April 14, 2010.

Rochelle C. Bavol,

Office of the Secretary.

[FR Doc. 2010–9436 Filed 4–20–10; 11:15 am]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Sunshine Act; Notice of Public Meeting

Notice is hereby given that the Railroad Retirement Board will hold a meeting on April 28, 2010, 10 a.m. at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois

60611. The agenda for this meeting follows:

(1) Executive Committee Reports

The entire meeting will be open to the public. The person to contact for more information is Beatrice Ezerski, Secretary to the Board, Phone No. 312–751–4920.

Dated: April 19, 2010.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 2010–9421 Filed 4–20–10; 11:15 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Securities Act Rule 477, OMB Control No. 3235–0550, SEC File No. 270–493.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. *3501 et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 477 (17 CFR 230.477) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) sets forth procedures for withdrawing a registration statement, an amendment to a registration statement, or any exhibits thereto. The rule provides that if a registrant intends to rely on the registered-to-private safe harbor contained in Securities Act Rule 155, the registrant must affirmatively state in the withdrawal application that it plans to undertake a subsequent private offering of its securities. Without this statement, the Commission would not be able to monitor a company's reliance on, and compliance with, Securities Act Rule 155(c). The likely respondents will be companies. We estimate that approximately 300 issuers will file Securities Act Rule 477 submissions annually at an estimated one-hour per response for a total annual burden of approximately 300 hours. We estimate that 100% of the reporting burden is prepared by the issuer.

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Charles Boucher, Director/CIO, Securities and Exchange Commission, C/O Shirley Martinson, 6432 General Green Way, Alexandria, VA 22312; or send an e-mail to: *PRA_Mailbox@sec.gov.*

Dated: April 16, 2010.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–9269 Filed 4–21–10; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 29208; 812–13651]

Northern Lights Fund Trust, et al.; Notice of Application

April 16, 2010.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 ("Act") for an exemption from section 15(a) of the Act and rule 18f–2 under the Act, as well as from certain disclosure requirements.

SUMMARY: *Summary of Application:* Applicants request an order that would permit them to enter into and materially amend subadvisory agreements without shareholder approval and would grant relief from certain disclosure requirements.

Applicants: Northern Lights Fund Trust (the "Trust") and CMG Capital Management Group, Inc. (the "Adviser").

DATES: *Filing Dates:* The application was filed on April 9, 2009 and amended on September 28, 2009 and April 16, 2010.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on May 11, 2010, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090. Applicants: Adviser, 150 North Radnor-Chester Road, Suite A120, Radnor, PA 19087; Trust, 450 Wireless Boulevard, Hauppauge, NY 11788–0132.

FOR FURTHER INFORMATION CONTACT: Emerson S. Davis, Sr., Senior Counsel, at (202) 551–6868, or Julia Kim Gilmer, Branch Chief, at (202) 551–6821 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Trust, a Delaware statutory trust, is registered under the Act as an open-end management investment company and offers approximately forty-six series, including the CMG Absolute Return Strategies Fund ("CMG Fund"). The CMG Fund currently employs six unaffiliated investment subadvisers (each, a "Subadviser").[1] The Adviser is registered as an investment adviser under the Investment Advisers Act of 1940 ("Advisers Act") and serves as the investment adviser to the CMG Fund pursuant to an investment advisory agreement ("Advisory

[1] Applicants also request relief with respect to existing and future series of the Trust and any other existing or future registered open-end management investment company or series thereof that: (a) Is advised by the Adviser; (b) uses the manager of managers structure described in the application; and (c) complies with the terms and conditions of this application (together with the CMG Fund, the "Funds" and each, individually, a "Fund.") The only existing registered open-end management investment company that currently intends to rely on the requested order is named as an applicant. If the name of any Fund contains the name of a Subadviser, the name of the Adviser will precede the name of the Subadviser.

Agreement") with the Trust. The Adviser will also serve as the investment adviser to the other Funds. The Advisory Agreement was approved by the Trust's board of trustees (together with the board of directors or trustees of any Fund if different, the "Board"), including a majority of the trustees who are not "interested persons," as defined in section 2(a)(19) of the Act, of the Trust or the Adviser ("Independent Trustees") and by the initial shareholder of the CMG Fund.

2. Under the terms of the Advisory Agreement, the Adviser is responsible for the overall management of the CMG Fund's business affairs and selecting the CMG Fund's investments in accordance with its investment objectives, policies and restrictions. For the investment management services that it provides to the CMG Fund, the Adviser receives the fee specified in the Advisory Agreement. The Advisory Agreement also permits the Adviser to retain one or more subadvisers for the purpose of managing the investments of the CMG Fund. Pursuant to this authority, the Adviser has entered into investment subadvisory agreements ("Subadvisory Agreements") with six Subadvisers to provide investment advisory services to the CMG Fund. Each Subadviser is and each future Subadviser will be registered as an investment adviser under the Advisers Act. The Adviser will supervise, evaluate and allocate assets to the Subadvisers, and make recommendations to the Board about their hiring, retention or release, at all times subject to the authority of the Board. The Adviser will compensate each Subadviser out of the fees paid to the Adviser under the Advisory Agreement.

3. Applicants request an order to permit the Adviser, subject to Board approval, to enter into and materially amend Subadvisory Agreements without obtaining shareholder approval. The requested relief will not extend to any subadviser that is an affiliated person, as defined in section 2(a)(3) of the Act, of the Trust, a Fund or the Adviser, other than by reason of serving as a subadviser to one or more of the Funds ("Affiliated Subadviser").

4. Applicants also request an exemption from the various disclosure provisions described below that may require the Funds to disclose fees paid by the Adviser to the Subadvisers. An exemption is requested to permit a Fund to disclose (as both a dollar amount and as a percentage of each Fund's net assets): (a) The aggregate fees paid to the Adviser and any Affiliated Subadvisers; and (b) the aggregate fees paid to Subadvisers (collectively, "Aggregate Fee Disclosure"). Any Fund that employs an Affiliated Subadviser will provide separate disclosure of any fees paid to the Affiliated Subadviser.

Applicants' Legal Analysis

1. Section 15(a) of the Act provides, in relevant part, that it is unlawful for any person to act as an investment adviser to a registered investment company except pursuant to a written contract that has been approved by the vote of a majority of the company's outstanding voting securities. Rule 18f-2 under the Act provides that each series or class of stock in a series investment company affected by a matter must approve that matter if the Act requires shareholder approval.

2. Form N–1A is the registration statement used by open-end investment companies. Item 14(a)(3) of Form N–1A requires disclosure of the method and amount of the investment adviser's compensation.[2]

3. Rule 20a–1 under the Act requires proxies solicited with respect to an investment company to comply with Schedule 14A under the Securities Exchange Act of 1934 ("1934 Act"). Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A, taken together, require a proxy statement for a shareholder meeting at which the advisory contract will be voted upon to include the "rate of compensation of the investment adviser," the "aggregate amount of the investment adviser's fees," a description of the "terms of the contract to be acted upon," and, if a change in the advisory fee is proposed, the existing and proposed fees and the difference between the two fees.

4. Regulation S–X sets forth the requirements for financial statements required to be included as part of investment company registration statements and shareholder reports filed with the Commission. Sections 6–07(2)(a), (b) and (c) of Regulation S–X require that investment companies include in their financial statements information about investment advisory fees.

5. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act, or from any rule thereunder, if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants state that the requested relief meets this standard for the reasons discussed below.

6. Applicants assert that the shareholders are relying on the Adviser's experience to select one or more Subadvisers best suited to achieve a Fund's investment objectives. Applicants assert that, from the perspective of the investor, the role of the Subadvisers is comparable to that of the individual portfolio managers employed by the Adviser. Applicants state that requiring shareholder approval of each Subadvisory Agreement would impose costs and unnecessary delays on the Funds, and may preclude the Adviser from acting promptly in a manner considered advisable by the Board. Applicants note that the Advisory Agreement and any Subadvisory Agreement with an Affiliated Subadviser will remain subject to section 15(a) of the Act and rule 18f–2 under the Act.

7. Applicants assert that many Subadvisers use a "posted" rate schedule to set their fees. Applicants state that, while Subadvisers are willing to negotiate fees lower than those posted in the schedule, they are reluctant to do so where the fees are disclosed to other prospective and existing customers. Applicants submit that the requested relief will allow the Adviser to negotiate more effectively with each Subadviser.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Before a Fund may rely on the requested order, the operation of the Fund in the manner described in the application will be approved by a majority of the Fund's outstanding voting securities, as defined in the Act, or in the case of a Fund whose public shareholders purchase shares on the basis of a prospectus containing the disclosure contemplated by condition 2 below, by the initial shareholder(s) before offering shares of that Fund to the public.

2. Each Fund relying on the requested order will disclose in its prospectus the existence, substance, and effect of any order granted pursuant to this application. Each Fund will hold itself out to the public as utilizing a multi-manager investment approach (the "Manager of Managers Structure"). The prospectus will prominently disclose that the Adviser has ultimate responsibility (subject to oversight by the Board) to oversee the Subadvisers and recommend their hiring, termination, and replacement.

[2] Form N–1A was recently amended by the Commission, effective March 31, 2009, and Item 14(a)(3) should be read to refer to Item 19(a)(3) for each Fund when that Fund begins using the revised form.

3. Within 90 days of the hiring of a new Subadviser, Fund shareholders will be furnished all information about the new Subadviser that would be included in a proxy statement, except as modified to permit Aggregate Fee Disclosure. This information will include Aggregate Fee Disclosure and any change in disclosure caused by the addition of the new Subadviser. To meet this obligation, each Fund will provide shareholders within 90 days of the hiring of a new Subadviser an information statement meeting the requirements of Regulation 14C, Schedule 14C and Item 22 of Schedule 14A under the 1934 Act, except as modified by the order to permit Aggregate Fee Disclosure.

4. The Adviser will not enter into a Subadvisory Agreement with any Affiliated Subadviser without such agreement, including the compensation to be paid thereunder, being approved by the shareholders of the applicable Fund.

5. At all times, at least a majority of the Board will be Independent Trustees, and the nomination of new or additional Independent Trustees will be placed within the discretion of the then-existing Independent Trustees.

6. Whenever a subadviser change is proposed for a Fund with an Affiliated Subadviser, the Board, including a majority of the Independent Trustees, will make a separate finding, reflected in the applicable Board minutes, that such change is in the best interests of the Fund and its shareholders, and does not involve a conflict of interest from which the Adviser or the Affiliated Subadviser derives an inappropriate advantage.

7. Independent legal counsel, as defined in rule 0–1(a)(6) under the Act, will be engaged to represent the Independent Trustees. The selection of such counsel will be within the discretion of the then-existing Independent Trustees.

8. The Adviser will provide the Board, no less frequently than quarterly, with information about the profitability of the Adviser on a per Fund basis. The information will reflect the impact on profitability of the hiring or termination of any subadviser during the applicable quarter.

9. Whenever a subadviser is hired or terminated, the Adviser will provide the Board with information showing the expected impact on the profitability of the Adviser.

10. The Adviser will provide general management services to each Fund, including overall supervisory responsibility for the general management and investment of each Fund's assets and, subject to review and approval of the Board, will: (a) Set each Fund's overall investment strategies; (b) evaluate, select and recommend Subadvisers to manage all or a part of each Fund's assets; (c) allocate and, when appropriate, reallocate each Fund's assets among one or more Subadvisers; (d) monitor and evaluate the performance of Subadvisers; and (e) implement procedures reasonably designed to ensure that the Subadvisers comply with each Fund's investment objective, policies and restrictions.

11. No trustee or officer of the Trust or a Fund, or director, manager, or officer of the Adviser, will own directly or indirectly (other than through a pooled investment vehicle that is not controlled by such person), any interest in a Subadviser, except for (a) ownership of interests in the Adviser or any entity that controls, is controlled by, or is under common control with the Adviser or (b) ownership of less than 1% of the outstanding securities of any class of equity or debt of any publicly traded company that is either a Subadviser or an entity that controls, is controlled by, or is under common control with a Subadviser.

12. Each Fund will disclose in its registration statement the Aggregate Fee Disclosure.

13. In the event the Commission adopts a rule under the Act providing substantially similar relief to that in the order requested in the application, the requested order will expire on the effective date of that rule.

For the Commission, by the Division of Investment Management, under delegated authority.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–9285 Filed 4–21–10; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

V–GPO, Inc., Valesc Holdings, Inc., Venture Stores, Inc., Vertigo Theme Parks, Inc. (f/k/a Snap2 Corp.), Videolan Technologies, Inc., VisionGateway, Inc., Vital Health Technologies, Inc. (n/k/a Caribbean American Health Resorts), and VoiceNet, Inc.; Order of Suspension of Trading

April 20, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of V–GPO, Inc. because it has not filed any periodic reports since the period ended September 30, 2006.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Valesc Holdings, Inc. because it has not filed any periodic reports since the period ended June 30, 2003.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Venture Stores, Inc. because it has not filed any periodic reports since the period ended October 25, 1997.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Vertigo Theme Parks, Inc. (f/k/a Snap2 Corp.) because it has not filed any periodic reports since the period ended June 30, 2005.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Videolan Technologies, Inc. because it has not filed any periodic reports since the period ended September 30, 1997.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of VisionGateway, Inc. because it has not filed any periodic reports since the period ended July 31, 2007.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Vital Health Technologies, Inc. (n/k/a Caribbean American Health Resorts) because it has not filed any periodic reports since the period ended September 30, 2007.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of VoiceNet, Inc. because it has not filed any periodic reports since the period ended September 30, 2001.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EDT on April 20, 2010, through 11:59 p.m. EDT on May 3, 2010.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2010–9455 Filed 4–20–10; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–61919; File No. 4–566]

Program for Allocation of Regulatory Responsibilities Pursuant to Rule 17d–2; Notice of Filing and Order Approving and Declaring Effective an Amendment to the Plan for the Allocation of Regulatory Responsibilities Among the American Stock Exchange LLC, BATS Exchange, Inc., Chicago Board Options Exchange, Incorporated, Chicago Stock Exchange, Inc., EDGA Exchange, Inc., EDGX Exchange, Inc., Financial Industry Regulatory Authority, Inc., International Securities Exchange, LLC, The NASDAQ Stock Market LLC, National Stock Exchange, Inc., New York Stock Exchange LLC, NYSE Arca, Inc., NYSE Regulation, Inc., NASDAQ OMX BX, Inc., and NASDAQ OMX PHLX, Inc. Relating to the Surveillance, Investigation, and Enforcement of Insider Trading Rules

April 15, 2010.

Notice is hereby given that the Securities and Exchange Commission ("Commission") has issued an Order, pursuant to Section 17(d) of the Securities Exchange Act of 1934 ("Act"),[1] approving and declaring effective an amendment to the plan for allocating regulatory responsibility ("Plan") filed pursuant to Rule 17d–2 of the Act,[2] by the American Stock Exchange LLC ("Amex"), BATS Exchange, Inc. ("BATS"), Boston Stock Exchange, Inc. (n/k/a NASDAQ OMX BX, Inc.) ("BSE" or "BX"), Chicago Board Options Exchange, Incorporated ("CBOE"), Chicago Stock Exchange, Inc. ("CHX"), EDGA Exchange, Inc. ("EDGA"), EDGX Exchange, Inc. ("EDGX"), the Financial Industry Regulatory Authority, Inc. ("FINRA"), International Securities Exchange, LLC ("ISE"), The NASDAQ Stock Market LLC ("Nasdaq"), National Stock Exchange, Inc. ("NSX"), New York Stock Exchange LLC ("NYSE"), NYSE Arca, Inc. ("NYSE Arca"), NYSE Regulation, Inc. (acting pursuant to authority delegated to it by NYSE) ("NYSE Regulation"), and the Philadelphia Stock Exchagne, Inc. (n/k/a NASDAQ OMX PHLX, Inc.) ("Phlx") (collectively, "Participating Organizations" or "parties").

I. Introduction

Section 19(g)(1) of the Act,[3] among other things, requires every self-regulatory organization ("SRO") registered as either a national securities exchange or national securities association to examine for, and enforce compliance by, its members and persons associated with its members with the Act, the rules and regulations thereunder, and the SRO's own rules, unless the SRO is relieved of this responsibility pursuant to Section 17(d)[4] or Section 19(g)(2)[5] of the Act. Without this relief, the statutory obligation of each individual SRO could result in a pattern of multiple examinations of broker-dealers that maintain memberships in more than one SRO ("common members"). Such regulatory duplication would add unnecessary expenses for common members and their SROs.

Section 17(d)(1) of the Act[6] was intended, in part, to eliminate unnecessary multiple examinations and regulatory duplication.[7] With respect to a common member, Section 17(d)(1) authorizes the Commission, by rule or order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes, rules, and regulations, or to perform other specified regulatory functions.

To implement Section 17(d)(1), the Commission adopted two rules: Rule 17d–1 and Rule 17d–2 under the Act.[8] Rule 17d–1 authorizes the Commission to name a single SRO as the designated examining authority ("DEA") to examine common members for compliance with the financial responsibility requirements imposed by the Act, or by Commission or SRO rules.[9] When an SRO has been named as a common member's DEA, all other SROs to which the common member belongs are relieved of the responsibility to examine the firm for compliance with the applicable financial responsibility rules. On its face, Rule 17d–1 deals only with an SRO's obligations to enforce member compliance with financial responsibility requirements. Rule 17d–1 does not relieve an SRO from its obligation to examine a common member for compliance with its own rules and provisions of the federal securities laws governing matters other than financial responsibility, including sales practices and trading activities and practices.

To address regulatory duplication in these and other areas, the Commission adopted Rule 17d–2 under the Act.[10] Rule 17d–2 permits SROs to propose joint plans for the allocation of regulatory responsibilities with respect to their common members. Under paragraph (c) of Rule 17d–2, the Commission may declare such a plan effective if, after providing for notice and comment, it determines that the plan is necessary or appropriate in the public interest and for the protection of investors, to foster cooperation and coordination among the SROs, to remove impediments to, and foster the development of, a national market system and a national clearance and settlement system, and is in conformity with the factors set forth in Section 17(d) of the Act. Commission approval of a plan filed pursuant to Rule 17d–2 relieves an SRO of those regulatory responsibilities allocated by the plan to another SRO.

II. The Plan

On September 12, 2008, the Commission declared effective the Participating Organizations' Plan for allocating regulatory responsibilities pursuant to Rule 17d–2.[11] The Plan is designed to eliminate regulatory duplication by allocating regulatory responsibility over Common NYSE Members[12] or Common FINRA Members,[13] as applicable, (collectively "Common Members") for the surveillance, investigation, and enforcement of common insider trading rules ("Common Rules").[14] The Plan assigns regulatory responsibility over Common NYSE Members to NYSE Regulation for surveillance, investigation, and enforcement of insider trading by broker-dealers, and

[1] 15 U.S.C. 78q(d).

[2] 17 CFR 240.17d–2.

[3] 15 U.S.C. 78s(g)(1).

[4] 15 U.S.C. 78q(d).

[5] 15 U.S.C. 78s(g)(2).

[6] 15 U.S.C. 78q(d)(1).

[7] *See* Securities Act Amendments of 1975, Report of the Senate Committee on Banking, Housing, and Urban Affairs to Accompany S. 249, S. Rep. No. 94–75, 94th Cong., 1st Session 32 (1975).

[8] 17 CFR 240.17d–1 and 17 CFR 240.17d–2, respectively.

[9] *See* Securities Exchange Act Release No. 12352 (April 20, 1976), 41 FR 18808 (May 7, 1976).

[10] *See* Securities Exchange Act Release No. 12935 (October 28, 1976), 41 FR 49091 (November 8, 1976).

[11] *See* Securities Exchange Act Release No. 58536 (September 12, 2008), 73 FR 54646 (September 22, 2008) (File No. 4–566).

[12] Common NYSE Members include members of the NYSE and at least one of the Participating Organizations.

[13] Common FINRA Members include members of FINRA and at least one of the Participating Organizations.

[14] Common rules are defined as: (i) Federal securities laws and rules promulgated by the Commission pertaining to insider trading, and (ii) the rules of the Participating Organizations that are related to insider trading. *See* Exhibit A to the Plan.

their associated persons, with respect to NYSE-listed stocks and NYSE Arca-listed stocks, irrespective of the marketplace(s) maintained by the Participating Organizations on which the relevant trading may occur. The Plan assigns regulatory responsibility over Common FINRA Members to FINRA for surveillance, investigation, and enforcement of insider trading by broker-dealers, and their associated persons, with respect to NASDAQ-listed stocks and Amex-listed stocks, as well as any CHX solely-listed stock, irrespective of the marketplace(s) maintained by the Participating Organizations on which the relevant trading may occur.

III. Proposed Amendment to the Plan

On April 7, 2010, the parties submitted a proposed amendment to the Plan. The purpose of the amendment is to add EDGA and EDGX as participants to the Plan. The parties have followed the requisite procedure as set forth in Paragraph 27 to the Plan regarding the addition of new SROs to the Plan. The amended agreement replaces the previous agreement in its entirety. The text of the proposed amended 17d–2 plan is as follows (additions are *underlined;* deletions are [bracketed]):

* * * * *

Agreement for the Allocation of Regulatory Responsibility of Surveillance, Investigation and Enforcement for Insider Trading pursuant to § 17(d) of the Securities Exchange Act of 1934, 15 U.S.C. § 78q (d), and Rule 17d–2 Thereunder

This agreement (the "Agreement") by and among the American Stock Exchange LLC ("Amex"), BATS Exchange, Inc. ("BATS"), Boston Stock Exchange, Inc., Chicago Board Options Exchange, Inc. ("CBOE")*, Chicago Stock Exchange, Inc. ("CHX"), *EDGA Exchange, Inc. ("EDGA"), EDGX Exchange, Inc. ("EDGX"),* Financial Industry Regulatory Authority, Inc. ("FINRA"), International Securities Exchange, LLC ("ISE")†, The NASDAQ Stock Market LLC ("NASDAQ"), National Stock Exchange, Inc., New York Stock Exchange, LLC ("NYSE"), NYSE Arca Inc. ("NYSE Arca"), NYSE Regulation, Inc. (pursuant to delegated authority) ("NYSE Regulation"), and Philadelphia Stock Exchange, Inc. (together, the "Participating Organizations"), is made pursuant to § 17(d) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. § 78q(d), and Securities and Exchange Commission ("SEC") Rule 17d–2, which allow for plans to allocate regulatory responsibility among self-regulatory organizations ("SROs"). Upon approval by the SEC, this Agreement shall amend and restate the agreement among the Participating Organizations (except [BATS and CBOE, the latter of which replaces CBOE] *EDGA and EDGX*) approved by the SEC on [September 12] *October 17,* 2008.

Whereas, NYSE delegates to NYSE Regulation the regulation of trading by members in its market, and NYSE Regulation is a subsidiary of NYSE, all references to NYSE Regulation in this Agreement shall be read as references to both entities;

Whereas, the Participating Organizations desire to: (a) Foster cooperation and coordination among the SROs; (b) remove impediments to, and foster the development of, a national market system; (c) strive to protect the interest of investors; and (d) eliminate duplication in their regulatory surveillance, investigation and enforcement of insider trading;

Whereas, the Participating Organizations are interested in allocating to NYSE Regulation, Inc. ("NYSE Regulation") regulatory responsibility for Common NYSE Members for surveillance, investigation and enforcement of Insider Trading (as defined below) in NYSE Listed Stocks (as defined below) irrespective of the marketplace(s) maintained by the Participating Organizations on which the relevant trading may occur in violation of Common Insider Trading Rules;

Whereas, the Participating Organizations are interested in allocating to FINRA regulatory responsibility for Common FINRA Members for surveillance, investigation and enforcement of Insider Trading in NASDAQ Listed Stocks, Amex Listed Stocks, and CHX Solely Listed Stocks irrespective of the marketplace(s) maintained by the Participating Organizations on which the relevant trading may occur in violation of Common Insider Trading Rules;

Whereas, the Participating Organizations will request regulatory allocation of these regulatory responsibilities by executing and filing with the SEC a plan for the above stated purposes (this Agreement, also known herein as the "Plan") pursuant to the provisions of § 17(d) of the Act, and SEC Rule 17d–2 thereunder, as described below; and

Whereas, the Participating Organizations will also enter into certain Regulatory Services Agreements (the "Insider Trading RSAs"), of even date herewith, to provide for the investigation and enforcement of suspected Insider Trading against broker-dealers, and their associated persons, that (i) are not Common NYSE Members (as defined below) in the case of Insider Trading in NYSE Listed Stocks, and (ii) are not Common FINRA Members (as defined below) in the case of Insider Trading in NASDAQ Listed Stocks, Amex Listed Stocks, and CHX Solely Listed Stocks.

Now, therefore, in consideration of the mutual covenants contained hereafter, and other valuable consideration to be mutually exchanged, the Participating Organizations hereby agree as follows:

1. Definitions. Unless otherwise defined in this Agreement, or the context otherwise requires, the terms used in this Agreement will have the same meaning they have under the Act, and the rules and regulations thereunder. As used in this Agreement, the following terms will have the following meanings:

a. "Rule" of an "exchange" or an "association" shall have the meaning defined in Section 3(a)(27) of the Act.

b. "Common NYSE Members" shall mean members of the NYSE and at least one of the Participating Organizations.

c. "Common FINRA Members" shall mean members of FINRA and at least one of the Participating Organizations.

d. "Common Insider Trading Rules" shall mean (i) the federal securities laws and rules thereunder promulgated by the SEC pertaining to insider trading, and (ii) the rules of the Participating Organizations that are related to insider trading, as provided on Exhibit A to this Agreement.

e. "Effective Date" shall have the meaning set forth in paragraph 28.

f. "Insider Trading" shall mean any conduct or action taken by a natural person or entity related in any way to the trading of securities by an insider or a related party based on or on the basis of material non-public information obtained during the performance of the insider's duties at the corporation, or otherwise misappropriated, that could be deemed a violation of the Common Insider Trading Rules.

g. "Intellectual Property" will mean any: (1) processes, methodologies, procedures, or technology, whether or not patentable; (2) trademarks, copyrights, literary works or other works of authorship, service marks and

* CBOE's allocation of certain regulatory responsibilities to NYSE/FINRA under this Agreement is limited to the activities of the CBOE Stock Exchange, LLC, a facility of CBOE.

† ISE's allocation of certain regulatory responsibilities to NYSE/FINRA under this Agreement is limited to the activities of the ISE Stock Exchange, LLC, a facility of ISE.

trade secrets; or (3) software, systems, machine-readable texts and files and related documentation.

h. "Plan" shall mean this Agreement, which is submitted as a Plan for the allocation of regulatory responsibilities of surveillance for insider trading pursuant to § 17(d) of the Securities and Exchange Act of 1934, 15 U.S.C. § 78q(d), and SEC Rule 17d–2.

i. "NYSE Listed Stock" shall mean an equity security that is listed on the NYSE, or NYSE Arca.

j. "NASDAQ Listed Stock" shall mean an equity security that is listed on the NASDAQ.

k. "Amex Listed Stock" shall mean an equity security that is listed on the Amex.

l. "CHX Solely Listed Stock" shall mean an equity security that is listed only in the Chicago Stock Exchange.

m. "Listing Market" shall mean Amex, Nasdaq, NYSE, or NYSE Arca, but not CHX.

2. Assumption of Regulatory Responsibilities.

a. NYSE Regulation: Assumption of Regulatory Responsibilities. On the Effective Date of the Plan, NYSE Regulation will assume regulatory responsibilities for surveillance, investigation and enforcement of Insider Trading by broker-dealers, and their associated persons, for Common NYSE Members with respect to NYSE Listed Stocks irrespective of the marketplace(s) maintained by the Participant Organizations on which the relevant trading may occur in violation of the Common Insider Trading Rules ("NYSE's Regulatory Responsibility").

b. FINRA: Assumption of Regulatory Responsibilities. On the Effective Date of the Plan, FINRA will assume regulatory responsibilities for surveillance, investigation and enforcement of Insider Trading by broker-dealers, and their associated persons, for Common FINRA Members with respect to NASDAQ and Amex Listed Stocks, as well as any CHX Solely Listed equity security, irrespective of the marketplace(s) maintained by the Participant Organizations on which the relevant trading may occur in violation of the Common Insider Trading Rules ("FINRA's Regulatory Responsibility").

c. Change in Control. In the event of a change of control of a Listing Market, the Listing Market will have the discretion to transfer the regulatory responsibility for its listed stocks from NYSE Regulation to FINRA or from FINRA to NYSE Regulation, provided the SRO assuming regulatory responsibility consents to such transfer.

3. Certification of Insider Trading Rules.

a. Initial Certification. By signing this Agreement, the Participating Organizations, other than NYSE Regulation and FINRA, hereby certify to NYSE Regulation and FINRA that their respective lists of Common Insider Trading Rules contained in Attachment A hereto are correct, and NYSE Regulation and FINRA hereby confirm that such rules are Common Insider Trading Rules as defined in this Agreement.

b. Yearly Certification. Each year following the commencement of operation of this Agreement, or more frequently if required by changes in the rules of the Participating Organizations, each Participating Organization shall submit a certified and updated list of Common Insider Trading Rules to NYSE Regulation and FINRA for review, which shall (i) add Participating Organization rules not included in the then-current list of Common Insider Trading Rules that qualify as Common Rules as defined in this Agreement; (ii) delete Participating Organization rules included in the current list of Common Insider Trading Rules that no longer qualify as Common Insider Trading Rules as defined in this Agreement; and (iii) confirm that the remaining rules on the current list of Common Insider Trading Rules continue to be Participating Organization rules that qualify as Common Insider Trading Rules as defined in this Agreement. NYSE Regulation and FINRA shall review each Participating Organization's annual certification and confirm whether NYSE Regulation and FINRA agree with the submitted certified and updated list of Common Insider Rules by each of the Participating Organizations.

4. No Retention of Regulatory Responsibility. The Participating Organizations do not contemplate the retention of any responsibilities with respect to the regulatory activities being assumed by NYSE Regulation and FINRA, respectively, under the terms of this Agreement. Nothing in this Agreement will be interpreted to prevent NYSE Regulation or FINRA from entering into Regulatory Services Agreement(s) to perform their Regulatory Responsibilities.

5. Dually Listed Stocks. Stocks that are listed on more than one Participating Organization shall be designated as a NYSE Listed Stock, a NASDAQ Listed Stock, or an Amex Listed Stock based on the applicable transaction reporting plan for the equity security as set forth in paragraph 1.b. of Exhibit B.

6. Fees. NYSE Regulation and FINRA shall charge Participating Organizations for performing their respective Regulatory Responsibilities, as set forth in the Schedule of Fees, attached as Exhibit B.

7. Applicability of Certain Laws, Rules, Regulations or Orders. Notwithstanding any provision hereof, this Agreement shall be subject to any statute, or any rule or order of the SEC. To the extent such statute, rule, or order is inconsistent with one or more provisions of this Agreement, the statute, rule, or order shall supersede the provision(s) hereof to the extent necessary to be properly effectuated and the provision(s) hereof in that respect shall be null and void.

8. Exchange Committee; Reports.

a. Exchange Committee. The Participating Organizations shall form a committee (the "Exchange Committee"), which shall act on behalf of all of Participating Organizations in receiving copies of the reports described below and in reviewing issues that arise under this Agreement. Each Participating Organization shall appoint a representative to the Exchange Committee. The Exchange Committee representatives shall report to their respective executive management bodies regarding status or issues under the Agreement. The Participating Organizations agree that the Exchange Committee will meet regularly up to four (4) times a year, with no more than one meeting per calendar quarter. At these meetings, the Exchange Committee will discuss the conduct of the Regulatory Responsibilities and identify issues or concerns with respect to this Agreement, including matters related to the calculation of the cost formula and accuracy of fees charged and provision of information related to the same. The SEC shall be permitted to attend the meetings as an observer.

b. Reports. NYSE Regulation and FINRA shall provide the reports set forth in Exhibit C hereto and any additional reports related to the Agreement reasonably requested by a majority vote of all representatives to the Exchange Committee at each Exchange Committee meeting, or more often as the Participating Organizations deem appropriate, but no more often than once every quarterly billing period.

9. Customer Complaints.

a. If a Participating Organization receives a copy of a customer complaint relating to Insider Trading or other activity or conduct that is within the NYSE's Regulatory Responsibilities as set forth in this Agreement, the Participating Organization shall promptly forward to NYSE Regulation, as applicable, a copy of such customer complaint.

b. If a Participating Organization receives a copy of a customer complaint relating to Insider Trading or other activity or conduct that is within FINRA's Regulatory Responsibilities as set forth in this Agreement, the Participating Organization shall promptly forward to FINRA, as applicable, a copy of such customer complaint.

10. Parties to Make Personnel Available as Witnesses. Each Participating Organization shall make its personnel available to NYSE Regulation or FINRA to serve as testimonial or non-testimonial witnesses as necessary to assist NYSE Regulation and FINRA in fulfilling the Regulatory Responsibilities allocated under this Agreement. FINRA and NYSE Regulation shall provide reasonable advance notice when practicable and shall work with a Participating Organization to accommodate reasonable scheduling conflicts within the context and demands as the entities with ultimate regulatory responsibility. The Participating Organization shall pay all reasonable travel and other expenses incurred by its employees to the extent that NYSE Regulation or FINRA require such employees to serve as witnesses, and provide information or other assistance pursuant to this Agreement.

11. Market Data; Sharing of Work-Papers, Data and Related Information.

a. Market Data. FINRA and NYSE Regulation shall obtain raw market data necessary to the performance of regulation under this Agreement from (a) the Consolidated Tape Association ("CTA") as the exclusive securities information processor ("SIP") for all NYSE-listed, AMEX-listed securities, and CHX solely listed securities and (b) the NASDAQ Unlisted Trading Privileges Plan as the exclusive SIP for NASDAQ-listed securities.

b. Sharing. A Participating Organization shall make available to each of NYSE Regulation and FINRA information necessary to assist NYSE Regulation or FINRA in fulfilling the regulatory responsibilities assumed under the terms of this Agreement. Such information shall include any information collected by an exchange or association in the course of performing its regulatory obligations under the Act, including information relating to an on-going disciplinary investigation or action against a member, the amount of a fine imposed on a member, financial information, or information regarding proprietary trading systems gained in the course of examining a member ("Regulatory Information"). This Regulatory Information shall be used by NYSE Regulation and FINRA solely for the purposes of fulfilling their respective regulatory responsibilities.

c. No Waiver of Privilege. The sharing of documents or information between the parties pursuant to this Agreement shall not be deemed a waiver as against third parties of regulatory or other privileges relating to the discovery of documents or information.

d. Intellectual Property.

(i) Existing Intellectual Property. Each of NYSE Regulation and FINRA, respectively, is and will remain the owner of all right, title and interest in and to the proprietary Intellectual Property it employs in the provision of regulation hereunder (including the SONAR and Stock Watch systems), and any derivative works thereof. To the extent certain elements of either of these parties' systems, or portions thereof, may be licensed or leased from third parties, all such third party elements shall remain the property of such third parties, as applicable. Likewise, any other Participating Organization is and will remain the owner of all right, title and interest in and to its own existing proprietary Intellectual Property.

(ii) Enhancements to Existing Intellectual Property or New Developments of NYSE Regulation or FINRA. In the event NYSE Regulation or FINRA (a) makes any changes, modifications or enhancements to its respective Intellectual Property for any reason, or (b) creates any newly developed Intellectual Property for any reason, including as a result of requested enhancements or new development by the Exchange Committee (collectively, the "New IP"), the Participating Organizations acknowledge and agree that each of NYSE Regulation and FINRA shall be deemed the owner of the New IP created by each of them, respectively (and any derivative works thereof), and shall retain all right, title and interest therein and thereto, and each other Participating Organization hereby irrevocably assigns, transfers and conveys to each of NYSE Regulation and FINRA, as applicable, without further consideration all of its right, title and interest in or to all such New IP (and any derivative works thereof).

(iii) NYSE Regulation and FINRA will not charge the Participating Organizations any fees for any New IP created and used by NYSE Regulation or FINRA, respectively; provided, however, that NYSE Regulation and FINRA will each be permitted to charge fees for software maintenance work performed on systems used in the discharge of their respective duties hereunder.

12. Special or Cause Examinations. Nothing in this Agreement shall restrict or in any way encumber the right of a party to conduct special or cause examinations of Common NYSE Members or Common FINRA Members as any party, in its sole discretion, shall deem appropriate or necessary.

13. Dispute Resolution Under this Agreement.

a. Negotiation. The Parties will attempt to resolve any disputes through good faith negotiation and discussion, escalating such discussion up through the appropriate management levels until reaching the executive management level. In the event a dispute cannot be settled through these means, the Parties shall refer the dispute to binding arbitration.

b. Binding Arbitration. All claims, disputes, controversies, and other matters in question between the Parties to this Agreement arising out of or relating to this Agreement or the breach thereof that cannot be resolved by the Parties will be resolved through binding arbitration. Unless otherwise agreed by the Parties, a dispute submitted to binding arbitration pursuant to this paragraph shall be resolved using the following procedures:

(i) The arbitration shall be conducted in the city of New York in accordance with the Commercial Arbitration Rules of the American Arbitration Association and judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction thereof; and

(ii) There shall be three arbitrators, and the chairperson of the arbitration panel shall be an attorney.

14. Limitation of Liability. As between the Participating Organizations, no Participating Organization, including its respective directors, governors, officers, employees and agents, will be liable to any other Participating Organization, or its directors, governors, officers, employees and agents, for any liability, loss or damage resulting from any delays, inaccuracies, errors or omissions with respect to its performing or failing to perform regulatory responsibilities, obligations, or functions, except (a) as otherwise provided for under the Act, (b) in instances of a Participating Organization's gross negligence, willful misconduct or reckless disregard with respect to another Participating Organization, (c) in instances of a breach of confidentiality obligations owed to another Participating Organization, or (d) in the case of any Participating Organization paying fees hereunder, for any payments due. The Participating Organizations understand and agree that the regulatory

responsibilities are being performed on a good faith and best effort basis and no warranties, express or implied, are made by any Participating Organization to any other Participating Organization with respect to any of the responsibilities to be performed hereunder. This paragraph is not intended to create liability of any Participating Organization to any third party.

15. SEC Approval.

a. The parties agree to file promptly this Agreement with the SEC for its review and approval. NYSE Regulation and FINRA shall jointly file this Agreement on behalf, and with the explicit consent, of all Participating Organizations.

b. If approved by the SEC, the Participating Organizations will notify their members of the general terms of the Agreement and of its impact on their members.

16. Subsequent Parties; Limited Relationship. This Agreement shall inure to the benefit of and shall be binding upon the Participating Organizations hereto and their respective legal representatives, successors, and assigns. Nothing in this Agreement, expressed or implied, is intended or shall: (a) confer on any person other than the Participating Organizations hereto, or their respective legal representatives, successors, and assigns, any rights, remedies, obligations or liabilities under or by reason of this Agreement, (b) constitute the Participating Organizations hereto partners or participants in a joint venture, or (c) appoint one Participating Organization the agent of the other.

17. Assignment. No Participating Organization may assign this Agreement without the prior written consent of all the other Participating Organizations, which consent shall not be unreasonably withheld, conditioned or delayed; provided, however, that any Participating Organization may assign the Agreement to a corporation controlling, controlled by or under common control with the Participating Organization without the prior written consent of any other party.

18. Severability. Any term or provision of this Agreement that is invalid or unenforceable in any jurisdiction shall, as to such jurisdiction, be ineffective to the extent of such invalidity or unenforceability without rendering invalid or unenforceable the remaining terms and provisions of this Agreement or affecting the validity or enforceability of any of the terms or provisions of this Agreement in any other jurisdiction.

19. Termination.

a. Any Participating Organization may cancel its participation in the Agreement at any time, provided that it has given 180 days written notice to the other Participating Organizations (or in the case of a change of control in ownership of a Participating Organization, such other notice time period as that Participating Organization may choose), and provided that such termination has been approved by the SEC. The cancellation of its participation in this Agreement by any Participating Organization shall not terminate this Agreement as to the remaining Participating Organizations.

b. The Regulatory Responsibilities assumed under this Agreement by NYSE Regulation or FINRA (either, an "Invoicing Party") may be terminated by the Invoicing Party against any Participating Organization as follows. The Participating Organization will have thirty (30) days from receipt to satisfy the invoice. If the Participating Organization fails to satisfy the invoice within thirty (30) days of receipt ("Default"), the Invoicing Party will notify the Participating Organization of the Default. The Participating Organization will have thirty (30) days from receipt of the Default notice to satisfy the invoice.

c. The Invoicing Party will have the right to terminate the Regulatory Responsibilities assumed under this Agreement if a Participating Organization has Defaulted in its obligation to pay the invoice on more than three (3) occasions in any rolling twenty-four (24) month period.

20. Intermarket Surveillance Group ("ISG"). In order to participate in this Agreement, all Participating Organizations to this Agreement must be members of the ISG.

21. General. The Participating Organizations agree to perform all acts and execute all supplementary instruments or documents that may be reasonably necessary or desirable to carry out the provisions of this Agreement.

22. Liaison and Notices. All questions regarding the implementation of this Agreement shall be directed to the persons identified below, as applicable. All notices and other communications required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given upon (i) actual receipt by the notified party or (ii) constructive receipt (as of the date marked on the return receipt) if sent by certified or registered mail, return receipt requested, to the following addresses:

* * * * *

23. Confidentiality. The parties agree that documents or information shared shall be held in confidence, and used only for the purposes of carrying out their respective regulatory obligations under this Agreement. No party shall assert regulatory or other privileges as against the other with respect to Regulatory Information that is required to be shared pursuant to this Agreement, as defined by paragraph 11, above.

24. Regulatory Responsibility. Pursuant to Section 17(d)(1)(A) of the Act, and Rule 17d–2 thereunder, the Participating Organizations jointly and severally request the SEC, upon its approval of this Agreement, to relieve the Participating Organizations, jointly and severally, of any and all responsibilities with respect to the matters allocated to NYSE Regulation and FINRA pursuant to this Agreement for purposes of §§ 17(d) and 19(g) of the Act.

25. Governing Law. This Agreement shall be deemed to have been made in the State of New York, and shall be construed and enforced in accordance with the law of the State of New York, without reference to principles of conflicts of laws thereof. Each of the parties hereby consents to submit to the jurisdiction of the courts of the State of New York in connection with any action or proceeding relating to this Agreement.

26. Survival of Provisions. Provisions intended by their terms or context to survive and continue notwithstanding delivery of the regulatory services by NYSE Regulation or FINRA, as applicable, the payment of the Fees by the Participating Organizations, and any expiration of this Agreement shall survive and continue.

27. Amendment.

a. This Agreement may be amended to add a new Participating Organization, provided that such Participating Organization does not assume regulatory responsibility, solely by an amendment executed by NYSE Regulation, FINRA and such new Participating Organization. All other Participating Organizations expressly consent to allow NYSE Regulation and FINRA to jointly add new Participating Organizations to the Agreement as provided above. NYSE Regulation and FINRA will promptly notify all Participating Organizations of any such amendments to add a new Participating Organization.

b. All other amendments must be made approved by each Participating Organization. All amendments, including adding a new Participating Organization, must be filed with and

approved by the Commission before they become effective.

28. Effective Date. The Effective Date of this Agreement will be the date the SEC declares this Agreement to be effective pursuant to authority conferred by § 17(d) of the Act, and SEC Rule 17d–2 thereunder.

29. Counterparts. This Agreement may be executed in any number of counterparts, including facsimile, each of which will be deemed an original, but all of which taken together shall constitute one single agreement between the Parties.

In Witness Whereof, the Parties hereto have each caused this Agreement for the Allocation of Regulatory Responsibility of Surveillance, Investigation and Enforcement for Insider Trading Agreement to be signed and delivered by its duly authorized representative.

Exhibit A: Common Insider Trading Rules

1. Securities Exchange Act of 1934 Section 10(b), and rules and regulations promulgated there under in connection with insider trading, including SEC Rule 10b–5 (as it pertains to insider trading), which states that:

Rule 10b–5—Employment of Manipulative and Deceptive Devices

It shall be unlawful for any person, directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails or of any facility of any national securities exchange,

a. To employ any device, scheme, or artifice to defraud,

b. To make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, or

c. To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person, in connection with the purchase or sale of any security.

2. Securities Exchange Act of 1934 Section 17(a), and rules and regulations promulgated there under in connection with insider trading, including SEC Rule 17a–3 (as it pertains to insider trading).

3. The following SRO Rules as they pertain to violations of insider trading:

FINRA NASD Rule 2110 (Standards of Commercial Honor and Principles of Trade)
FINRA NASD Rule 2120 (Use of Manipulative, Deceptive or Other Fraudulent Devices)
FINRA NASD Rule 3010 (Supervision)
FINRA NASD Rule 3110 (a) and (c) (Books and Records; Financial Condition)
NYSE Rule 401(a) (Business Conduct)
NYSE Rule 476(a) (Disciplinary Proceedings Involving Charges Against Members, Member Organizations, Allied Members, Approved Persons, Employees, or Others)
NYSE Rule 440 (Books and Records)
NYSE Rule 342 (Offices—Approval, Supervision and Control)
AMEX Cons. Art. II Sec. 3, Confidential Information
AMEX Cons. Art. V Sec. 4 Suspension or Expulsion (b), (h), (i), (j) and (r)
AMEX Cons. Art. XI Sec. 4 Controlled Corporations and Associations—Responsibility for Corporate Subsidiary; Duty to Produce Books
AMEX Rule 3 General Prohibitions and Duty to Report (d), (h) (j) and (l)
AMEX Rule 3–AEMI General Prohibitions and Duty to Report (d) and (h)
AMEX Rule 16 Business Conduct
AMEX Rule 320 Offices—Approval, Supervision and Control
AMEX Rule 324 Books and Records
NASDAQ Rule 2110 (Standards of Commercial Honor and Principles of Trade)
NASDAQ Rule 2120 (Use of Manipulative, Deceptive or Other Fraudulent Devices)
NASDAQ Rule 3010 (Supervision)
NASDAQ Rule 3110 (a) and (c) (Books and Records; Financial Condition)
CHX Article 8, Rule 3 (Fraudulent Acts)
CHX Article 9, Rule 2 (Just & Equitable Trade Principles)
CHX Article 11, Rule 2 (Maintenance of Books and Records)
CHX Article 6, Rule 5 (Supervision of Registered Persons and Branch and Resident Offices)
ISE RULE 400 (Just and Equitable Principles of Trade)
ISE RULE 405 (Manipulation)
ISE RULE 408 (Prevention of Misuse of Material Nonpublic Information)
CBOE RULE 4.1 (Practices inconsistent with just and equitable principles)
CBOE RULE 4.2 (adherence to law)
CBOE RULE 4.7 (Manipulation)
CBOE RULE 4.18 (Prevention of the misuse of material non public information)
PHLX RULE 707 (Conduct Inconsistent with Just and Equitable Principles of Trade)
PHLX RULE 748 (Supervision)
PHLX RULE 760 (Maintenance, Retention and Furnishing of Books, Records and Other Information)
PHLX RULE 761 (Supervisory Procedures Relating to ITSFEA and to Prevention of Misuse or Material Nonpublic Information)
PHLX RULE 782 (Manipulative Operations)
NYSE Arca Rule 6.3 (Prevention of the Misuse of Material, Nonpublic Information)
NYSE Arca Rule 6.2(b) Prohibited Acts (J&E)
NYSE Arca Rule 6.1 Adherence to Law
NYSE Arca Rule 6.18 Supervision
NYSE Arca Rule 9.1(c) Office Supervision
NYSE Arca Rule 9.2(b) Account Supervision
NYSE Arca Rule 9.2(c) Customer Records
NYSE Arca Rule 9.17 Books and Records
NSX Rule 3.1 Business Conduct of ETP Holders
NSX Rule 3.2. Violations Prohibited
NSX Rule 3.3. Use of Fraudulent Devices
NSX Rule 4.1 Requirements
NSX Rule 5.1. Written Procedures
NSX Rule 5.3 Records
NSX Rule 5.5 Chinese Wall Procedures
BSE Chapter II, Sections 26–28 (Anti-Manipulative Provisions)
BSE Chapter II, Section 37 (ITSFEA Procedures)
BSE Chapter XXIV–C, Section 2 (Securities Accounts and Orders of Specialists)
BSE Chapter XXXVII, Section 11 (Limitations on Dealings)
BATS Rule 3.1 Business Conduct of ETP Holders
BATS Rule 3.2. Violations Prohibited
BATS Rule 3.3. Use of Fraudulent Devices
BATS Rule 4.1 Requirements
BATS Rule 5.1. Written Procedures
BATS Rule 5.3 Records
BATS Rule 5.5 Chinese Wall Procedures
BATS Rule 12.4 Manipulative Transactions
EDGA 3.1 Business Conduct of Members
EDGA 3.2 Violations Prohibited
EDGA 3.3 Use of Fraudulent Devices
EDGA 4.1 Requirements
EDGA 5.1 Written Procedures
EDGA 5.3 Records
EDGA 5.5 Prevention of misuse of material, nonpublic information
EDGA 12.4 Manipulative Transactions
EDGX 3.1 Business Conduct of Members
EDGX 3.2 Violations Prohibited
EDGX 3.3 Use of Fraudulent Devices
EDGX 4.1 Requirements
EDGX 5.1 Written Procedures
EDGX 5.3 Records
EDGX 5.5 Prevention of misuse of material, nonpublic information
EDGX 12.4 Manipulative Transactions

Exhibit B: Fee Schedule

1. Fees. NYSE Regulation and, separately, FINRA shall charge each

Participating Organization a Quarterly Fee in arrears for the performance of NYSE Regulation's and FINRA's respective regulatory responsibilities under the Plan (each, a "Quarterly Fee,", and together, the "Fees").

a. Quarterly Fees.

(1) Quarterly Fees for each Participating Organization will be charged by NYSE Regulation and FINRA, respectively, according to the Participating Organization's "Percentage of Publicly Reported Trades" occurring over three-month billing periods. The "Percentage of Publicly Reported Trades" shall equal a Participating Organization's number of reported NYSE-listed trades (when billing originates from NYSE Regulation) and combined AMEX-listed, NASDAQ-listed, and CHX solely-listed trades (when billing originates from FINRA) during the relevant period (the "Numerator"), divided by the total number of either all NYSE-listed trades or all combined AMEX-listed, NASDAQ-listed, and CHX solelylisted trades, respectively, for the same period (the "Denominator"). For purposes of clarification, ADF and Trade Reporting Facility (TRF) activity will be included in the Denominator. Additionally, with regard to TRFs, TRF trade volume will be charged to FINRA. Consequently, for purposes of calculating the Quarterly Fees, the volume for each Participant Organization's TRF will be calculated separately (that is, TRF volume will be broken out from the Participating Organization's overall Percentage of Publicly Reported Trades) and the fees for such will be billed to FINRA in accordance with paragraph 1(a)(2), rather than to the applicable Participating Organization.

(2) The Quarterly Fees shall be determined by each of NYSE Regulation and FINRA, as applicable, in the following manner for each Participating Organization:

(a) Less than 1.0%: If the Participating Organization's Percentage of Publicly Reported Trades for NYSE-listed trades (in the case of NYSE Regulation) or for combined AMEX-listed, NASDAQ-listed, and CHX solelylisted trades (in the case of FINRA) for the relevant three-month billing period is less than 1.0%, the Quarterly Fee shall be $3,125, per quarter ("Static Fee");

(b) Less than 2.0% but No Less than 1.0%: If the Participating Organization's Percentage of Publicly Reported Trades for NYSE-listed trades (in the case of NYSE Regulation) or for combined AMEX-listed, NASDAQ-listed, and CHX solely-listed trades (in the case of FINRA) for the relevant three-month billing period is less than 2.0% but no less than 1.0%, the Quarterly Fee shall be $9,375, per quarter ("Static Fee");

(c) 2.0% or Greater: If the Participating Organization's Percentage of Publicly Reported Trades for NYSE-listed trades (in the case of NYSE Regulation) or for combined AMEX-listed, NASDAQ-listed, and CHX solely listed trades (in the case of FINRA) for the relevant three-month billing period is 2.0% or greater, the Quarterly Fee shall be the amount equal to the Participating Organization's Percentage of Publicly Reported Trades multiplied by NYSE Regulation's or FINRA's total charge ("Total Charge"), respectively, for its performance of Insider Trading regulatory responsibilities for the relevant three-month billing period.

(3) Increases in Static Fees. NYSE Regulation and FINRA will re-evaluate the Quarterly Fees on an annual basis during the annual budget process outlined in paragraph 1.c. below. During each annual re-evaluation, NYSE Regulation and FINRA will have the discretion to increase the Static Fees by a percentage no greater than the percentage increase in the Final Budget over the preceding year's Final Budget. Any changes to the Static Fees shall not require an amendment to this Agreement, but rather shall be memorialized through the Budget Process.

(4) Increases in Total Charges. Any change in the Total Charges (whether a Final Budget increase or any mid year change) shall not require an amendment to this Agreement, but rather shall be memorialized through the budget process.

b. Source of Data. For purposes of calculation of the Percentage of Publicly Reported Trades for each Participating Organization, NYSE Regulation and FINRA shall use (a) the Consolidated Tape Association ("CTA") as the exclusive securities information processor ("SIP") for all NYSE Listed Stocks, AMEX Listed Stocks, and CHXSolely Listed Stocks, and (b) the Unlisted Trading Privileges Plan as the exclusive SIP for NASDAQ-listed Stocks.

c. Annual Budget Forecast. NYSE Regulation and FINRA will notify the Participating Organizations of the forecasted costs of their respective insider trading programs for the following calendar year by close of business on October 15 of the then-current year (the "Forecasted Budget"). NYSE Regulation and FINRA shall use best efforts to provide as accurate a forecast as possible. NYSE Regulation and FINRA shall then provide a final submission of the costs following approval of such costs by their respective governing Boards (the "Final Budget"). Subject to paragraph 1(d) below, in the event of a difference between the Forecasted Budget and the Final Budget, the Final Budget will govern.

d. Increases in Fees over Twenty Percent.

(1) In the event that any proposed increase to Fees by NYSE Regulation or by FINRA for a given calendar year (which increase may arise either during the annual budgetary forecasting process or through any mid-year increase) will result in a cumulative increase in such calendar year's Fees of more than twenty percent (20%) above the preceding calendar year's Final Budget (a "Major Increase"), then senior management of any Participating Organization (a) that is a Listing Market or (b) for which the Percentage of Publicly Reported Trades is then currently twenty percent (20%) or greater, shall have the right to call a meeting with the senior management of NYSE Regulation or FINRA, respectively, in order to discuss any disagreement over such proposed Major Increase. By way of example, if NYSE Regulation provides a Final Budget for 2009 that represents an 8% increase above the Final Budget for 2008, the terms of this paragraph 1.d.(1) shall not apply; if, however, in April of 2009, NYSE Regulation notifies the Exchange Committee of an increase in Fees that represents an additional 14% increase above the Final Budget for 2008, then the increase shall be deemed a Major Increase, and the terms of this paragraph 1.d.(1) shall become applicable (i.e., 8% + 14% = a cumulative increase of 22% above 2008 Final Budget).

(2) In the event that senior management members of the involved parties are unable to reach an agreement regarding the proposed Major Increase, then the matter shall be referred back to the Exchange Committee for final resolution. Prior to the matter being referred back to the Exchange Committee, nothing shall prohibit the parties from conferring with the SEC. Resolution shall be reached through a vote of no fewer than all Participating Organizations seated on the Exchange Committee, and a simple majority shall be required in order to reject the proposed Major Increase.

e. Time Tracking. NYSER and FINRA shall track the time spent by staff on insider trading responsibilities under this Agreement; however, time tracking will not be used to allocate costs.

2. Invoicing and Payment.

a. NYSE Regulation shall invoice each Participating Organization for the Quarterly Fee associated with the

regulatory activities performed pursuant to this Agreement during the previous three-month billing period within forty five (45) days of the end of such previous 3-month billing period. A Participating Organization shall have thirty (30) days from date of invoice to make payment to NYSE Regulation on such invoice. The invoice will reflect the Participating Organization's Percentage of Publicly Reported Trades for that billing period.

b. FINRA shall invoice each Participating Organization for the Quarterly Fee associated with the regulatory activities performed pursuant to this Agreement during the previous three-month billing period within forty five (45) days of the end of such previous 3-month billing period. A Participating Organization shall have thirty (30) days from date of invoice to make payment to FINRA on such invoice. The invoice will reflect the Participating Organization's Percentage of Publicly Reported Trades for that billing period.

3. Disputed Invoices; Interest. In the event that a Participating Organization disputes an invoice or a portion of an invoice, the Participating Organization shall notify in writing either FINRA or NYSE Regulation (each, an "Invoicing Party"), as applicable, of the disputed item(s) within fifteen (15) days of receipt of the invoice. In its notification to the Invoicing Party of the disputed invoice, the Participating Organization shall identify the disputed item(s) and provide a brief explanation of why the Participating Organization disputes the charges. An Invoicing Party may charge a Participating Organization interest on any undisputed invoice or the undisputed portions of a disputed invoice that a Participating Organization fails to pay within thirty (30) days of its receipt of such invoice. Such interest shall be assessed monthly. Interest will mean one and one half percent per month, or the maximum allowable under applicable Law, whichever is less.

4. Taxes. In the event any governmental authority deems the regulatory activities allocated to NYSE Regulation or FINRA to be taxable activities similar to the provision of services in a commercial context, the other Participating Organizations agree that they shall bear full responsibility, on a joint and several basis, for the payment of any such taxes levied on NYSE Regulation or FINRA, or, if such taxes are paid by NYSE Regulation or FINRA directly to the governmental authority, the other Participating Organizations agree that they shall reimburse NYSE Regulation and/or FINRA, as applicable, for the amount of any such taxes paid.

5. Audit Right; Record Keeping.

a. Audit Right.

(i) Audit of NYSE Regulation.

(a) Once every rolling twelve (12) month period, NYSE Regulation shall permit no more than one audit (to be performed by one or more Participating Organizations) of the Fees charged by NYSE Regulation to the Participating Organizations hereunder and a detailed cost analysis supporting such Fees (the "Audit"). The Participating Organization or Organizations that conduct this Audit will select a nationally-recognized independent auditing firm (or may use its regular independent auditor, providing it is a nationally-recognized auditing firm) ("Auditing Firm") to act on its, or their behalf, and will provide reasonable notice to other Participating Organizations of the Audit and invite the other Participating Organizations to participate in the Audit. NYSE Regulation will permit the Auditing Firm reasonable access during NYSE Regulation's normal business hours, with reasonable advance notice, to such financial records and supporting documentation as are necessary to permit review of the accuracy of the calculation of the Fees charged to the Participating Organizations. The Participating Organization, or Organizations, as applicable, other than NYSE Regulation, shall be responsible for the costs of performing any such audit.

(b) If, through an Audit, the Exchange Committee determines that NYSE Regulation has inaccurately calculated the Fees for any Participating Organization, the Exchange Committee will promptly notify NYSE Regulation in writing of the amount of such difference in the Fees, and, if applicable, NYSE Regulation shall issue a reimbursement of the overage amount to the relevant Participating Organization(s), less any amount owed by the Participating Organization under any outstanding, undisputed invoice(s). If such an Audit reveals that any Participating Organization paid less than what was required pursuant to the Agreement, then that Participating Organization shall promptly pay NYSE Regulation the difference between what the Participating Organization owed pursuant to the Agreement and what that Participating Organization originally paid NYSE Regulation. If NYSE Regulation disputes the results of an audit regarding the accuracy of the Fees, it will submit the dispute for resolution pursuant to the dispute resolution procedures in paragraph 13 hereof.

(c) In the event that through the review of any supporting documentation provided during the Audit, any one or more Participating Organizations desire to discuss with NYSE Regulation the supporting documentation and any questions arising therefrom with regard to the manner in which regulation was conducted, the Participating Organization(s) shall call a meeting with NYSE Regulation. NYSE Regulation shall in turn notify the Exchange Committee of this meeting in advance, and all Participating Organizations shall be welcome to attend (the "Fee Analysis Meeting"). The parties to this Agreement acknowledge and agree that while NYSE Regulation commits to discuss the supporting documentation at the Fee Analysis Meeting, NYSE Regulation shall not be subject, by virtue of the above Audit rights or any discussions during the Fee Analysis Meeting or otherwise, to any limitation whatsoever, other than the Increase in Fee provisions set forth in paragraph 1.d. of this Exhibit, on its discretion as to the manner and means by which it conducts its regulatory efforts in its role as the SRO primarily liable for regulatory decisions under this Agreement. To that end, no disagreement among the Participating Organizations as to the manner or means by which NYSE Regulation conducts its regulatory efforts hereunder shall be subject to the dispute resolution procedures hereunder, and no Participating Organization shall have the right to compel NYSE Regulation to alter the manner or means by which it conducts its regulatory efforts. Further, a Participating Organization shall not have the right to compel a rebate or reassessment of fees for services rendered, on the basis that the Participating Organization would have conducted regulatory efforts in a different manner than NYSE Regulation in its professional judgment chose to conduct its regulatory efforts.

ii. Audit of FINRA.

(a) Once every rolling twelve (12) month period, FINRA shall permit no more than one audit (to be performed by one or more Participating Organizations) of the Fees charged by FINRA to the Participating Organizations hereunder and a detailed cost analysis supporting such Fees (the "Audit"). The Participating Organization or Organizations that conduct this Audit will select a nationally-recognized independent auditing firm (or may use its regular independent auditor, providing it is a nationally-recognized auditing firm) ("Auditing Firm") to act on its, or their behalf, and will provide

reasonable notice to other Participating Organizations of the Audit. FINRA will permit the Auditing Firm reasonable access during FINRA's normal business hours, with reasonable advance notice, to such financial records and supporting documentation as are necessary to permit review of the accuracy of the calculation of the Fees charged to the Participating Organizations. The Participating Organization, or Organizations, as applicable, other than FINRA, shall be responsible for the costs of performing any such audit.

(b) If, through an Audit, the Exchange Committee determines that FINRA has inaccurately calculated the Fees for any Participating Organization, the Exchange Committee will promptly notify FINRA in writing of the amount of such difference in the Fees, and, if applicable, FINRA shall issue a reimbursement of the overage amount to the relevant Participating Organization(s), less any amount owed by the Participating Organization under any outstanding, undisputed invoice(s). If such an Audit reveals that any Participating Organization paid less than what was required pursuant to the Agreement, then that Participating Organization shall promptly pay FINRA the difference between what the Participating Organization owed pursuant to the Agreement and what that Participating Organization originally paid FINRA. If FINRA disputes the results of an audit regarding the accuracy of the Fees, it will submit the dispute for resolution pursuant to the dispute resolution procedures in paragraph 13 hereof.

(c) In the event that through the review of any supporting documentation provided during the Audit, any one or more Participating Organizations desire to discuss with FINRA the supporting documentation and any questions arising therefrom with regard to the manner in which regulation was conducted, the Participating Organization(s) shall call a meeting with FINRA. FINRA shall in turn notify the Exchange Committee of this meeting in advance, and all Participating Organizations shall be welcome to attend (the "Fee Analysis Meeting"). The parties to this Agreement acknowledge and agree that while FINRA commits to discuss the supporting documentation at the Fee Analysis Meeting, FINRA shall not be subject, by virtue of the above Audit rights or any discussions during the Fee Analysis Meeting or otherwise, to any limitation whatsoever, other than the Increase in Fee provisions set forth in paragraph 1.d. of this Exhibit, on its discretion as to the manner and means by which it conducts its regulatory efforts in its role as the SRO primarily liable for regulatory decisions under this Agreement. To that end, no disagreement among the Participating Organizations as to the manner or means by which FINRA conducts its regulatory efforts hereunder shall be subject to the dispute resolution procedures hereunder, and no Participating Organization shall have the right to compel FINRA to alter the manner or means by which it conducts its regulatory efforts. Further, a Participating Organization shall not have the right to compel a rebate or reassessment of fees for services rendered, on the basis that the Participating Organization would have conducted regulatory efforts in a different manner than FINRA in its professional judgment chose to conduct its regulatory efforts.

b. Record Keeping. In anticipation of any audit that may be performed by the Exchange Committee under paragraph 5.a. above, NYSE and FINRA shall each keep accurate financial records and documentation relating to the Fees charged by each, respectively, under this Agreement.

Exhibit C: Reports

NYSE Regulation and FINRA shall provide the following information in reports to the Exchange Committee, which information covers activity occurring under this Agreement:

1. Alert Summary Statistics: Total number of surveillance system alerts generated by quarter along with associated number of reviews and investigations. In addition, this paragraph shall also reflect the number of reviews and investigations originated from a source other than an alert. A separate table would be presented for Amex Listed, Nasdaq Listed, and CHX Solely Listed equity trading activity.

2008	Surveillance alerts	Investigations
1st Quarter 2nd Quarter 3rd Quarter 4th Quarter		
2008 Total		

2. Aging of Open Matters: Would reflect the aging for all currently open matters for the quarterly period being reported. A separate table would be presented for Amex Listed, Nasdaq Listed, and CHX Solely Listed equity trading activity. Example:

	Surveillance alerts	Investigations
0–6 months 6–9 months 9–12 months 12+ months		
Total		

3. Timeliness of Completed Matters: Would reflect the total age of those matters that were completed or closed during the quarterly period being reported. NYSE and FINRA will provide total referrals to the SEC.

Example:

	Surveillance alerts	Investigations
0–6 months 6–9 months 9–12 months 12+ months		
Total		

4. Disposition of Closed Matters: Would reflect the disposition of those matters that were completed or closed during the quarterly period being reported. A separate table would be presented for Amex Listed, Nasdaq Listed, and CHX Solely Listed equity trading activity.

Example:

	Surveillance YTD	Investigations YTD
No Further Review Letter of Caution/Admonition/Fine Referred to Legal/Enforcement Referred to SEC/SRO Merged Other		
Total		

5. Pending Reviews. In addition to the above reports, the Chief Regulatory Officer (CRO) (or his or her designee) of any Participating Organization that is also a listing market (including CHX) may inquire about pending reviews involving stocks listed on that Participating Organization's market. NYSE Regulation and FINRA, respectively, will respond to such inquiries from a CRO; provided, however, that (a) the CRO must hold any information provided by NYSE Regulation and FINRA in confidence and (b) NYSE Regulation and FINRA will not be compelled to provide information in contradiction of any mandate, directive or order from the SEC, U.S. Attorney's Office, the Office of any State Attorney General or court of competent jurisdiction.

* * * * *

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number 4–566 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number 4–566. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed plan that are filed with the Commission, and all written communications relating to the proposed plan between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the plan also will be available for inspection and copying at the principal offices of Amex, BATS, BX, CBOE, CHX, EDGA, EDGX, FINRA, ISE, NASDAQ, NSX, NYSE, NYSE Arca, NYSE Regulation, and Phlx. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number 4–566 and should be submitted on or before May 13, 2010.

V. Discussion

The Commission finds that the Plan, as proposed to be amended, is consistent with the factors set forth in Section 17(d) of the Act [15] and Rule 17d–2 [16] thereunder in that it is necessary or appropriate in the public interest and for the protection of investors, fosters cooperation and coordination among SROs, and removes impediments to and fosters the development of the national market system. The Commission continues to believe that the Plan, as proposed to be amended, should reduce unnecessary regulatory duplication by allocating regulatory responsibility for the surveillance, investigation, and enforcement of Common Rules over Common NYSE Members, with respect to NYSE-listed stocks and NYSE Arca listed stocks, to NYSE and over Common FINRA Members, with respect to NASDAQ-listed stocks, Amex-listed stocks, and any CHX solely-listed stock, to FINRA. Accordingly, the proposed amendment to the Plan promotes efficiency by consolidating these regulatory functions in a single SRO based on the listing market for a stock, with regard to Common NYSE Members and Common FINRA Members. Under paragraph (c) of Rule 17d–2, the Commission may, after appropriate notice and comment, declare a plan, or any part of a plan, effective. In this instance, the Commission believes that appropriate notice and comment can take place after the proposed

[15] 15 U.S.C. 78q(d).

[16] 17 CFR 240.17d–2.

amendment is effective. The purpose of the amendment is to add EDGA and EDGX as SRO participants to the Plan. By declaring effective the amended Plan today, EDGA and EDGX can be included in the Plan prior to beginning operations as a national securities exchange and the amended Plan can become effective and be implemented without undue delay. In addition, the Commission notes that the prior version of this Plan was published for comment, and the Commission did not receive any comments thereon.[17] Finally, the Commission does not believe that the amendment to the Plan raises any new regulatory issues that the Commission has not previously considered.

VI. Conclusion

This order gives effect to the amended Plan submitted to the Commission that is contained in File No. 4–566.

It is therefore ordered, pursuant to Section 17(d) of the Act,[18] that the Plan, as amended, is hereby approved and declared effective.

It is further ordered that the Participating Organizations are relieved of those regulatory responsibilities allocated to NYSE and FINRA under the amended Plan to the extent of such allocation.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–9277 Filed 4–21–10; 8:45 am]

BILLING CODE 8011–01–P

[17] *See supra* note 11.

[18] 15 U.S.C. 78q(d).

[19] 17 CFR 200.30–3(a)(34).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–61903; File No. SR–CHX–2010–07]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Filing of Proposed Rule Change To Amend Certain Incorrect or Inaccurate Cross-References

April 14, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1], and Rule 19b–4 [2] thereunder, notice is hereby given that on April 7, 2010, the Chicago Stock Exchange, Inc. ("CHX" or the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the CHX. CHX has filed this proposal pursuant to Exchange Act Rule 19b–4(f)(6) [3] which is effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CHX proposes to amend to correct a number of incorrect or obsolete cross-references. The text of this proposed rule change is available on the Exchange's Web site at *http://www.chx.com,* on the Commission's Web site at *http://www.sec.gov,* and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CHX included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments it received regarding the proposal. The text of these statements may be examined at the places specified in Item IV below. The CHX has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

1. Purpose

The Exchange proposes to amend its rules to alter or delete references to incorrect rule citations or concepts which are no longer applicable to the manner in which the Exchange now transacts business. For the most part, these changes arise out of the transformation of the Exchange in 2006 and 2007 from a traditional floor-based auction marketplace to an electronic exchange.[4] In connection with this change, the Exchange made substantial revisions to its rules in which all of its rules were renumbered and many of them were altered or eliminated. This filing would correct cross-references to rule citations which were altered or eliminated during that process. As noted above, the Exchange also fundamentally altered its trading facilities from a floor-based exchange to a fully automated limit-order matching system. This filing would alter or eliminate references within CHX rules to obsolete roles or functions, such as the "floor," "floor brokers," and "specialists." This filing would also correct certain other errors or omissions of a grammatical nature.

In Article 1, Rule 1 (Definitions), the Exchange proposes to delete obsolete references to the CHX Floor, floor brokers, co-specialists and market makers and replace them with references to Exchange-registered Market Maker Traders ("MMTs") and Institutional Broker Representatives ("IBRs"). As defined in Articles 16 and 17, respectively, MMTs and IBRs are designations for individuals with specific rights and obligations when acting through the Exchange's facilities. IBRs replaced the now-defunct floor broker role and MMTs replaced the old market maker role, which had been defined under the now-repealed Article XXXIV.

In Article 2, Rule 5 (Committee on Exchange Procedure), the CHX proposes to replace an obsolete cross-reference to former Article VIII, Rule 23 with its replacement, Article 14, Rule 1. This cross-reference is to Exchange's provisions for the arbitration of controversies arising out of Exchange business which were renumbered, but not changed in substance. We also propose to delete a cross-reference to determinations by a subcommittee of the Committee on Exchange Procedure in certain disciplinary actions under former Article XII, Rule 3, since that grant of authority to the Committee on Exchange Procedure no longer exists under our rules.[5] In Article 3, Rule 1 (Qualifications), we are adding a missing subparagraph number under section (c) and removing the reference to Article XVI, which was repealed as unnecessary in 2006 as part of the New Trading Model rule changes. Former Article XVI required Participants which engaged in the sale of insurance products as an ancillary activity to file certain reports with the Exchange and

[4] *See* SR–CHX–2006–05 (Sept. 26, 2006) (approving rule changes in connection with adoption of Exchange's New Trading Model).

[5] Former Article XII, Rule 3 authorized the Committee on Exchange Procedure (or appropriately designated subcommittee thereof) to issue summary fines of up to $2,500 against Participants for violations of Exchange's former decorum rules, such as fighting or profanity on Exchange premises, smoking on the Trading Floor and dress code violations. The power of the Committee on Exchange Procedure to issue fines was eliminated in 2006 as part of our transition to the new trading model and elimination of the Trading Floor (*See* SR–CHX–2006–05). Certain decorum-type rules have been retained in Article 8, Rule 16; however, charges based on violations of those provisions are authorized by the Exchange's Chief Regulatory Officer as part of the standard disciplinary process.

maintain certain records relating to that activity. We note that other self-regulatory organizations do not have specific rules relating to the sale of insurance products by their members.[6] In Rule 8 (Limitation on Interests in Other Organizations) of Article 3, we are replacing cross-reference to former Article II (Participants) with that of current Article 3 (Participants and Participant Firms), its successor. In Article 3, Rule 11 (Transfer of Equity Securities of a Participant Firm), we are removing Interpretation and Policy .04, which refers to the now-deleted provisions of former Article VIII, Rule 20.

In Article 6, Rule 2 (Registration and Approval of Participant Personnel), we are replacing the reference to the definition of Principal Stockholders in former Article III, Rule 4, with the current reference in Article 1, Rule 1(s). We are adding a missing reference in Interpretation and Policy .01 of Article 6, Rule 3 (Training and Examination of Registrants) to subsection (d) and updating a cross-reference to the former Article XI (Financial Responsibility and Reporting Requirements) to the current rule provisions dealing with that topic, which is Article 7. In Article 6, Rule 11 (Continuing Education for Registered Persons), we are deleting the rule text which was effective prior to September 30, 2005 as no longer being relevant and leaving only the language which is currently in force. In Interpretation and Policy .01 to this rule, we are removing the reference to persons transacting business on the Floor of the Exchange, given that we no longer maintain a physical floor as part of our trading facilities.

In Article 7, Rule 3A (Joint Back Office Participants) we are substituting a cross-references [sic] to Article 7 in place of former Article XI and to current Article 10 (Margins) in place of former Article X (Margins). We propose to update cross references to old Article XI to current Article 7 in Article 7, Rule 4 (Financial and Operational Reports), in a table in Article 7, Rule 6 (Fidelity Bonds) and in Article 10, Rule 3(c)(6) (Initial Margin Rule).

In Article 12 (Disciplinary Matters and Trial Proceedings), we propose to update the cross references to former Article XII (Discipline and Trial Proceedings) to current Article 12, which deals with the same subject matter, in Rules 2 (Summary Procedure) and 8 (Minor Rule Violations). In Article 12, Rule 2(a), an incorrect cross-reference to Article 12, Rule 5 concerning a respondent's Answer to disciplinary charges will be replaced by the correct cross-reference to Article 12, Rule 4(b). We are also adding a missing reference to Rule 9, which will be reserved for future use.

In Article 17, Rule 3 (Responsibilities of Institutional Brokers), Interpretations and Policies .03, we are removing an obsolete reference to former Rule 11 of Article 20. Rule 11, which addressed cancellation or modification of transactions due to systems malfunctions or disruptions, was deleted in October 2009 as part of an industry-wide initiative to standardize the rules relating to clearly erroneous transactions.[7]

In Article 20, Rule 8 (Operation of the Matching System), we are correcting certain erroneous cross references to existing order types defined in Rule 4 (Eligible Orders). Rule 8.e.1. describes the manner in which Cross and Cross with Size orders shall be executed and contains an erroneous cross-reference to the description of each of those order types in Rule 4(b)(3) and (b)(5), respectively. The proposal corrects those cross-references to Rule 4(b)(4) and (b)(6). We also propose to delete Interpretation and Policy .03 to Rule 8, which contained a reference to former Rule 10a–1(e)(5) under the Act.[8] Current Interpretation and Policy .04 will be renumbered as .03.

In Article 22, Rule 1 (General Provisions Regarding Listing), we propose to change outdated references to Article XXVIII (the former Article dealing with Listings) to the current Article 22, which is simply the renumbered version of the former Article. We also propose to correct numbering errors in subsection (g) to Rule 1 and update the cross reference in that subsection from old Article XXII, Rule 37 to current Article 21, Rule 2.[9] In Article 22, Rule 19 (Corporate Governance), we again propose to change an outdated cross reference to Article XXVIII to the current Article 22. The cross reference in Interpretation and Policy .06 of Rule 19 would be updated from old Article XXXIII, Rule 3, dealing with certain proxy requirements, to current Article 8, Rule 14(c), which addresses the same subject matter. In Article 22, Rule 23 (Public Disclosure Requirements for Tier I and Tier II Issues), Interpretation and Policy .01, we propose to delete the section headed "Relationship Between Company Officials and Exchange Specialists," since the Exchange no longer has specialists. These provisions note certain limitations on the sharing of non-public information between company officials and the specialist making a market in the company's securities. Since specialists no longer exist under our current market structure, this section appears to be superfluous. In Article 22, Rule 24 (Investment Company Units) and Rule 25 (Portfolio Depository Receipts), we propose to update references to the Nasdaq Small Cap Market to its current name, Nasdaq Capital Market. Finally, in Article 22, Rule 25 (Portfolio Depository Receipts), we are adding subsection (d) and reserving it for further use.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act in general,[10] and furthers the objectives of Section 6(b)(5) in particular,[11] in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transaction in securities, to remove impediments and perfect the mechanisms of a free and open market, and, in general, to protect investors and the public interest. The elimination of obsolete cross references and correction of other errors in our rules will serve to eliminate a potential source of confusion for Exchange Participants.

B. Self-Regulatory Organization's Statement of Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

[6] *See, e.g.,* Rules of NYSE Archipelago, Inc., National Stock Exchange, Inc., BATS Exchange, Inc. We continue to believe that a prospective Participant should not be disqualified merely by the fact that it engages in insurance-related activities (such as the sale of variable annuities) to a limited extent and all other requirements are satisfied.

[7] SR–CHX–2009–11 (October 2, 2009). Much of the content of former Rule 11 is now addressed in current Rule 10 under Article 20.

[8] Former Exchange Act Rule 10a–1(e)(5), sometimes known as the "equalizing exemption," provided an exception to the former "uptick restrictions" of Exchange Act Rule 10a–1 for registered specialists or market makers which executed transactions at prices at or above the last reported sale. This exemption no longer exists under current Regulation SHO, which governs short selling in securities.

[9] Those provisions address the requirement that Participants utilize the facilities of a national securities depository for the book entry settlement of all transactions in depository eligible securities settled in the United States.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments Regarding the Proposed Rule Changes Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and Rule 19b–4(f)(6) [13] thereunder in that it effects a change that: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File No. SR–CHX–2010–07 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–CHX–2010–07. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–CHX–2010–07 and should be submitted on or before May 13, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–9270 Filed 4–21–10; 8:45 am]

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[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–61907; File No. SR–FINRA–2010–016]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Section 4(c) of Schedule A to the FINRA By-Laws To Add a Reference to the Fees Assessed for the Series 51, 52 and 53 Examinations

April 14, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 9, 2010, Financial Industry Regulatory Authority, Inc. ("FINRA") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as "establishing or changing a due, fee or other charge" under Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to amend Section 4(c) of Schedule A to the FINRA By-Laws to add a reference to the fees assessed for the Series 51, Series 52 and Series 53 examinations.

The text of the proposed rule change is available on FINRA's Web site at *http://www.finra.org,* at the principal office of FINRA and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Series 51 (Municipal Fund Securities Limited Principal), Series 52 (Municipal Securities Representative), and Series 53 (Municipal Securities Principal) examinations are administered by FINRA on behalf of the Municipal Securities Rulemaking Board ("MSRB").[5]

The Series 51, Series 52 and Series 53 examinations are intended to safeguard the investing public by helping to ensure that certain persons associated

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The MSRB develops, maintains and owns the Series 51, Series 52 and Series 53 examinations. *See* Exchange Act Section 15B(c)(7)(A) regarding administration of examinations for associated persons of municipal securities brokers and municipal securities [sic].

with municipal securities brokers and municipal securities dealers meet minimum qualifications to perform their jobs. Given this purpose, these examinations seek to measure accurately and reliably the degree to which each candidate possesses the knowledge, skills and abilities necessary to perform his or her job. Currently, the Series 51 examination is 1½ hours and consists of 60 multiple-choice questions, and the Series 52 and Series 53 examinations are each 3 hours and each consists of 200 multiple-choice questions.

FINRA proposes to amend Section 4(c) of Schedule A to the FINRA By-Laws to add a reference to the fees assessed by FINRA for administering the Series 51, Series 52 and Series 53 examinations as follows: $85 for the Series 51 examination, $95 for the Series 52 examination, and $95 for the Series 53 examination. The proposed rule change does not change the amount of the administration fee for the Series 51, Series 52 or Series 53 examination.[6]

FINRA has filed the proposed rule change for immediate effectiveness. FINRA proposes to implement the proposed rule change on the date of filing of the proposed rule change.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A of the Act,[7] in general, and with Section 15A(b)(5) of the Act,[8] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which FINRA operates or controls. In light of FINRA's role in administering the Series 51, Series 52 and Series 53 examinations on behalf of the MSRB pursuant to Exchange Act Section 15B(c)(7)(A), FINRA believes it is appropriate to reflect the fees charged in connection with those examinations in the fee table in Schedule A to the FINRA By-Laws.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(ii) of the Act[9] and paragraph (f)(2) of Rule 19b–4 thereunder.[10] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2010–016 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2010–016. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FINRA–2010–016 and should be submitted on or before May 13, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–9271 Filed 4–21–10; 8:45 am]

BILLING CODE 8011–01–P

[6] As noted above, the MSRB develops, maintains and owns the Series 51, Series 52 and Series 53 examinations. The MSRB currently charges a $60 fee for the development of each of these examinations. *See* Securities Exchange Act Release No. 61023 (Nov. 18, 2009), 74 FR 61402 (Nov. 24, 2009) (Notice of Filing and Immediate Effectiveness of New Rule A–16, on Examination Fees, SR–MSRB–2009–16). As a result, the total fee currently assessed for the Series 51, Series 52 and Series 53 examination is $145, $155 and $155, respectively.

[7] 15 U.S.C. 78*o*–3.

[8] 15 U.S.C. 78*o*–3(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A)(ii).

[10] 17 CFR 240.19b–4(f)(x) [sic].

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–61927; File No. SR–FINRA–2010–012]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of Proposed Rule Change To Amend FINRA Rule 8312 (FINRA BrokerCheck Disclosure)

April 16, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 30, 2010, the Financial Industry Regulatory Authority, Inc. ("FINRA") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to amend FINRA Rule 8312 (FINRA BrokerCheck Disclosure) to (1) expand the information released through BrokerCheck, both in terms of scope and time disclosed; and (2) establish a process to dispute the accuracy of (or update) information disclosed through BrokerCheck.

The text of the proposed rule change is available on FINRA's Web site at *http://www.finra.org,* at the principal office of FINRA, on the Commission's Web site at *http://www.sec.gov*, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change amends FINRA Rule 8312, which pertains to FINRA's BrokerCheck program. As described in more detail below, the proposed rule change would (1) expand the information released through BrokerCheck, both in terms of scope and time disclosed; and (2) establish a process to dispute the accuracy of (or update) information disclosed through BrokerCheck.

I. Expansion of Information Released through BrokerCheck

FINRA established BrokerCheck (then known as the Public Disclosure Program) in 1988 to provide the public with information on the professional background, business practices, and conduct of FINRA members and their associated persons. In 1990, with FINRA's support, Congress passed legislation requiring FINRA to establish and maintain a toll-free telephone number to respond to inquiries about members and associated persons. In 1998, FINRA began providing certain administrative information, such as registration and employment history, online via FINRA's Web site. FINRA again amended its rules pertaining to BrokerCheck in 2000 to establish a two-year period for disclosure of information about persons formerly registered with a FINRA member, increase the amount of information disclosed to investors through BrokerCheck, and refine the report delivery process. In 2007, FINRA expanded the types of information made available through BrokerCheck, made BrokerCheck more user friendly, introduced an educational component of the BrokerCheck report and Web site, and provided a compilation of selected data of FINRA members. Last year, FINRA expanded BrokerCheck to permanently make publicly available in BrokerCheck certain information about former associated persons of a member who were the subject of a final regulatory action.

As the above discussion demonstrates, FINRA has regularly assessed the scope and utility of the information provided to the public through BrokerCheck and, as a result, has made numerous changes to improve the program. Last year, in addressing the public comment letters submitted to the Commission in connection with its most recent BrokerCheck expansion proposal, FINRA noted that it would continue to evaluate all aspects of the BrokerCheck program and consider whether greater disclosure of information through BrokerCheck should be made in the future.[3] FINRA believes that such regular evaluation of the program is important due to FINRA's statutory obligation to make information available to the public, as well as the prominence that BrokerCheck has attained as an investor protection service.[4]

Late last year, FINRA evaluated the BrokerCheck program, including the fundamental policies governing the disclosure of information through the program, as well as the types, the length of availability, and the value to the public of the information that is disclosed via BrokerCheck. Additionally, FINRA considered the role that BrokerCheck plays as an investor protection service and the significant shift in the financial services landscape that has occurred during the past few years and continues to this day.

Based on the results of its evaluation, FINRA has determined that further expansion of the BrokerCheck program is warranted. As such, FINRA is proposing to amend FINRA Rule 8312 to (1) expand the BrokerCheck disclosure period for former associated persons of a member to ten years from two years; (2) permanently make publicly available in BrokerCheck certain information about former associated persons of a member if any of the following applies, as reported to the Central Registration Depository ("CRD" or "Web CRD") on a uniform registration form: (i) The person was convicted of or pled guilty or nolo contendere to a crime; (ii) the person was the subject of a civil injunction in connection with investment-related activity or a civil court finding of involvement in a violation of any investment-related statute or regulation; or (iii) the person was named as a respondent or defendant in an investment-related, consumer-initiated arbitration or civil litigation which alleged that the person was involved in a sales practice violation and which resulted in an arbitration award or civil judgment against the person; and (3) make publicly available in BrokerCheck all historic customer complaints that were archived after the implementation of Web CRD. FINRA has concluded that these proposals, as described in more detail below, are a logical extension of the BrokerCheck program that will help protect investors and other users of BrokerCheck, and make BrokerCheck a more effective tool in combating fraud across the financial services sector.

Expansion of the BrokerCheck Disclosure Period for Former Registered Persons

Currently, as described in FINRA Rule 8312, BrokerCheck provides certain information regarding current associated persons and persons who were associated with a member within the preceding two years (*i.e.,* a two year "post-registration disclosure period").[5]

[3] *See* Letter to Elizabeth M. Murphy, Secretary, Commission, from Richard E. Pullano, Associate Vice President and Chief Counsel, Registration and Disclosure, FINRA, dated October 15, 2009, in response to comments received regarding Securities Exchange Act Release No. 60462 (August 7, 2009), 74 FR 41470 (August 17, 2009) (Notice of Filing File No. SR–FINRA–2009–050). *See also* discussion of comments in Securities Exchange Act Release No. 61002 (November 13, 2009), 74 FR 61193 (November 23, 2009) (Order Approving File No. SR–FINRA–2009–050).

[4] Approximately 18.5 million records were viewed last year on BrokerCheck, and the program is routinely mentioned in news articles and investor education materials as a premier tool for researching investment professionals. The Commission has also recognized BrokerCheck as a valuable tool for the public in deciding, among other things, whether to do business with an industry member. *See* Securities Exchange Act Release No. 61002 (November 13, 2009), 74 FR 61193 (November 23, 2009) (Order Approving File No. SR–FINRA–2009–050).

[5] BrokerCheck also provides public access to certain information about formerly associated persons, regardless of when they were associated

Continued

This information is derived from the uniform registration forms.[6]

When FINRA proposed implementing the two year post-registration disclosure period over a decade ago, it noted that such a disclosure period was appropriate because it generally coincides with the period in which an individual can return to the industry without being required to requalify by examination and the initial period in which an individual remains subject to FINRA's jurisdiction.[7] Since that time, the purpose of BrokerCheck has broadened from helping investors make informed choices about the individuals and firms with which they may wish to do business to also include providing the public with access to information about formerly registered persons who, although no longer in the securities industry in a registered capacity, may work in other investment-related industries or may seek to attain other positions of trust with potential investors and about whom investors may wish to learn relevant information. Consequently, FINRA believes that the reasons initially set forth for the two year post-registration disclosure period are no longer as compelling as when the disclosure period was initially established.

Therefore, FINRA is proposing to expand the post-registration disclosure period to ten years from two years. FINRA believes that a ten year post-registration disclosure period is now more reasonable since it may take individuals some time after leaving the securities industry to establish themselves in another investment-related industry or to attain other positions of trust with potential investors. A ten year post-registration disclosure period will provide investors and other users of BrokerCheck with a longer period of time to consider relevant and important information about such formerly registered individuals. FINRA believes that a ten year post-registration disclosure period will accomplish this goal without unduly burdening or infringing on the reputational or privacy interests of those individuals whose FINRA registrations have terminated.

Expansion of BrokerCheck To Permanently Include Additional Information

As previously mentioned, currently under FINRA Rule 8312, BrokerCheck generally provides information about individuals who are registered with FINRA or who were associated with a member within the preceding two years. Last year, BrokerCheck was expanded to permanently make publicly available in BrokerCheck certain information about former associated persons of a member who were the subject of a final regulatory action as defined in Form U4 that has been reported to CRD via a uniform registration form.[8] This change was designed to allow the public to access information about formerly registered persons who may work in other investment-related industries or may otherwise seek to attain positions of trust with potential investors.

As a result of its evaluation of the BrokerCheck program, FINRA now believes that BrokerCheck should permanently make publicly available additional information about certain former associated persons of a member. FINRA is proposing to permanently make publicly available in BrokerCheck certain information about former associated persons of a member[9] if any of the following applies, as reported to CRD on a uniform registration form: (1) The person was convicted of or pled guilty or nolo contendere to a crime;[10] (2) the person was the subject of a civil injunction in connection with investment-related activity or a civil court finding of involvement in a violation of any investment-related statute or regulation;[11] or (3) the person was named as a respondent or defendant in an investment-related, consumer-initiated arbitration or civil litigation which alleged that the person was involved in a sales practice violation and which resulted in an arbitration award or civil judgment against the person.[12] FINRA is proposing to provide through BrokerCheck information concerning any such disclosure event(s),[13] as well as certain administrative information (*e.g.,* employment and registration history) and information as to qualification examinations passed by these formerly registered individuals. FINRA is also proposing to make available the most recently submitted comment, if any, provided by the person, presuming the comment is in the form and in accordance with the procedures established by FINRA and relates to the information provided through BrokerCheck.[14] Other disclosure matters that may be disclosed pursuant to FINRA Rule 8312 for associated persons and during the post-registration period (*e.g.,* reportable customer complaints or Historic Complaints, criminal charges, terminations, bankruptcies, liens) would continue not to be disclosed after the post-registration period expires.

FINRA believes that this proposal will allow the public access to relevant and important information about formerly registered persons who, although no longer in the securities industry in a registered capacity, may work in other investment-related industries or may seek to attain other positions of trust with potential investors and about whom investors may wish to learn relevant information. FINRA believes that this information should be included on a permanent basis, rather than for only ten years following the termination of an individual's FINRA registration,

with a member, if they were the subject of a final regulatory action as defined in Form U4 that has been reported to CRD via a uniform registration form. As discussed below, FINRA also is proposing to broaden the scope of information made permanently available to the public via BrokerCheck.

[6] The uniform registration forms are Form BD (Uniform Application for Broker-Dealer Registration), Form BDW (Uniform Request for Broker-Dealer Withdrawal), Form BR (Uniform Branch Office Registration Form), Form U4 (Uniform Application for Securities Industry Registration or Transfer), Form U5 (Uniform Termination Notice for Securities Industry Registration), and Form U6 (Uniform Disciplinary Action Reporting Form).

[7] *See* Securities Exchange Act Release No. 42402 (February 7, 2000), 65 FR 7582 (February 15, 2000) (Order Approving File No. SR–NASD–99–45).

[8] *See* Securities Exchange Act Release No. 61002 (November 13, 2009), 74 FR 61193 (November 23, 2009) (Order Approving File No. SR–FINRA–2009–050).

[9] The proposal will apply only to those individuals registered with FINRA on or after August 16, 1999, which is the date that Web CRD was implemented. Since FINRA launched the Web CRD system, it has used the information in the Web CRD database to generate BrokerCheck reports. Such information is available in a Web-based format and therefore can be easily used to generate BrokerCheck reports. Although the Web CRD database contains information regarding all persons that have been registered with FINRA since the implementation of the Legacy CRD system (the predecessor to Web CRD) in 1981, certain data limitations apply to the information available for some individuals who were no longer registered at the time Web CRD was established. Therefore, the proposal will not apply to those individuals whose FINRA registration terminated prior to August 16, 1999.

[10] This information is currently elicited by Questions 14A(1)(a) and 14B(1)(a) on Form U4 and Questions 7C(1) and 7C(3) on Form U5.

[11] This information is currently elicited by Questions 14H(1)(a) and 14H(1)(b) on Form U4.

[12] This information is currently elicited by Question 14I(1)(b) on Form U4 and Question 7E(1)(b) on Form U5.

[13] Under the proposed rule change, FINRA will provide information regarding any of the enumerated disclosure events that is reported on Form U6 even if the event has not been reported by an individual on Form U4 or Form U5, as referenced above, because, for example, the individual was not registered at the time the event was reported.

[14] The proposed information to be disclosed permanently (*i.e.,* administrative information, examination information and the most recently submitted comment) mirrors the information currently disclosed permanently with respect to any formerly registered person who is the subject of a final regulatory action.

because, like final regulatory actions (which are included permanently in BrokerCheck), each of the disclosure events that is proposed to be permanently included in BrokerCheck constitutes a final disposition. In addition, in most circumstances, these disclosure events allow the subject person an opportunity to present arguments to an impartial fact-finder about the allegations prior to such final disposition. Furthermore, much of the information that would be subject to release pursuant to the proposal may be available through other public sources. For example, information regarding arbitration awards is available on FINRA's Arbitration Awards Online database,[15] and information regarding civil and criminal proceedings is provided to the public via numerous state Web sites.

Disclosure of Historic Complaints

Pursuant to FINRA Rule 8312, Historic Complaints are customer complaints that were reported on a uniform registration form that are more than two years old and that have not been settled or adjudicated and customer complaints, arbitrations, or litigations that have been settled for an amount less than the specified dollar amount (identified on the customer complaint question) and are therefore no longer reportable on a uniform registration form. Currently, FINRA Rule 8312 provides that Historic Complaints be displayed in BrokerCheck only after the following conditions have been met: (1) A matter became a Historic Complaint on or after March 19, 2007; (2) the most recent Historic Complaint or currently reported customer complaint, arbitration or litigation is less than ten years old; and (3) the person has a total of three or more currently disclosable regulatory actions, currently reported customer complaints, arbitrations or litigations, or Historic Complaints (subject to the limitation that they became Historic Complaints on or after March 19, 2007), or any combination thereof. Unless all three conditions are met, a person's Historic Complaints are not disclosed through BrokerCheck.[16]

FINRA established the "three or more" standard for the release of Historic Complaints so as to allow public investors "to determine for themselves whether a particular associated person has demonstrated a pattern of conduct over the years and the significance, if any, they should attach to the Historic Complaint information."[17] Following its recent evaluation of the BrokerCheck program, however, FINRA no longer believes that such a standard is prudent. In this regard, FINRA is concerned that the standard may discourage public investors from making a qualitative assessment of a current or former associated person based on all of the potentially relevant information available regarding that individual. FINRA believes that, rather than allowing public investors to determine for themselves whether an individual has demonstrated a pattern of conduct, the standard may actually suggest to investors that any individual who meets the standard has in fact demonstrated a pattern of (mis)conduct (*i.e.,* three events constitutes a pattern of conduct, otherwise the rule would not have established such a threshold). FINRA is also concerned that the standard, along with the current date limitation for Historic Complaints that are eligible for display, may limit the ability of public investors to place Historic Complaints in the appropriate context or to otherwise accurately evaluate a current or former associated person's entire record.

Therefore, FINRA is proposing to amend FINRA Rule 8312 to eliminate the conditions set forth in the rule that must be met before Historic Complaints will be displayed in BrokerCheck. Eliminating these conditions will result in the disclosure of all Historic Complaints via BrokerCheck that became non-reportable after the implementation of Web CRD on August 16, 1999.[18]

This proposed change will allow investors and other users of BrokerCheck to determine for themselves the significance, if any, they should attach to the Historic Complaints on an individual's record based on all available customer complaint information and to put such complaints in the appropriate context based on the entire BrokerCheck record for the individual.[19] Additionally, FINRA believes that the proposed change will allow investors seeking to do business with investment professionals—whether associated persons of securities firms or advisers—to have similar information available to them.[20]

II. BrokerCheck Dispute Process

The proposed changes described above will result in BrokerCheck disclosing additional information about current and former associated persons. This underscores the need for a formalized process for disputing the accuracy of (or updating) information displayed through BrokerCheck. FINRA recognizes, for example, that there may be an increased possibility that information disclosed through BrokerCheck for former associated persons may have become inaccurate (*i.e.,* a disposition reported previously may have changed). Additionally, Congress amended Section 15A(i) of the Exchange Act with the enactment of the Military Personnel Financial Services Protection Act to require FINRA, as a registered securities association, to adopt rules establishing an administrative process for disputing the accuracy of information provided through BrokerCheck in response to inquiries regarding "registration information"[21] on its members and their associated persons. Therefore, FINRA is proposing to codify its current process for disputing the accuracy of (or

[15] *See http://finraawardsonline.finra.org/.*

[16] In addition, even if a person meets the criteria established for disclosing Historic Complaints, only those Historic Complaints that became Historic Complaints after March 19, 2007, will be displayed through BrokerCheck.

[17] *See* Securities Exchange Act Release No. 51915 (June 23, 2005), 70 FR 37880, 37884 (June 30, 2005) (Notice of Filing File No. SR–NASD–2003–168).

[18] FINRA is proposing to limit the Historic Complaints eligible for display in BrokerCheck to those that became non-reportable after the implementation of Web CRD in 1999, because the Web CRD system (unlike Legacy CRD) contains the specific reason that a matter was archived. Therefore, FINRA will be able to determine whether a matter was archived because it was no longer reportable on a uniform registration form (and therefore qualifies as a Historic Complaint) or whether it was archived for a different reason (*e.g.,* the matter was filed in error).

[19] In conjunction with the implementation of the proposed rule change, FINRA will revise the educational component of BrokerCheck with respect to Historic Complaints to help readers view these disclosures in the appropriate context and give them the appropriate weight when evaluating an associated person.

[20] The Investment Adviser Public Disclosure-Individual ("IAPD–I") database (currently scheduled to be deployed in June 2010) will provide to the public registration and licensing information on natural persons who are registered as investment advisers with the states. IAPD–I will disclose all Historic Complaints that became non-reportable after the individual first became registered through the Investment Adviser Registration Depository ("IARD") system. Accordingly, IAPD–I will include Historic Complaints that became Historic Complaints on or after March 18, 2002, which is the date IARD was established for investment adviser representative registration. As a result, when IAPD–I is deployed, BrokerCheck and IAPD–I may disclose slightly different information regarding Historic Complaints of those financial services professionals that are dually registered as brokers and investment advisers.

[21] For purposes of Section 15A(i), "registration information" is defined to mean "the information reported in connection with the registration or licensing of brokers and dealers and their associated persons, including disciplinary actions, regulatory, judicial, and arbitration proceedings, and other information required by law, or exchange or association rule, and the source and status of such information."

updating) information disclosed through BrokerCheck.[22]

Under FINRA's current dispute process, FINRA staff occasionally receives telephonic and written inquiries from persons subject to BrokerCheck who believe that information disclosed about them through BrokerCheck is inaccurate. Upon the receipt of such an inquiry, FINRA staff typically reviews the alleged inaccuracy and, if appropriate, contacts the entity that reported the information to determine whether the information is accurate. Once it has obtained all of the available pertinent information, FINRA staff determines whether the information is still accurate or whether the information should be modified or removed from BrokerCheck. FINRA is proposing to enhance and codify this process, which will allow individuals and firms to dispute the accuracy of information being displayed through BrokerCheck. The dispute process will be available both for challenges alleging the information was incorrect when filed and challenges asserting that the information has become incorrect due to events subsequent to filing.

FINRA is proposing to establish a dispute process under which only an "eligible party" would be able to dispute the accuracy of information disclosed in that party's BrokerCheck report. An eligible party would consist of any current member, any former member (subject to a condition discussed below), and any associated person of a member or person formerly associated with a member for whom a BrokerCheck report is available. Regarding former members, the proposal would require that a dispute be submitted by a natural person who served as the former member's Chief Executive Officer, Chief Financial Officer, Chief Operating Officer, Chief Legal Officer or Chief Compliance Officer, or individual with similar status or function, as identified on Schedule A of Form BD at the time the former member ceased being registered with FINRA. This requirement on the submission of disputes by former member firms is intended to ensure that only authorized representatives of former firms are able to submit disputes.

To dispute the accuracy of BrokerCheck information, an eligible party would be required to submit a written notice to FINRA, in such manner and format that FINRA may require, identifying the information that the party alleges is inaccurate and providing an explanation as to the reason the information is believed to be inaccurate. Additionally, the eligible party would be required to submit with the written notice all available supporting documentation (if any exists).

After receiving the written notice, FINRA would determine whether the dispute is eligible for investigation. To be eligible for investigation, the dispute would need to pertain only to factual information and not to information that is subjective in nature or a matter of interpretation. For example, a dispute involving allegations made in a customer complaint or a firm's determination that a customer complaint is required to be reported would not be eligible for investigation.

FINRA would presume that a dispute involving factual information is eligible for investigation. Nevertheless, the proposed rule change would specifically identify in Supplementary Material to FINRA Rule 8312 the following non-exhaustive list of situations as ineligible for investigation, even if they may involve factual information:

(a) A dispute that involves information that was previously disputed under this process and that does not contain any new or additional evidence;

(b) a dispute that is brought by an individual or entity that is not an eligible party;

(c) a dispute that does not challenge the accuracy of information contained in a BrokerCheck report but only provides an explanation of such information;

(d) a dispute that constitutes a collateral attack on or otherwise challenges the allegations underlying a previously reported matter such as a regulatory action, customer complaint, arbitration, civil litigation or termination;

(e) a dispute that consists of a general statement contesting information in a BrokerCheck report with no accompanying explanation; and

(f) a dispute that involves information contained in CRD that is not disclosed through BrokerCheck.

If FINRA determines that a dispute is eligible for investigation, FINRA would add a general notation to the eligible party's BrokerCheck report stating that the eligible party has disputed certain information included in the report.[23] The notation would be removed from the eligible party's BrokerCheck report upon resolution of the dispute by FINRA. If FINRA determines that a request is not eligible for investigation, it would notify the eligible party of this determination in writing, including a brief description of the reason for the determination. A determination by FINRA that a dispute is not eligible for investigation would not be subject to appeal.

If a dispute is deemed eligible for investigation, FINRA would evaluate the written notice and supporting documentation submitted by the eligible party. If FINRA determines that the written notice and documentation submitted is sufficient to update, modify or remove the information that is the subject of the request, FINRA would make the appropriate change. For example, if an eligible party disputed a criminal conviction being displayed through BrokerCheck and submitted a valid court order expunging the matter, FINRA would remove any information referencing the criminal conviction from BrokerCheck. If, however, the written notice and supporting documentation do not include sufficient information upon which FINRA can make a determination, FINRA would, under most circumstances, contact the entity that reported the information to CRD (*i.e.,* a firm, other regulator, or FINRA department, defined in the proposed rule change as a "reporting entity") and request that this reporting entity verify that the information is accurate.[24] Where a reporting entity other than FINRA is involved, FINRA would defer to that reporting entity regarding the accuracy of the information provided to FINRA and disclosed through BrokerCheck.[25] If the reporting entity acknowledges that the information is not accurate, FINRA would update, modify or remove the information, as appropriate, based on the information

[22] While the dispute process will be available to currently, as well as formerly, registered individuals, FINRA anticipates that most disputes will be brought by the latter because a mechanism already exists for currently registered individuals to update information (*i.e.,* through the filing of an amended Form U4).

[23] In those circumstances where a dispute involves a court order to expunge information from BrokerCheck, FINRA would, as it does today, prevent the disputed information from being displayed via BrokerCheck while FINRA evaluates the matter.

[24] FINRA would not contact the reporting entity if the entity is unlikely to have information regarding the disputed information. For example, if the previously mentioned eligible party disputing a criminal conviction failed to provide a valid court order, FINRA would not contact the securities firm that reported the conviction since the firm is unlikely to have the court order in its possession.

[25] If the reporting entity obtained its information from a third party (*e.g.,* a firm reported to CRD that an associated individual had declared bankruptcy based on information from a consumer reporting agency), FINRA would not contact the third party (in this example, the consumer reporting agency) to try to verify the accuracy of the information. The reporting entity would have the responsibility of verifying the accuracy of the information it received from the third party.

provided by the reporting entity. If the reporting entity verifies the accuracy of the information or the reporting entity no longer exists or is unable to verify the accuracy of the information, FINRA would not change the information.[26]

Upon making its determination, FINRA would notify the disputing eligible party in writing that the investigation resulted in a determination that (1) the information is inaccurate or not accurately presented and has been updated, modified or deleted; (2) the information is accurate in content and presentation and no changes have been made; or (3) the accuracy of the information or its presentation could not be verified and no changes have been made. A determination by FINRA regarding a dispute, including a determination to leave unchanged or to update, modify or delete disputed information, would not be subject to appeal.[27]

As noted above, FINRA will announce the effective date of the proposed rule change in a *Regulatory Notice* to be published no later than 60 days following Commission approval. FINRA will implement the proposal in phases, with full implementation occurring no later than 180 days following Commission approval.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[28] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The proposed rule change, among other things, would enhance investor protection by expanding the information disclosed to investors and other users of BrokerCheck.

[26] The principle guiding FINRA's proposed approach is that because information in BrokerCheck is derived from the information filed on the uniform registration forms, it is presumed accurate as filed. FINRA expects that the dispute process will be used principally to address genuine filing errors, which FINRA expects to be rare, or those instances where an event displayed through BrokerCheck has a changed disposition subsequent to it being filed on a uniform registration form.

[27] Although FINRA determinations under the proposed dispute process would not be subject to appeal, individuals and firms would continue to have the ability to challenge BrokerCheck information they believe to be inaccurate through other processes that are available today (*e.g.,* an arbitration or court proceeding).

[28] 15 U.S.C. 78o–3(b)(6).

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*; or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–FINRA–2010–012 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2010–012. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission,[29] all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FINRA–2010–012 and should be submitted on or before May 13, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–9282 Filed 4–21–10; 8:45 am]

BILLING CODE 8011–01–P

[29] The text of the proposed rule change is available on the Commission's Web site at *http://www.sec.gov/rules/sro.shtml.*

[30] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–61926; File No. SR–NASDAQ–2010–049]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify Fees for Members Using the NASDAQ Market Center

April 16, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 13, 2010, The NASDAQ Stock Market LLC ("NASDAQ") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASDAQ. Pursuant to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] NASDAQ has designated this proposal as establishing or changing a due, fee, or other charge, which renders the proposed rule change effective upon filing. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

NASDAQ proposes to modify pricing for NASDAQ members using the NASDAQ Market Center. NASDAQ will implement the proposed change on April 15, 2010. The text of the proposed rule change is available at *http://nasdaqomx.cchwallstreet.com/*, at NASDAQ's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASDAQ included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASDAQ has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NASDAQ is proposing to modify its fees for orders that execute at prices below $1. Currently, NASDAQ charges 0.3% (30 basis points) of the total dollar value of the execution to members accessing liquidity, and provides a rebate of 0.2% (20 basis points) of the total dollar value to members providing liquidity. Through this filing, NASDAQ will reduce the fee to access liquidity to 0.2% (20 basis points) of the total dollar value and the rebate for providing liquidity to 0.1% (10 basis points) of the total dollar value. The change is a competitive response to several other transaction venues that have made mid-April changes to fees for securities priced under $1.[5] The new fees are consistent with the limitations of Regulation NMS, SEC Rule 610(c), for securities with a price of less than $1. NASDAQ's fee for routing securities priced below $1 remains unchanged at 0.3% (30 basis points) of the total dollar value.

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[6] in general, and with Section 6(b)(4) of the Act,[7] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which NASDAQ operates or controls. The impact of the price changes upon the net fees paid by a particular market participant will depend upon a number of variables, including the relative availability of liquidity on NASDAQ and other venues, the prices of the market participant's quotes and orders relative to the national best bid and offer (*i.e.,* its propensity to add or remove liquidity), and the types of securities that it trades. NASDAQ believes that the proposed changes are reasonable and equitable in that they apply uniformly to all similarly situated members.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. Because the market for order execution and routing is extremely competitive, members may readily direct orders to NASDAQ's competitors if they object to the proposed rule change.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[8] and subparagraph (f)(2) of Rule 19b–4 thereunder.[9] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2010–049 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2010–049. This file number should be included on the subject line if e-mail is used.

To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] *See http://apps.nyse.com/commdata/pub19b4.nsf/docs/50B8C6B6842FEA1E85257700006A989D/$FILE/NYSEArca-2010-26.pdf* (NYSE Arca); *http://www.nsx.com/resources/content/5/1/documents/SR-NSX-2010-04.pdf* (National Stock Exchange); *http://www.ise.com/assets/documents/OptionsExchange/legal/proposed_rule_changes/2010/SR-ISE-2010-29$Proposed_Rule_Change_Relating_to_Direct_Edge%20_ECN_Fee_Change_for_ISE_Members$20100405.pdf* (Direct Edge).

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(4).

[8] 15 U.S.C. 78s(b)(3)(a)(ii).

[9] 17 CFR 240.19b–4(f)(2).

not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2010–049, and should be submitted on or before May 13, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–9281 Filed 4–21–10; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–61923; File No. SR–NYSE–2010–33]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend From May 30, 2010 Until June 30, 2010 the Final Date by Which the Exchange Must Terminate Its Affiliation With NYFIX Securities Corporation

April 15, 2010.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the "Act") and Rule 19b–4 thereunder,[2] notice is hereby given that, on April 14, 2010, New York Stock Exchange LLC ("NYSE" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend from May 30, 2010 until June 30, 2010 the final date by which it must terminate its affiliation with NYFIX Securities Corporation ("NYFIX Securities"), a registered broker-dealer subsidiary of NYFIX, Inc., ("NYFIX"). On November 30, 2009, NYFIX became an indirect wholly-owned subsidiary of the Exchange's parent company, NYSE Euronext. There is no proposed rule text.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On November 9, 2009, the Commission approved a proposed rule change by the Exchange in connection with the acquisition of NYFIX, a Delaware corporation, by a wholly-owned subsidiary of NYSE Euronext, the Exchange's parent company. The Commission's approving release granted permission for the Exchange to be affiliated with two registered broker-dealer subsidiaries of NYFIX for a period not to exceed six months and subject to certain limitations and obligations.[3] The two subsidiaries were NYFIX Millennium L.L.C. ("NYFIX Millennium") and NYFIX Securities Corporation ("NYFIX Securities"). The NYFIX acquisition closed on November 30, 2009, marking the beginning of the Exchange's affiliation with NYFIX Millennium and NYFIX Securities, which means that the final date by which the Exchange must terminate its affiliation with these two broker-dealers is May 30, 2010.

The Exchange has already terminated its affiliation with NYFIX Millennium and is in the process of terminating its affiliation with NYFIX Securities. While the Exchange anticipates that the transaction by which its affiliation with NYFIX Securities will be terminated should close by May 30, the Exchange believes that some additional flexibility with respect to timing is desirable in the event that issues unexpectedly arise in connection with the aforementioned transaction. Consequently, the Exchange is proposing a short extension of the date by which it must end its affiliation with NYFIX Securities from May 30, 2010 to June 30, 2010. The Exchange believes that this one-month extension will allow sufficient time to deal with any unexpected delays that might occur in connection with the transaction that is expected to terminate the Exchange's affiliation with NYFIX Securities.

In the NYFIX Approval Order, as a requirement for its approval of the Exchange's temporary affiliation with NYFIX Millennium and NYFIX Securities, the Commission listed a series of terms and conditions that must be adhered to during the period of said affiliation.[4] The purpose of these terms and conditions is to "address concerns regarding * * * (1) The potential for conflicts of interest where an exchange is affiliated with a broker-dealer conducting an order routing business that may interact with the Exchange itself, and (2) the potential for informational advantages that could place such an affiliated broker-dealer at a competitive advantage in comparison with other non-affiliated broker-dealers."[5] The Exchange represents that all of these terms and conditions will continue to be applicable with respect to NYFIX Securities during the extension period being proposed herein until such time as the Exchange's affiliation with NYFIX Securities is terminated.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b)[6] of the Act,[7] in general, and furthers the objectives of Section 6(b)(1)[8] of the Act, in particular, in that it enables the Exchange to be so organized as to have the capacity to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange. The Exchange also believes that this proposed rule change is also consistent with, and furthers the objectives of Section 6(b)(5)[9] of the Act, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open

[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 60969 (November 9, 2009), 74 FR 59294 (November 17, 2009) (order approving File No. SR–NYSE–2009–96, as modified by Amendment No. 2 thereto) ("NYFIX Approval Order").

[4] *See* NYFIX Approval Order, 74 FR at 59295–59296 (paragraphs numbered (1)–(6), including subparagraphs (a)–(f) thereunder).

[5] *Id.* at 59295.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78a.

[8] 15 U.S.C. 78f(b)(1).

[9] 15 U.S.C. 78f(b)(5).

market and a national market system and, in general, to protect investors and the public interest.

In the NYFIX Approval Order, the Commission determined that the proposed temporary affiliation between the Exchange and the two NYFIX broker-dealer subsidiaries, subject to the terms and conditions described above, was consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, was consistent with Section 6(b)(5) of the Act.[10] With respect to the Commission's expressed concerns regarding potential unfair competition and conflicts of interest when an exchange, or one of its affiliates, is the parent company of a broker-dealer that provides routing services that may be in competition with services provided by members of that exchange, the NYFIX Approval Order stated, "The Commission believes, however, that the temporary nature of the affiliation, together with the proposed terms and conditions, are reasonably designed to mitigate concern about potential unfair competition and conflicts of interest between the commercial interests of the Exchange or its affiliates, and the Exchange's regulatory responsibilities."[11] Because these same terms and conditions will continue to be applicable during the proposed extension period, and because that extension period, if it is utilized, will be limited to only one additional month, the Exchange believes that the current temporary affiliation between the Exchange and NYFIX Securities will continue to be consistent with the Act during the proposed extension period.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[12] and Rule 19b–4(f)(6) thereunder.[13] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) by its terms, become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)[14] of the Act and Rule 19b–4(f)(6)(iii) thereunder.[15]

A proposed rule change filed under Rule 19b–4(f)(6)[16] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[17] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–NYSE–2010–33 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2010–33. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2010–33 and should be submitted on or before May 13, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–9280 Filed 4–21–10; 8:45 am]

BILLING CODE 8011–01–P

[10] *See* NYFIX Approval Order, 74 FR at 59295.

[11] *Id.* at 59296.

[12] 15 U.S.C. 78s(b)(3)(A)(iii).

[13] 17 CFR 240.19b–4(f)(6).

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6)(iii) requires that a self-regulatory organization submit to the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–61922; File No. SR–DTC–2010–07]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Enhance its Existing Processing Relating to End of Day Liquidity

DATE: April 15, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on

[1] 15 U.S.C. 78s(b)(1).

March 31, 2010, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change described in Items I, II, and III below, which items have been prepared primarily by DTC. DTC filed the proposal pursuant to Section 19(b)(3)(A)(iii) of the Act [2] and Rule 19b–4(f)(4) [3] thereunder so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would amend DTC's rules in order to enhance its existing processing as it relates to end of day liquidity. Upon implementation of the new function, DTC participants ("Participants") would be able to set a profile in the Participant Browser System ("PBS") so that they can request that excess funds be wired to their settling bank account at approximately 3:20 p.m. eastern time.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[4]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

On December 23, 2009, DTC filed a rule change with the Commission to extend its Settlement Progress Payment ("SPP") [5] and Principal & Income ("P&I") [6] withdrawal cutoff times from 3 p.m. eastern time to 3:20 p.m. eastern time.[7] This change was consistent with DTC's objective to maximize the early return of available liquidity to Participants.

In an effort to further maximize the early return of available liquidity to Participants, DTC will implement a new optional profile ("profile") in PBS. By setting its profile in PBS appropriately, a Participant can create a standing instruction to have excess funds wired to its DTC Settling Bank [8] at approximately 3:20 p.m. eastern time after the largest provisional net credit [9] ("LPNC") is released to Participants at 3:05 p.m. eastern time. If a Participant chooses to use the profile, the Participant will be required to set the profile either to retain a minimum credit balance amount or at zero. A Participant's funds will not be to wired funds to its Settling Bank account if that would create a debit balance or cause the participant to have insufficient collateral.[10] If a Participant has more than one SPP or P&I wire instruction on file with DTC, the Participant will be required to set its profile to indicate to which account the funds should be wired at its Settling Bank. In the event of a systemic, operational, or other crisis event, DTC will have the ability to freeze the profile.

DTC is also modifying its procedures as they relate to the intraday return of SPPs and withdrawal of P&I allocations. Currently, Participants are able to withdraw the sum of all P&I payments allocated to their account subject to DTC's risk management controls. Participants are also able to request that DTC return all or a portion of an SPP submitted earlier in the day provided they have sufficient collateral and net debit cap [11] to do so. In order to streamline the processing of securities transactions, DTC is modifying its procedures so that a Participant may request the return of an SPP and withdraw a P&I allocation only if it will not create a debit balance for the Participant. DTC is also updating its P&I withdrawal process in order to make it more efficient. Withdrawals that are blocked as a result of insufficient collateral or net debit cap will no longer recycle until enough collateral or settlement credits are generated to satisfy the collateral or net debit cap deficiency. Instead a withdrawal request will be completed when the Participant makes the request or it will drop if there is insufficient collateral or net debit cap thereby requiring the Participant to submit a new withdrawal request.

Additionally, DTC is making technical updates to its Settlement Processing Schedule in order to properly reflect the input methods available to Participants.[12] These changes will necessitate revisions to the existing DTC Settlement Guide.

The proposed rule change is consistent with Section 17A of the Act,[13] as amended, and the rules and regulations thereunder applicable to DTC. The proposed rule change will maximize the early return of available liquidity to Participants and will be implemented consistently with the safeguarding of securities and funds in DTC's custody or control or for which it is responsible because all of DTC's risk management controls will continue to be in effect.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will have any impact or impose any burden on competition.

[2] 15 U.S.C. 78s(b)(3)(A)(iii).

[3] 17 CFR 240.19b–4(f)(4).

[4] The Commission has modified the text of the summaries prepared by DTC.

[5] A SPP is a payment sent intraday via Fedwire to DTC when a Participant has insufficient collateral or is at its net debit cap.

[6] P&I allocations are credited to a Participant's settlement account throughout each processing day as payments are received.

[7] See Securities Exchange Act Release No. 61318 (January 8, 2010), 75 FR 10542 (March 8, 2010) (SR–DTC–2009–18).

[8] "Settling Bank" means a Participant that is a bank or trust company, subject to supervision or regulation pursuant to Federal or State banking laws, and is a party to an effective Settling Bank Agreement.

[9] The LPNC discourages some Participants from requesting funds until later in the day when activity has stabilized. LPNC procedures provisionally withhold from Participants the benefit of the largest net settlement credit they would have received in any Money Market Instrument ("MMI") program during most of the processing day. This net credit is the Participant's LPNC (referred to as provisional because of its reversible nature). The LPNC is neither made available to the Participant as collateral to support its net debit nor deemed a credit in the calculation of the Participant's net debit. Because transactions in a failing MMI issue would be reversed only if DTC is informed of the default by 3 p.m., eastern time, LPNC procedures remain in effect only until approximately 3:05 p.m., eastern time, at which time, assuming no issuer default, the credit becomes final (*i.e.,* it is no longer "provisional") and is applied to calculate the Participant's collateral and net debit.

[10] The term "collateral" of a Participant on any Business Day means the sum of (i) the Participant's Actual Participants Fund Deposit, (ii) the Participant's Actual Preferred Stock Investment, (iii) all of the Participant's Net Additions, and (iv) any SPPs wired by the Participant to DTC's account at the Federal Reserve Bank of New York in the manner specified in DTC's procedures. A Participant must always have sufficient collateral to support its debit balance.

[11] A Participant's "net debit cap" is the maximum amount by which a Participant's Gross Debit Balance may exceed its Gross Credit Balance.

[12] In 2008, DTCC completed a multi-year initiative to transition all Participant Terminal System ("PTS") functions to the Participant Browser System ("PBS"). Now, rather than toggle between the two tools, Participants can manage all their needs via the Web-based PBS, which is more flexible than PTS and offers greater functionality.

[13] 15 U.S.C. 78q–1.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change were not and are not intended to be solicited or received. DTC will notify the Commission of any written comments received by DTC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective upon filing pursuant to Section 19(b)(3)(A)(iii) of the Act [14] and Rule 19b–4(f)(4) [15] thereunder because the proposed rule change effects a change in an existing service of DTC that: (i) Does not adversely affect the safeguarding of securities or funds in the custody or control of DTC or for which it is responsible and (ii) does not significantly affect the respective rights or obligations of DTC or persons using the service. At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–DTC–2010–07 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Elizabeth M. Murphy, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–DTC–2010–07. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filings also will be available for inspection and copying at the principal office of DTC and on DTC's Web site at *http://www.dtcc.com/downloads/legal/rule_filings/2010/dtc/2010–07.pdf.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–DTC–2010–07 and should be submitted on or before May 13, 2010.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[16]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–9279 Filed 4–21–10; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(3)(A)(iii).

[15] 17 CFR 240.19b–4(f)(4).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–61921; File No. SR–NYSEAmex–2010–38]

Self-Regulatory Organizations; NYSE Amex LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 903 Commentary .06

April 15, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 [2] thereunder, notice is hereby given that on April 12, 2010, NYSE Amex LLC (the "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 903 Commentary .06 to permit the concurrent listing of $3.50 and $4 strikes for classes that participate in both the $0.50 Strike and $1 Strike Programs. The text of the proposed rule change is attached as Exhibit 5 to the 19b–4 form. A copy of this filing is available on the Exchange's Web site at *http://www.nyse.com,* at the Exchange's principal office and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend Rule 903 Commentary .06 to permit the concurrent listing of $3.50 and $4 strikes for classes that participate in both the $0.50 Strike and $1 Strike Programs.

The Exchange recently implemented a rule change that permits strike price intervals of $0.50 for options on stocks trading at or below $3.00 ("$0.50 Strike Program").[5] As part of the filing to establish the $0.50 Strike Program, the Exchange contemplated that a class may be selected to participate in both the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Exchange Act Release No. 60720 (September 25, 2009) 74 FR 51205 (October 5, 2009).

$0.50 Strike Program and the $1 Strike Program.

Under the $1 Strike Program, new series with $1 intervals are not permitted to be listed within $0.50 of an existing $2.50 strike price in the same series, except that strike prices of $2 and $3 are permitted to be listed within $0.50 of a $2.50 strike price for classes also selected to participate in the $0.50 Strike Program. Under NYSE Amex's existing rule, for classes selected to participate in both the $0.50 Strike Program and the $1 Strike Program, the Exchange may either: (a) List a $3.50 strike but not list a $4 strike; or (b) list a $4 strike but not list a $3.50 strike. For example, under the Exchange's current rules, if a $3.50 strike for an option class in both the $0.50 and $1 Strike Programs was listed, the next highest permissible strike price would be $5.00. Alternatively, if a $4 strike was listed, the next lowest permissible strike price would be $3.00. The intent of the $.50 Strike Program was to expand the ability of investors to hedge risks associated with stocks trading at or under $3 and to provide finer intervals of $0.50, beginning at $1 up to $3.50. As a result, the Exchange believes that the current filing is consistent with the purpose of the $0.50 Strike Program and will permit the Exchange to fill in any existing gaps resulting from having to choose whether to list a $3.50 or $4 strike for options classes in both the $0.50 and $1 Strike Programs.

Therefore, the Exchange is submitting the current filing to permit the listing of concurrent $3.50 and $4 strikes for classes that are selected to participate in both the $0.50 Strike Program and the $1 Strike Program. To effect this change, the Exchange is proposing to add $4 to the strike prices of $2 and $3 currently permitted if a class participates in both the $0.50 Strike Program and the $1 Strike Program.

The Exchange is also proposing to amend the current rule text to delete references to "$2.50 strike prices" (and the example utilizing $2.50 strike prices) and to replace those references with broader language, *e.g.,* "existing strike prices."

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b)[6] of the Securities Exchange Act of 1934 (the "Act"), in general, and furthers the objectives of Section 6(b)(5)[7] in particular in that it is designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to remove impediments to and to perfect the mechanism for a free and open market and a national market system and, in general, to protect investors and the public interest by permitting the Exchange to list more granular strikes on options overlying lower priced securities, which the Exchange believes will provide investors with greater flexibility by allowing them to establish positions that are better tailored to meet their investment objectives.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not significantly affect the protection of investors or the public interest, does not impose any significant burden on competition, and, by its terms, does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)[8] of the Act and Rule 19b–4(f)(6)[9] thereunder. The Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing the proposed rule change.

The Exchange has requested that the Commission waive the 30-day operative delay to permit the Exchange to list series available on other exchanges. The Commission finds that waiver of the operative delay is consistent with the protection of investors and the public interest because such waiver will enable the Exchange to compete with other exchanges whose rules permit concurrent listing of $3.50 and $4 strikes for classes similarly participating in both a $0.50 strike program and a $1 strike program. Therefore, the Commission designates the proposal operative upon filing.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSEAmex–2010–38 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAmex–2010–38. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission,[11] all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6).

[10] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[11] The text of the proposed rule change is available on the Commission's Web site at *http://www.sec.gov/.*

a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAmex–2010–38 and should be submitted on or before May 13, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–9278 Filed 4–21–10; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–61915; File No. SR–CBOE–2010–033]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated: Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Strategy Fee Cap Program

April 15, 2010.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 26, 2010, Chicago Board Options Exchange, Incorporated ("CBOE" or the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") proposes to amend its strategy fee cap program. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.org/legal*), at the Exchange's Office of the Secretary and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. CBOE has prepared summaries, set forth in section (A), (B), and (C) below, of the most significant aspects of such statements.

(a) Purpose

The Exchange caps market-maker, firm, and broker-dealer transaction fees associated with dividend, merger and short stock interest strategies, as described in Footnote 13 of the CBOE Fees Schedule ("Strategy Fee Cap"). Specifically, market-maker, firm and broker-dealer transaction fees are capped at $1,000 for all (i) Dividend strategies,[1] (ii) merger strategies [2] and (iii) short stock interest strategies [3] executed on the same trading day in the same options class. In addition, such transaction fees for these strategies are further capped at $25,000 per month per initiating member or firm.

The Exchange proposes a limited expansion of the Strategy Fee Cap program. Specifically, the Exchange proposes to cap market-maker and broker-dealer transaction fees at $1,000 for all reversals, conversions and jelly roll strategies (as defined below) executed on the same trading day in the same Flexible Exchange (FLEX) option class, excluding any option class on which the Exchange charges the surcharge fee under Footnote 14 of the CBOE Fees Schedule. As under the current program, such transaction fees would be further capped at $25,000 per month per initiating member or firm, and to qualify transactions for the cap a rebate request with supporting documentation must be submitted to the Exchange within 3 business days of the transactions.[4]

Reversals, conversions and jelly roll strategies are included in the strategy fee cap programs of other exchanges.[5] Reversals and conversions are transactions that employ calls, puts and the underlying security to lock in a nearly risk free profit. Reversals are established by combining a short security position with a short put and a long call position that shares the same strike and expiration. Conversions employ long positions in the underlying security that accompany long puts and short calls sharing the same strike and expiration.

A Jelly Roll is a long calendar call spread combined with the same short calendar put spread, or vice versa. This option strategy aims to profit from a time value spread through the purchase and sale of two call and two put options, each with different expiration dates. A Jelly Roll is created by entering into two separate positions simultaneously. One position involves buying a put and selling a call with the same strike price and expiration. The second position involves selling a put and buying a call, with the same strike price, but a different expiration from the first position. Below is an example of a Jelly Roll strategy execution.

XYZ Jun/Oct 25 Jelly Roll:
—Buy XYZ Jun 25 put and sell XYZ Jun 25 call
—Sell XYZ Oct 25 Put and buy XYZ Oct 25 call

Market BBO:

Jun 25 call .51 at .53
Jun 25 put .72 at .74
Oct 25 call 1.52 at 1.55
Oct 25 put 2.35 at 2.39

.74(long Jun put) + 1.52(long Oct call) − .51(short Jun call) − 2.35(short Oct put) = .60 credit received for the Jelly roll.

The proposed fee change would become operative on March 29, 2010.

The Exchange proposes to amend Footnote 6 of the Fees Schedule in conjunction with the proposed expansion of the strategy fee cap to include reversals, conversions and jelly roll strategies. Specifically, the Exchange proposes to amend Footnote 6 to clarify that the marketing fee will not

[1] A dividend strategy is defined as transactions done to achieve a dividend arbitrage involving the purchase, sale and exercise of in-the-money options of the same class, executed prior to the date on which the underlying stock goes ex-dividend.

[2] A merger strategy is defined as transactions done to achieve a merger arbitrage involving the purchase, sale and exercise of options of the same class and expiration date, each executed prior to the date on which shareholders of record are required to elect their respective form of consideration, *i.e.*, cash or stock.

[3] A short stock interest strategy is defined as transactions done to achieve a short stock interest arbitrage involving the purchase, sale and exercise of in-the-money options of the same class.

[4] In addition, the Exchange proposes to amend Footnote 13 of the Fees Schedule to clarify that "license fees" has the same meaning as "Surcharge Fees" and that the pass-through of Surcharge Fees is only applicable to the cap on dividend, merger and short stock interest strategies since the cap on reversals, conversions and jelly roll strategies excludes any option class on which the Exchange assesses the Surcharge Fee.

[5] See the options fee schedules of NYSE Amex, LLC and NYSE Arca, LLC.

apply to any of the strategies identified and/or defined in Footnote 13.

(b) Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 ("Act"),[6] in general, and furthers the objectives of Section 6(b)(4)[7] of the Act in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities. The Exchange believes excluding member firm transaction fees from the proposed fee cap is consistent with the Act because member firm transaction fees are reduced under the Member Firm Proprietary Sliding Scale program. Market-maker transaction fees are reduced under the Liquidity Provider Sliding Scale, however market-makers are required to prepay annual fees for the first two tiers of the sliding scale in order to be eligible for the fee rates in the lowest tiers while there is no similar requirement for firms under the Member Firm Proprietary Sliding Scale. Also, member firm transaction fees are lower than broker-dealer transaction fees. In addition, the Exchange believes expansion of the Strategy Fee Cap program would benefit market participants who trade these strategies by lowering their fees and allow the Exchange to remain competitive with other exchanges that offer similar fee cap programs.

A. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of purposes of the Act.

B. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and subparagraph (f)(2) of Rule 19b–4[9] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2010–033 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2010–033. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should sbmit only information that you wish to make publicly available. All submissions should refer to File Number SR–CBOE–2010–033 and should be submitted on or before May 13, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–9275 Filed 4–21–10; 8:45 am]

BILLING CODE 8011–01–P

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(2).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–61914; File No. SR–NYSE–2010–30]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change To Establish the NYSE BBO Service

April 15, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 1, 2010, the New York Stock Exchange LLC ("NYSE" or "Exchange"), filed with the Securities and Exchange Commission "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NYSE proposes to establish the NYSE BBO Service, a service that will make available the Exchange's best bids and offers and to establish fees for that service. The text of the proposed rule change is available on the Exchange's Web site at *http://www.nyse.com,* on the Commission's Web site at *http://www.sec.gov,* at NYSE, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

a. Subscribers and Data Feed Recipients

The NYSE BBO Service is a new NYSE-only market data service that allows a vendor to redistribute on a real-time basis the same best-bid-and-offer information that NYSE reports under the CQ Plan for inclusion in the CQ Plan's consolidated quotation information data stream ("NYSE BBO Information"). NYSE BBO Information would include the best bids and offers for all securities that are traded on the Exchange and for which NYSE reports quotes under the CQ Plan. NYSE will make the NYSE BBO service available over a single datafeed, regardless of the markets on which the securities are listed.

The NYSE BBO Service would allow vendors, broker-dealers, private network providers and other entities ("NYSE-Only Vendors") to make available NYSE BBO Information on a real-time basis. NYSE-Only Vendors may distribute the NYSE BBO Service to both professional and nonprofessional subscribers.

The Exchange would make NYSE BBO Information available through its new NYSE BBO Service no earlier than it makes that information available to the processor under the CQ Plan.

b. Fees

i. *Access Fee.*

For the receipt of access to the NYSE BBO datafeed, the Exchange proposes to charge $1500 per month. One $1500 monthly access fee entitles an NYSE-Only Vendor to receive both the NYSE BBO datafeed as well as the Exchange's NYSE Trades datafeed.[3] The fee applies to receipt of NYSE market data within the Vendor's organization or outside of it.

ii. *Professional Subscriber Fees.*

For the receipt and use of NYSE BBO Information, the Exchange proposes to charge $15 per month per professional subscriber device.

In addition, the Exchange proposes to offer an alternative methodology to the traditional device fee. Instead of charging $15 per month per device, it proposes to offer Vendors the option of paying $15 per month per "Subscriber Entitlement".

The fee entitles the end-user to receive and use NYSE BBO Information relating to all securities traded on NYSE, regardless of the market on which a security is listed.

For the purpose of calculating Subscriber Entitlements, the Exchange proposes to adopt the unit-of-count methodology that the Commission approved earlier this year for the proposed rule change that the New York Stock Exchange, LLC ("NYSE") submitted in respect of its NYSE OpenBook® service (the "Unit-of-Count Filing").[4]

Under that unit-of-count methodology, the Exchange does not define the Vendor-subscriber relationship based on the manner in which a datafeed recipient or subscriber receives data (*i.e.,* through controlled displays or through data feeds). Instead, the Exchange uses more subjective billing criteria. Those criteria define "Vendors," "Subscribers," "Subscriber Entitlements" and "Subscriber Entitlement Controls" as the basis for setting professional subscriber fees. The Exchange believes that these changes more closely align with current data consumption and will reduce costs for the Exchange's customers.

iii. *Nonprofessional Subscriber Fee.*

The Exchange proposes to charge each NYSE-Only Vendor $5.00 per month for each nonprofessional subscriber to whom it provides NYSE BBO Information. The Exchange proposes to impose the charge on the NYSE-Only Vendor, rather than on the nonprofessional Subscriber.

In addition, the Exchange proposes to establish as an alternative to the fixed $5.00 monthly fee a fee of $.005 for each response that a NYSE-Only Vendor disseminates to a nonprofessional Subscriber's inquiry for a best bid or offer under the NYSE BBO service. The Exchange proposes to limit a NYSE-Only Vendor's exposure under this alternative fee. It proposes to set at $5.00 per month, the same amount as the proposed fixed monthly nonprofessional Subscriber flat fee, as the maximum fee that a NYSE-Only Vendor would have to pay in respect of each nonprofessional Subscriber for the receipt of the NYSE BBO service in any calendar month.

In order to take advantage of the per-query fee, a NYSE-Only Vendor must document in its Exhibit A that it has the ability to measure accurately the number of queries from each nonprofessional Subscriber and must have the ability to report aggregate query quantities on a monthly basis.

The Exchange will impose the per-query fee only on the dissemination of best bids and offers to nonprofessional Subscribers. The per-query charge is imposed on NYSE-Only Vendors, not end-users, and is payable on a monthly basis. NYSE-Only Vendors may elect to disseminate the NYSE BBO service pursuant to the per-query fee rather than the fixed monthly fee.

In establishing a nonprofessional Subscriber fee for the NYSE BBO Service, the Exchange proposes to apply the same criteria for qualification as a "nonprofessional subscriber" as the CTA and CQ Plan Participants use. As is true under the CTA and CQ Plans, classification as a nonprofessional subscriber is subject to Exchange review and requires the subscriber to attest to his or her nonprofessional subscriber status. A "nonprofessional subscriber" is a natural person who uses the data solely for his personal, non-business use and who is neither:

A. Registered or qualified with the Securities and Exchange Commission, ("SEC"), the Commodities Futures Trading Commission, any State securities agency, any securities exchange or association, or any commodities or futures contract market or association,

B. Engaged as an "investment adviser" as that term is defined in Section 202(a)(11) of the Investment Advisors Act of 1940 (whether or not registered or qualified under that act), nor

C. Employed by a bank or other organization exemption from registration under Federal and/or State securities laws to perform functions that would require him/her to be so registered or qualified if he/she were to perform such function for an organization not so exempt.

c. Justification of Fees

The proposed monthly access fee, professional subscriber fee and nonprofessional subscriber fee for the NYSE BBO Service enable NYSE-Only Vendors and their subscribers to contribute to the Exchange's operating costs in a manner that is appropriate for the distribution of NYSE BBO Information in the form taken by the proposed services.

In setting the level of the proposed fees, the Exchange took into consideration several factors, including:

[3] On March 19, 2009, the Commission approved the Exchange's NYSE Trades service, a NYSE-only market data service that allows a vendor to redistribute on a real-time basis the same last sale information that the Exchange reports to the Consolidated Tape Association ("CTA") for inclusion in CTA's consolidated data stream and certain other related data elements. *See* Release No. 34–59606; 74 FR 13293 (March 26, 2009); File No. SR–NYSE–2009–04.

[4] *See* Release No. 34–59544; 74 FR 11162 (March 16, 2009); File No. SR–NYSE–2008–131.

(i) NYSE's expectation that the NYSE BBO Service is likely to be a premium service, taken by investors most concerned with receiving NYSE BBO Information on a low latency basis;

(ii) The fees that the CQ Plan Participants, Nasdaq, NYSE Amex and NYSE Arca are charging for similar services (or that NYSE anticipates they will soon propose to charge);

(iii) Consultation with some of the entities that the Exchange anticipates will be the most likely to take advantage of the proposed service;

(iv) The contribution of market data revenues that the Exchange believes is appropriate for entities that are most likely to take advantage of the proposed service;

(v) The contribution that revenues accruing from the proposed fee will make to meet the overall costs of the Exchange's operations;

(vi) The savings in administrative and reporting costs that the NYSE BBO Service will provide to NYSE-Only Vendors (relative to counterpart services under the CQ Plan); and

(vii) The fact that the proposed fees provide alternatives to existing fees under the CQ Plan, alternatives that vendors will purchase only if they determine that the perceived benefits outweigh the cost.

The Exchange believes that the levels of the fees are consistent with the approach set forth in the order by which the Commission approved ArcaBook fees for NYSE Arca.[5] In the ArcaBook Approval Order, the Commission stated that "when possible, reliance on competitive forces is the most appropriate and effective means to assess whether the terms for the distribution of non-core data are equitable, fair and reasonable, and not unreasonably discriminatory."[6] It noted that if significant competitive forces apply to a proposal, the Commission would approve it unless a substantial countervailing basis exists.

NYSE BBO Information constitutes "non-core data." The Exchange does not require a central processor to consolidate and distribute the product to the public pursuant to joint-SRO plans. Rather, the Exchange distributes the product voluntarily.

In the case of the NYSE BBO Service, both of the two types of competitive forces that the Commission described in the ArcaBook Approval Order are present: The Exchange has a compelling need to attract order flow and the product competes with a number of alternative products.

The Exchange must compete vigorously for order flow to maintain its share of trading volume. This requires the Exchange to act reasonably in setting market data fees for non-core products such as the NYSE BBO Service. The Exchange hopes that the proposed NYSE BBO Service will enable vendors to distribute NYSE BBO Information widely among investors, and thereby provide a means for promoting the Exchange's visibility in the marketplace.

In addition to the need to attract order flow, the availability of alternatives to the NYSE BBO Service significantly constrain the prices at which the Exchange can market those services. All national securities exchanges, the several Trade Reporting Facilities of FINRA, ECNs that produce proprietary data, as well as the core data feed under the CQ Plan, are all sources of competition for the NYSE BBO Service. Currently:

(i) The Nasdaq Stock Market offers its best-bid-and-offer information under services that would provide an alternative to the proposed NYSE service; and

(ii) The Exchange anticipates that NYSE Amex and NYSE Arca will soon propose to provide best-bid-and-offer services that are substantially similar to the NYSE BBO Service.

As a further alternative, investors can receive NYSE BBO Information from NYSE OpenBook. The information available in the NYSE BBO Service is also included in the calculation of the consolidated best-bid-and-offer calculations under the CQ Plan, which comprises a core datafeed. Investors may select the NYSE BBO Service as less expensive alternatives to the CQ Plan's consolidated data streams for certain purposes. (Rule 603(c) of Regulation NMS requires vendors to make the consolidated, core datafeeds available to customers when trading and order-routing decisions can be implemented.)

d. Administrative Requirements

The Exchange will require each Vendor to enter into the form of "vendor" agreement into which the CTA and CQ Plans require recipients of the Network A datafeeds to enter (the "Consolidated Vendor Form"). That agreement will authorize the Vendor to provide NYSE BBO Information to its customers or to distribute the data internally.

In addition, the Exchange will require each professional end-user that receives NYSE BBO Information from a vendor or broker-dealer to enter into the form of professional subscriber agreement into which the CTA and CQ Plans require end users of Network A data to enter. It will also require Vendors to subject nonprofessional subscribers to the same contract requirements as the CTA and CQ Plan Participants require of Network A nonprofessional subscribers. The Network A Participants submitted the Consolidated Vendor Form and the professional subscriber form to the Commission for comment and notice.[7]

2. Statutory Basis

The bases under the Securities Exchange Act of 1934 (the "Act") for the proposed rule change are the requirement under Section 6(b)(4)[8] that an exchange have rules that provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities and the requirements under Section 6(b)(5)[9] that the rules of an exchange be designed to promote just and equitable principles of trade and not to permit unfair discrimination between customers, issuers, brokers or dealers.

The proposed rule change would benefit investors by facilitating their prompt access to real-time best-bid-and-offer information contained in the NYSE BBO Service and by providing a modern methodology alternative for counting fee-liable units. In addition, the Exchange believes that the proposed fee would allow entities that are most likely to take advantage of the proposed service to make an appropriate contribution towards meeting the overall costs of the Exchange's operations.

The Exchange notes that Nasdaq already imposes charges for a service that is similar to the NYSE BBO service. The Exchange anticipates that NYSE Amex and NYSE Arca will soon propose to establish fees for best-bid-and-offer services that are substantially similar to the NYSE BBO Service. Thus, the Exchange's proposed fees offer any vendor that wishes to provide its customers with a single market's best-bid-and-offer information (as opposed to a more expensive consolidated quotation information service) an alternative to Nasdaq, NYSE Amex and NYSE Arca.

[5] *See* Release No. 59039 (December 2, 2008), 73 FR 74770 (December 9, 2008) (SR–NYSEArca–2006–21) (the "ArcaBook Approval Order").

[6] *Id.* at 74771.

[7] *See* Securities Exchange Act Release Nos. 34–22851 (January 31, 1986), 34–28407 (September 10, 1990), 34–49185 (February 4, 2004), and 34–22851 (January 31, 1986).

[8] 15 U.S.C. 78f(b)(4).

[9] 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

The NYSE BBO Service proposes to provide an alternative to existing services that the Participants make available under the CQ Plan. The proposed fees do not alter or rescind any existing fees. In addition, it amounts to a competitive response to the products that Nasdaq, NYSE Amex and NYSE Arca make available or will soon make available. For those reasons, the Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has discussed this proposed rules change with those entities that the Exchange believes would be the most likely to take advantage of the proposed NYSE BBO Service by becoming NYSE-Only Vendors. While those entities have not submitted formal, written comments on the proposal, the Exchange has incorporated some of their ideas into the proposal and this proposed rule change reflects their input. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File No. SR–NYSE–2010–30 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090. All submissions should refer to File Number SR–NYSE–2010–30. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2010–30 and should be submitted on or before May 13, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–9274 Filed 4–21–10; 8:45 am]

BILLING CODE 8011–01–P

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–61913; File No. SR–NYSE–2010–29]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Implementing an Equity Transaction Fee Schedule for Shares Executed on the NYSE MatchPoint℠ System

April 15, 2010.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the "Act")[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on April 12, 2010, New York Stock Exchange LLC ("NYSE" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes an equity transaction fee schedule for shares executed on the NYSE MatchPoint℠ ("NYSE MatchPoint" or "MatchPoint") system, effective upon filing with the Securities Exchange Commission (the "SEC" or the "Commission"), which will replace the current transaction fee waiver for all MatchPoint executions.[4] The proposed transaction fee will include criteria that will permit all users a per share fee reduction for entering specified levels of volume in addition to a scaled fee schedule for shares executed on MatchPoint. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *http://www.nyse.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] Currently, MatchPoint charges no transaction fees for MatchPoint executions. *See* Securities Exchange Act Release No. 61350 (January 14, 2010), 75 FR 3767 (January 22, 2010) (SR–NYSE–2010–01); *see also* Securities Exchange Act Release No. 61520 (February 16, 2010), 75 FR 8163, (February 23, 2010) (SR–NYSE–2010–06).

statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the NYSE's 2010 Price List by adding an equity transaction fee schedule for shares executed on the NYSE MatchPoint system, effective upon filing with the Commission, which will replace the current transaction fee waiver for all MatchPoint executions.[5] The proposed transaction fee will include criteria that will permit all users to obtain a per share fee reduction for MatchPoint executions by entering specified levels of volume into MatchPoint in addition to a scaled per share fee for shares executed on MatchPoint, which is described in more detail below. The proposed fee reduction will only apply when MatchPoint orders are executed.

Background: On January 7, 2009, the Exchange filed with the Securities and Exchange Commission a proposed rule change to adopt a temporary equity transaction fee for shares executed on the NYSE MatchPoint system that was effective until February 28, 2009.[6] This temporary equity transaction fee was extended numerous times since the original filing and was scheduled to terminate on January 31, 2010.[7] Each such filing was effective upon filing pursuant to Section 19(b)(3)(A)[8] of the Act and subparagraph (f)(2) of Rule 19b–4.[9]

The temporary equity transaction fee was a scaled fee for MatchPoint users based on the average daily volume of shares executed during a calendar month through the MatchPoint system as follows:

Average daily volume of shares executed	Rate
50,000 shares or less	$.0015 per share.
Over 50,000 to 499,999	.0010 per share.
500,000 and greater	.0005 per share.

On January 7, 2010, the Exchange proposed a transaction fee holiday waiving all MatchPoint transaction fees under the temporary equity transaction fee schedule until January 29, 2010.[10] The temporary waiver of fees was extended until March 31, 2010.[11] Waiver of MatchPoint transaction fees is currently in effect and will terminate when this proposed rule filing is filed with the Commission. The Exchange believed that the temporary waiver of the transaction fee would induce users to enter more single-sided volume[12] into the MatchPoint system. The Exchange intends that the proposed transaction fee schedule will be in effect upon filing with the Commission.

Proposed Transaction Fee Schedule: The Exchange proposes to re-establish the scaled fees that were temporarily effective from January 7, 2009 until January 7, 2010 with an additional criterion: to permit fee reductions for MatchPoint executions when users enter certain volume levels into MatchPoint matching sessions. The Exchange believes that the new fee schedule will continue to reward those who have been using the MatchPoint system for share execution, and will provide an additional incentive for users that can add share volume to MatchPoint as described below.

"*Shares Entered*": By this filing, the Exchange proposes to provide an incentive for users to enter share volume into the MatchPoint system because by adding volume, even if such volume is added only to one side of the market (*i.e.,* buy side or sell side), the likelihood of obtaining executions will increase. The proposed fee schedule rewards those users who obtain executions of their orders and who add volume at the specified share levels into any MatchPoint matching sessions (*i.e.,* intra day and after hours sessions). However, no user can obtain the proposed fee reductions unless their MatchPoint orders execute. To be clear, the Exchange is not charging users to enter volume into MatchPoint. Rather, the proposed fee schedule adds a criterion that will permit a fee reduction for MatchPoint users who enter certain levels of volume when their orders execute on MatchPoint. As the proposed fee schedule provides, a user can have a minimum amount of executions that do not reach the "shares executed" threshold on MatchPoint and still obtain a fee reduction if the user "enters" the specified share levels into the MatchPoint system.

The Exchange will calculate the proposed transaction fees based on whichever criterion (shares "executed" or "entered") achieves the lowest rate on a monthly basis. The date of effectiveness for the proposed fee schedule will be the date of filing. Therefore, the Exchange will calculate a user's transaction fees for April 2010 based on the threshold criteria during the trading days remaining from the date of effectiveness to April 30, 2010. Thereafter, the Exchange will calculate the transaction fees on a monthly basis.

To be eligible for the proposed "shares entered" fee reduction schedule, shares entered into the MatchPoint system must participate in a matching session (*i.e.,* intra day sessions or after hours session) and execute. Shares entered into MatchPoint and cancelled by the user before a matching session commences will not be eligible for the proposed fee reduction. Shares entered into MatchPoint and cancelled due to a system malfunction, or some other Exchange-driven event, will still be eligible for the proposed "entered share" fee reduction.

As the chart below demonstrates, the proposed fee schedule will provide the following rates based on the average daily volume of shares executed and "entered" into the MatchPoint system:

(1) 50,000 shares or less executed or 499,999 shares or less entered into MatchPoint that participate in a matching session will be charged $.0015 per share; and

(2) Over 50,000 to 499,999 shares executed or 500,000 up to and including 4,999,999 shares entered into MatchPoint that participate in a matching session will be charged $.0010 per share; and

[5] *Ibid.* footnote 1.[sic]

[6] *See* Securities Exchange Act Release No. 59229 (January 12, 2009) 74 FR 3119 (January 16, 2009) (SR–NYSE–2009–01).

[7] *See* Securities Exchange Act Release No. 59491 (March 3, 2009) 74 FR 10107 (March 9, 2009) (SR–NYSE–2009–20); *see* Securities Exchange Act Release No. 59864 (May 5, 2009) 74 FR 22194 (May 12, 2009) (SR–NYSE–2009–44); *see* Securities Exchange Act Release No. 60278 (July 10, 2009) 74 FR 34615 (July 16, 2009) (SR–NYSE–2009–67); *see* Securities Exchange Act Release No. 60439 (August 5, 2009) 74 FR 40270 (August 11, 2009) (SR–NYSE–2009–78) and *see also* Securities Exchange Act Release No. 60949 (November 6, 2009) 74 FR 58665 (November 13, 2009) (SR–NYSE–2009–110).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(2).

[10] *See* Securities Exchange Act Release No. 61350 (January 14, 2010), 75 FR 3767 (January 22, 2010) (SR–NYSE–2010–01).

[11] *See* Securities Exchange Act release No. 61520 (February 16, 2010), 75 FR 8163, (February 23, 2010) (SR–NYSE–2010–06).

[12] Executions in the MatchPoint system occur when buy and sell interest in a security is entered on a matched basis (both buy and sell sides submitted together) or when interest submitted in the system by one user matches against contra side interest submitted by another user.

(3) 500,000 shares and greater executed or over 5,000,000 shares entered into MatchPoint that participate in a matching session will be charged $.0005 per share.

THRESHOLD CRITERIA

Average daily volume of shares executed/*entered per month*	Rate *per share executed*
50,000 shares or less *executed or 499,999 shares or less entered*	$.0015 per share.
Over 50,000 to 499,999 *shares executed or 500,000 to 4,999,999 shares entered*	$.0010 per share.
500,000 and greater *shares executed or over 5,000,000 shares entered*	$.0005 per share.

2. Statutory Basis

The basis under the Securities Exchange Act of 1934 (the "Act") [13] for the proposed rule change is the requirement under Section 6(b)(4) that an exchange have rules that provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities. The Exchange believes the proposed fee schedule is reasonable in that it carries forward a reduction in fees that was established in the former temporary scaled fee (effective January 7, 2009 until January 7, 2010) and adds another criterion; "entered shares," which also provides a per share reduction in fees when orders are executed in the MatchPoint. In this way, a MatchPoint user will be able to obtain a reduction in transaction fees if the user reaches the scaled thresholds for executions or the scaled thresholds for shares entered. The proposed fee schedule is designed to make the system more competitive through the entering of specified share levels into the MatchPoint system. The proposed fee schedule, which will be effective upon filing, rewards all MatchPoint users who not only obtain executions but who enter certain levels of volume. Finally, the fees are equitable in that they are available to all members who access the MatchPoint system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

[13] 15 U.S.C. 78a.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [14] of the Act and subparagraph (f)(2) of Rule 19b–4 [15] thereunder, because it establishes or changes a due, fee, or other charge imposed on its members by the NYSE.

At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

The Exchange believes the proposed fee schedule is reasonable and provides incentives to users to reduce their MatchPoint transaction fees. In addition, the proposed transaction fee schedule is designed to make the system more competitive through the entering of specified share levels into the MatchPoint system. As such, the proposed transaction fee schedule rewards those MatchPoint users who not only obtain executions, but who enter certain levels of volume. Finally, the fees are equitable in that they are available to all members who access the MatchPoint system.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–NYSE–2010–29 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2010–29. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2010–29 and should be submitted on or before May 13, 2010.

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(2).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–9273 Filed 4–21–10; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–61934; File No. SR–BX–2010–028]

Self-Regulatory Organizations; NASDAQ OMX BX; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Certain Rules To Reflect Changes to Corresponding FINRA Rules

April 16, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 5, 2010, NASDAQ OMX BX, Inc. (the "Exchange" or "BX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as constituting a non-controversial rule change under Rule 19b–4(f)(6) under the Act,[3] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing this proposed rule change to delete Rule 3130 and IM–3130, to adopt a new Rule 4000A series, and to amend Rules 9552, 9554, 9557 and 9559 to conform BX's rules to recent changes to the rules of the Financial Industry Regulatory Authority ("FINRA"). The Exchange will implement the proposed rule change thirty days after the date of the filing. The text of the proposed rule change is available at *http://nasdaqomxbx.cchwallstreet.com,* at the Exchange's principal office, and at the Commission's Public Reference Room.

[16] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

BX proposes certain conforming changes to the rules concerning members' financial responsibilities and the rules concerning expedited hearings in light of changes made to the analogous rules of FINRA. BX based much of its rules on those of The NASDAQ Stock Market LLC ("NASDAQ"). Similarly, many of NASDAQ's rules are based on rules of FINRA (formerly the National Association of Securities Dealers ("NASD")). During 2008, FINRA embarked on an extended process of moving rules formerly designated as "NASD Rules" into a consolidated FINRA rulebook. In most cases, FINRA has renumbered these rules, and in some cases has substantively amended them. Accordingly, BX also has initiated a process of modifying its rulebook to ensure that BX rules corresponding to FINRA/NASD rules continue to mirror them as closely as practicable. In some cases, it is not possible for the rule numbers of BX rules to mirror corresponding FINRA rules, because existing or planned BX rules make use of those numbers. However, wherever possible, BX plans to update its rules to reflect changes to corresponding FINRA rules.

As part of this rule consolidation process, FINRA recently made several changes to its financial responsibility rules, which are largely incorporated by reference in BX's rules.[4] In addition, FINRA also recently amended certain rules under its Rule 9000 Series concerning expedited proceedings, which are closely mirrored in BX's Rule 9000 Series.[5] Accordingly, BX is proposing to amend its analogous rules consistent with the changes made by FINRA, as discussed below.

Financial Responsibility Rules: FINRA's new consolidated financial responsibility rules establish criteria that promote the permanency of member's capital, requiring the review and approval of material financial transactions and establishing criteria intended to identify member firms approaching financial difficulty and to monitor their financial and operational condition. FINRA's new financial responsibility rules incorporate many of the provisions of the prior NASD and NYSE rules, but streamlined and reorganized the provisions. FINRA also tiered many provisions to apply only to those firms that clear or carry customer accounts.

Currently, BX Rule 3130 and IM–3130 incorporate by reference old NASD Rule 3130 and IM–3130. These rules concerned FINRA's authority to regulate the activities of members experiencing financial or operational difficulties. In adopting the new financial responsibility rules, FINRA eliminated NASD Rule 3130 and IM–3130, and replaced them with several rules that represented a consolidation of the old NASD and NYSE rules concerning financial responsibility. As a consequence, BX is also deleting Rule 3130 and IM–3130, and replacing them with new rules found under a new Rule 4000A series.[6] These new BX rules incorporate by reference the analogous newly-adopted financial responsibility rules of FINRA found in FINRA Rules 4110, 4120, 4140 and 4521. Consistent with current BX Rule 3130(b), BX is proposing to make clear in proposed Rules 4110A, 4120A and 4140A that references to Rule 9557 are to BX's Rule 9557.

FINRA also revised FINRA Rule 9557 (Procedures for Regulating Activities Under FINRA Rules 4110, 4120 and 4130 Regarding a Member Experiencing Financial or Operational Difficulties) and FINRA Rule 9559 (Hearing Procedures for Expedited Proceedings Under the Rule 9550 Series). FINRA Rules 9557 and 9559 address service of notice to member firms that are experiencing financial or operational

[4] Securities Exchange Act Release No. 60933 (November 4, 2009), 74 FR 58334 (November 12, 2009) (SR–FINRA–2008–067).

[5] Securities Exchange Act Release No. 61242 (December 28, 2009), 75 FR 167 (January 4, 2010) (SR–FINRA–2009–076).

[6] FINRA also eliminated NASD Rule 3131 and adopted FINRA Rule 4130 in its place. NASD Rule 3131 concerned the regulation of members registered with the SEC pursuant to Section 15C of the Exchange Act. BX does not have such a class of membership, and as such, did not adopt NASD Rule 3131 and is not proposing to adopt, or incorporate by reference, FINRA Rule 4130.

difficulties and the related hearing procedures. FINRA made a number of conforming revisions to Rules 9557 and 9559 in light of several of the new financial responsibility rules. BX Rules 9557 and 9559 mirror the analogous rules of FINRA in substance, with only minor technical differences.[7] As such, BX is proposing to make the same changes Rules 9557 and 9559 as FINRA made to its Rules 9557 and 9559, with minor technical differences.

Expedited Proceedings Rules:

FINRA recently made certain changes to its Rule 9000 series concerning expedited proceedings. The expedited proceedings rules of FINRA, and in turn BX, address certain types of misconduct more quickly than would be possible under the ordinary disciplinary process, while also affording members numerous procedural protections. In its rule change, FINRA modified various time requirements regarding expedited proceedings, added an expedited proceeding for failure to pay restitution, and harmonized a remedy in an expedited procedure with a remedy in the FINRA By-Laws. With respect to modifying time requirements, FINRA amended Rule 9552 to shorten the period before a suspension automatically turns into an expulsion or bar from six to three months. In addition, FINRA amended Rule 9559 to shorten the timeframe within which a hearing must be held from 60 days after a hearing request to 30 days after the request. As a consequence of shortening the timeframe for hearings, FINRA also shortened the timeframes under Rule 9559(h) concerning the pre-hearing exchange of documents between the parties to the expedited proceeding. FINRA amended Rule 9554, which contains expedited procedures for failure to pay FINRA arbitration awards, to also permit FINRA to take expedited action for failure to comply with a FINRA order of restitution or a FINRA settlement providing for restitution. FINRA noted that it did not have explicit authority to take expedited action against firms or associated persons who fail to pay restitution to a third party (usually investors who have been harmed), and that its only recourse was to initiate an ordinary disciplinary action, which can take several months to conclude. In adding the new expedited procedure, FINRA stated it believed that firms and associated persons should not be permitted to continue doing business for prolonged periods when they have failed to pay restitution to third parties.

FINRA also eliminated from Rule 9554 the remedy of barring an individual for failure to pay an arbitration award. FINRA noted that it had no such authority under its by-laws, and as such that it was harmonizing the remedy for this misconduct with the remedy provided in its by-laws. BX is proposing to incorporate all the changes made by FINRA to its expedited proceedings rules into the analogous BX Rules 9552, 9554, and 9559.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[8] in general, and with Sections 6(b)(5) of the Act,[9] in particular, in that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The proposed changes will conform BX rules to recent changes made to corresponding FINRA rules, to promote application of consistent regulatory standards.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [10] and Rule 19b–4(f)(6) [11] thereunder in that it effects a change that: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest.

In its guidance on the proposed rules of Self-Regulatory Organizations ("SROs"),[12] the Commission concluded that filings based on the rules of another SRO already approved by the Commission are eligible for immediate effectiveness under Rule 19b–4(f)(6). The Commission noted that "a proposed rule change appropriately may be filed as an immediately effective rule so long as it is based on and similar to another SRO's rule and each policy issue raised by the proposed rule (i) has been considered previously by the Commission when the Commission approved another exchange's rule (that was subject to notice and comment), and (ii) the rule change resolves such policy issue in a manner consistent with such prior approval." [13] The Exchange notes that the changes are virtually identical to changes made by FINRA approved by the Commission. BX proposes to adopt every change adopted by FINRA, with only minor changes or omissions based on the nature of BX or its members.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–BX–2010–028 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2010–028. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your

[7] For example, FINRA Rule 9557(c)(5) references "FINRA staff" whereas proposed BX Rule 9557(c)(5) references instead "Exchange Regulation staff."

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

[12] Securities Exchange Act Release No. 58092 (July 3, 2008), 73 FR 40144 (July 11, 2008).

[13] *Id.* at 40149.

comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions.

You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2010–028 and should be submitted on or before May 13, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–9284 Filed 4–21–10; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–61929; File No. SR–BX–2010–031]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Extending the Effective Date of the Rule Governing the Exchange's Directed Order Process on the Boston Options Exchange

April 16, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 15, 2010, NASDAQ OMX BX, Inc. (the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the effective date of the amended rule governing the Exchange's Directed Order process on the Boston Options Exchange ("BOX") from April 30, 2010 to June 25, 2010. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://nasdaqomxbx.cchwallstreet.com/NASDAQOMXBX/Filings/.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On March 14, 2006, the Exchange proposed an amendment to the BOX Rules governing the Directed Order[5] process on BOX.[6] The Rules were amended to clearly state that the BOX Trading Host identifies to an Executing Participant ("EP") the identity of the firm entering a Directed Order. The amended rule was to be effective until June 30, 2006, ("Pilot Program") while the Securities and Exchange Commission ("Commission") considered a corresponding Exchange proposal[7] to amend its rules to permit EPs to choose the firms from whom they will accept Directed Orders, while providing complete anonymity of the firm entering a Directed Order.

On June 20, 2006, the Exchange proposed extending the effective date of the rule governing its Directed Order process on BOX from June 30, 2006 to September 30, 2006,[8] while the Commission continued to consider the corresponding Exchange proposal.

On September 11, 2006, January 16, 2007, July 2, 2007, January 18, 2008, January 26, 2009, May 21, 2009, November 24, 2009 and February 22, 2010 the Exchange proposed extending the effective date of the amended rule governing the Directed Order process on BOX from September 30, 2006 until January 31, 2007,[9] from January 31, 2007 until July 31, 2007,[10] from July 31, 2007 until January 31, 2008,[11] from January 31, 2008 until January 31, 2009,[12] from January 31, 2009 until May 29, 2009,[13] from May 29, 2009 until November 30, 2009,[14] from November 30, 2009 until February 26, 2010,[15] and from February 26, 2010 until April 30, 2010,[16] respectively, while the Commission considered the corresponding Exchange proposal to amend the BOX Rules to permit EPs to choose the firms from whom they will accept Directed Orders, while providing complete anonymity of the firm entering a Directed Order.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] Capitalized terms not otherwise defined herein shall have the meanings prescribed within the BOX Rules.

[6] *See* Securities Exchange Act Release No. 53516 (March 20, 2006), 71 FR 15232 (March 27, 2006) (SR–BSE–2006–14).

[7] *See* Securities Exchange Act Release No. 53357 (February 23, 2006), 71 FR 10730 (March 2, 2006) (SR–BSE–2005–52).

[8] *See* Securities Exchange Act Release No. 54082 (June 30, 2006), 71 FR 38913 (July 10, 2006) (SR–BSE–2006–29).

[9] *See* Securities Exchange Act Release No. 54469 (September 19, 2006), 71 FR 56201 (September 26, 2006) (SR–BSE–2006–38).

[10] *See* Securities Exchange Act Release No. 55139 (January 19, 2007), 72 FR 3448 (January 25, 2007) (SR–BSE–2007–01).

[11] *See* Securities Exchange Act Release No. 56014 (July 5, 2007), 72 FR 38104 (July 12, 2007) (SR–BSE–2007–31).

[12] *See* Securities Exchange Act Release No. 57195 (January 24, 2008), 73 FR 5610 (January 30, 2008) (SR–BSE–2008–04).

[13] *See* Securities Exchange Act Release No. 59311 (January 28, 2009), 74 FR 6071 (February 4, 2009) (SR–BX–2009–007).

[14] *See* Securities Exchange Act Release No. 59983 (May 27, 2009), 74 FR 26445 (June 2, 2009) (SR–BX–2009–027).

[15] *See* Securities Exchange Act Release No. 61065 (November 25, 2009), 74 FR 62860 (December 1, 2009) (SR–BX–2009–076).

[16] *See* Securities Exchange Act Release No. 61577 (February 24, 2010), 75 FR 9464 (March 2, 2010) (SR–BX–2010–017).

This filing from the Exchange again proposes extending the effective date of the amended rule governing its Directed Order process on BOX, from April 30, 2010 to June 25, 2010.[17] In the event the Commission reaches a decision with respect to the corresponding Exchange proposal to amend the BOX Rules before June 25, 2010, the amended rule governing the Directed Order process on the BOX will cease to be effective at the time of that decision.

2. Basis

The amended rule is designed to clarify the information contained in a Directed Order. This proposed rule filing seeks to extend the amended rule's effectiveness from April 30, 2010 to June 25, 2010. This extension will afford the Commission the necessary time to consider the Exchange's corresponding proposal to amend the BOX rule to permit EPs to choose the firms from whom they will accept Directed Orders while providing complete anonymity of the firm entering a Directed Order. Accordingly, the Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[18] in general, and Section 6(b)(5) of the Act,[19] in particular, in that it is designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism for a free and open market and a national market system and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

[17] In the event that the issue of anonymity in the Directed Order process is not resolved by June 25, 2010 the Exchange will consider whether to submit another filing under Rule 19b–4(f)(6) extending this rule and system process.

[18] 15 U.S.C. 78f(b).

[19] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) by its terms does not become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)[20] of the Act and Rule 19b–4(f)(6) thereunder.[21]

A proposed rule change filed under Rule 19b–4(f)(6)[22] normally may not become operative prior to 30 days after the date of filing. However, Rule 19b–4(f)(6)(iii)[23] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requests that the Commission waive the 30-day operative delay, as specified in Rule 19b–4(f)(6)(iii),[24] which would make the rule change effective and operative upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because such waiver would continue to conform the BOX rules to BOX's current practice without interruption and clarify that Directed Orders on BOX are not anonymous.[25] Accordingly, the Commission designates the proposed rule change operative upon filing with the Commission.

At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to provide the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission deems this requirement to have been met.

[22] 17 CFR 240.19b–4(f)(6).

[23] 17 CFR 240.19b–4(f)(6)(iii).

[24] *Id.*

[25] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–BX–2010–031 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2010–031. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2010–031 and should be submitted on or before May 13, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–9283 Filed 4–21–10; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–61931; File No. SR–BX–2010–030]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify Fees for Members Using the NASDAQ OMX BX Equities System

April 16, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 13, 2010, NASDAQ OMX BX, Inc. ("BX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by BX. Pursuant to Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] BX has designated this proposal as establishing or changing a due, fee, or other charge, which renders the proposed rule change effective upon filing. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

BX proposes to modify pricing for BX members using the NASDAQ OMX BX Equities System. BX will implement the proposed change on April 15, 2010. The text of the proposed rule change is available at *http://nasdaqomxbx.cchwallstreet.com*, at BX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, BX included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. BX has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

BX is proposing to modify its fees for orders that execute at prices below $1. Currently, BX charges 0.3% (30 basis points) of the total dollar value of the execution to members accessing liquidity, and provides a rebate of 0.25% (25 basis points) of the total dollar value to members providing liquidity. Through this filing, BX will reduce the fee to access liquidity to 0.15% (15 basis points) of the total dollar value and the rebate for providing liquidity to 0.05% (5 basis points) of the total dollar value. The change is a competitive response to several other transaction venues that have made mid-April changes to fees for securities priced under $1.[5] The new fees are consistent with the limitations of Regulation NMS, SEC Rule 610(c), for securities with a price of less than $1.

2. Statutory Basis

BX believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[6] in general, and with Section 6(b)(4) of the Act,[7] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which BX operates or controls. The impact of the price changes upon the net fees paid by a particular market participant will depend upon a number of variables, including the relative availability of liquidity on BX and other venues, the prices of the market participant's quotes and orders relative to the national best bid and offer (*i.e.,* its propensity to add or remove liquidity), and the types of securities that it trades. BX believes that the proposed changes are reasonable and equitable in that they apply uniformly to all similarly situated members.

B. Self-Regulatory Organization's Statement on Burden on Competition

BX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. Because the market for order execution and routing is extremely competitive, members may readily direct orders to BX's competitors if they object to the proposed rule change.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[8] and subparagraph (f)(2) of Rule 19b–4 thereunder.[9] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–BX–2010–030 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2010–030. This file

[26] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] *See http://apps.nyse.com/commdata/pub19b4.nsf/docs/50B8C6B6842FEA1E85257700006A989D/$FILE/NYSEArca-2010-26.pdf* (NYSE Arca); *http://www.nsx.com/resources/content/5/1/documents/SR-NSX-2010-04.pdf* (National Stock Exchange); *http://www.ise.com/assets/documents/Options Exchange/legal/proposed_rule_changes/2010/SR–ISE–2010-29$Proposed_Rule_Change_Relating_to_Direct_Edge%20_ECN_Fee_Change_for_ISE_Members$20100405.pdf* (Direct Edge).

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(4).

[8] 15 U.S.C. 78s(b)(3)(a)(ii).

[9] 17 CFR 240.19b–4(f)(2).

number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing will also be available for inspection and copying at the principal office of the self-regulatory organization. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2010–030 and should be submitted on or before May 13, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010–9362 Filed 4–21–10; 8:45 am]

BILLING CODE 8011–01–P

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–61936; File No. SR–NYSEAmex-2010–35]

Self-Regulatory Organizations; NYSE Amex LLC; Notice of Filing of Proposed Rule Change To Establish the NYSE Amex Trades Service and the NYSE Amex BBO Service and Related Fees

April 16, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 1, 2010, the NYSE Amex LLC ("NYSE Amex" or "Exchange"), filed with the Securities and Exchange Commission "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NYSE Amex proposes to introduce its NYSE Amex Trades and NYSE Amex BBO services and to establish fees for those services. The text of the proposed rule change is available on the Exchange's Web site at *http://www.nyse.com,* on the Commission's Web site at *http://www.sec.gov,* at NYSE Amex, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

a. *The Services.*

NYSE Amex Trades is a new NYSE Amex-only market data service. It allows a vendor to redistribute on a real-time basis the same last sale information that NYSE Amex reports under the CTA Plan and "Nasdaq/UTP Plan" [3] for inclusion in those Plans' consolidated data streams and certain other related data elements ("NYSE Amex Last Sale Information"). NYSE Amex Last Sale Information would include last sale information for all securities that are traded on the Exchange and for which NYSE Amex reports quotes under the CTA Plan or the Nasdaq/UTP Plan. In addition to the information that the Exchange provides under the CTA Plan and the Nasdaq/UTP Plan, NYSE Amex Last Sale Information will also include a unique sequence number that the Exchange assigns to each trade. It allows an investor to track the context of the trade through such other Exchange market data products as NYSE Amex OpenBook®. NYSE Amex will make the NYSE Amex Trades service available over a single datafeed, regardless of the markets on which the securities are listed.

NYSE Amex BBO is a new NYSE Amex-only market data service that allows a vendor to redistribute on a real-time basis the same best-bid-and-offer information that NYSE Amex reports under the CQ Plan and the Nasdaq/UTP Plan for inclusion in those Plans' consolidated quotation information data streams ("NYSE Amex BBO Information"). NYSE Amex BBO information would include the best bids and offers for all securities that are traded on the Exchange and for which NYSE Amex reports quotes under the CQ Plan or the Nasdaq/UTP Plan. NYSE Amex will make the NYSE Amex BBO service available over a single datafeed, regardless of the markets on which the securities are listed.

Both services (collectively, the "NYSE Amex Trade and BBO Services") would allow vendors, broker-dealers, private network providers and other entities ("NYSE AMEX-Only Vendors") to make available NYSE Amex Last Sale Information and NYSE Amex BBO Information (collectively, "NYSE Amex Market Data") on a real-time basis. NYSE Amex-Only Vendors may distribute the NYSE Amex Trade and BBO Services to both professional and nonprofessional subscribers.

The Exchange would make NYSE Amex Last Sale Information available through its new NYSE Amex Trades service no earlier than it provides last sale information to the processors under the CTA Plan and the Reporting Plan for Nasdaq/National Market System Securities Traded on an Exchange on an Unlisted or Listed Basis (the "Nasdaq/UTP Plan"), as appropriate. It would make NYSE Amex BBO Information available through its new NYSE Amex BBO service no earlier than it makes that information available to the processors under the CQ Plan and the Nasdaq/UTP Plan.

b. Fees

i. *Access Fee.*

For the receipt of access to the NYSE Amex Trades and NYSE Amex BBO datafeeds, the Exchange proposes to charge $750 per month. One $750 monthly access fee entitles an NYSE Amex-Only Vendor to receive both the NYSE Amex Trades datafeed as well as the NYSE Amex BBO datafeed. The fee

[3] Formally referred to as "the Reporting Plan for Nasdaq/National Market System Securities Traded on an Exchange on an Unlisted or Listed Basis."

applies to receipt of NYSE Amex Market Data within the Vendor's organization or outside of it.

ii. *Professional Subscriber Fees.*

For the receipt and use of NYSE Amex Trades Information, the Exchange proposes to charge $10 per month per professional subscriber device. Similarly, for the receipt and use of NYSE Amex BBO Information, the Exchange proposes to charge $10 per month per professional subscriber device.

For each of the NYSE Amex Trades Information service and the NYSE Amex BBO Information service, the Exchange proposes to offer an alternative methodology to the traditional device fee. Instead of charging $10 per month per device, it proposes to offer Vendors the option of paying $10 per month per "Subscriber Entitlement". Each fee entitles the end-user to receive and use NYSE Amex Market Data relating to all securities traded on NYSE Amex, regardless of the market on which a security is listed.

For the purpose of calculating Subscriber Entitlements, the Exchange proposes to adopt the unit-of-count methodology that the Commission approved earlier this year for the proposed rule change that the New York Stock Exchange, LLC ("NYSE") submitted in respect of its NYSE OpenBook® service (the "Unit-of-Count Filing").[4]

Under the unit-of-count methodology that the Commission approved in the Unit-of-Count Filing, the Exchange would not define the Vendor-subscriber relationship based on the manner in which a datafeed recipient or subscriber receives data (*i.e.,* through controlled displays or through data feeds). Instead, the Exchange would adopt billing criteria that are more objective. Those criteria would newly define "Vendors," "Subscribers," "Subscriber Entitlements" and "Subscriber Entitlement Controls" as the basis for setting professional subscriber fees. The Exchange believes that these changes more closely align with current data consumption and will reduce costs for the Exchange's customers.

The following basic principles underlie this proposal.

A. *Vendors.*

• "Vendors" are market data vendors, broker-dealers, private network providers and other entities that control Subscribers' access to data through Subscriber Entitlement Controls.

B. *Subscribers.*

• "Subscribers" are unique individual persons or devices to which a Vendor provides data. Any person or device that receives data from a Vendor is a Subscriber, whether the person or device works for or belongs to the Vendor, or works for or belongs to an entity other than the Vendor.

• Only a Vendor may control Subscriber access to data.

• Subscribers may not redistribute data in any manner.

C. *Subscriber Entitlements.*

• A Subscriber Entitlement is a Vendor's permissioning of a Subscriber to receive access to data through an Exchange-approved Subscriber Entitlement Control.

• A Vendor may not provide data access to a Subscriber except through a unique Subscriber Entitlement.

• The Exchange will require each Vendor to provide a unique Subscriber Entitlement to each unique Subscriber.

• At prescribed intervals (normally monthly), the Exchange will require each Vendor to report each unique Subscriber Entitlement.

D. *Subscriber Entitlement Controls.*

• A Subscriber Entitlement Control is the Vendor's process of permissioning Subscribers' access to data.

• Prior to using any Subscriber Entitlement Control or changing a previously approved Subscriber Entitlement Control, a Vendor must provide the Exchange with a demonstration and a detailed written description of the control or change and the Exchange must have approved it in writing.

• The Exchange will approve a Subscriber Entitlement Control if it allows only authorized, unique end-users or devices to access data or monitors access to data by each unique end-user or device.

• Vendors must design Subscriber Entitlement Controls to produce an audit report and make each audit report available to the Exchange upon request. The audit report must identify:

1. Each entitlement update to the Subscriber Entitlement Control;

2. The status of the Subscriber Entitlement Control; and

3. Any other changes to the Subscriber Entitlement Control over a given period.

• Only the Vendor may have access to Subscriber Entitlement Controls.

Subject to the rules set forth below, the Exchange will require NYSE Amex-Only Vendors to count every Subscriber Entitlement, whether it be a person or a device. This means that the Vendor must include in the count every person and device that has access to the data, regardless of the purposes for which the person or device uses the data. The Exchange will require Vendors to report and count all entitlements in accordance with the following rules.

A. The count shall be separate for the NYSE Amex Trades and NYSE Amex BBO services. This means that a device that is entitled to receive both NYSE Amex Last Sale Information and NYSE Amex BBO Information would count as a Subscriber Entitlement for the purposes of the NYSE Amex Trades service and as a separate Subscriber Entitlement for the purposes of the NYSE Amex BBO service.

B. In connection with a Vendor's external distribution of either type of NYSE Amex Market Data (*i.e.,* NYSE Amex Last Sale Information or NYSE Amex BBO Information), the Vendor should count as one Subscriber Entitlement each unique Subscriber that the Vendor has entitled to have access to that type of Market Data. However, where a device is dedicated specifically to a single person, the Vendor should count only the person and need not count the device.

C. In connection with a Vendor's internal distribution of a type of NYSE Amex Market Data, the Vendor should count as one Subscriber Entitlement each unique person (but not devices) that the Vendor has entitled to have access to that type of Market Data.

D. The Vendor should identify and report each unique Subscriber. If a Subscriber uses the same unique Subscriber Entitlement to receive multiple services, the Vendor should count that as one Subscriber Entitlement. However, if a unique Subscriber uses multiple Subscriber Entitlements to gain access to one or more services (*e.g.,* a single Subscriber has multiple passwords and user identifications), the Vendor should report all of those Subscriber Entitlements.

E. The Vendor should report each Subscriber device serving multiple users individually as well as each person who may access the device. As an example, for a single device to which the Vendor has granted two people access, the Vendor should report three Subscriber Entitlements. Only a single, unique device that is dedicated to a single, unique person may be counted as one Subscriber Entitlement.

F. Vendors should report each unique person who receives access through multiple devices as one Subscriber Entitlement so long as each device is dedicated specifically to that person.

G. The Vendor should include in the count as one Subscriber Entitlement devices serving no users.

[4] *See* Release No. 34–59544; 74 **Federal Register** 11162 (March 16, 2009); File No. SR–NYSE–2008–131.

By way of examples, if a Subscriber's device has no users or multiple users, the Vendor should count that device as one Subscriber Entitlement. If a Vendor entitles five individuals to use one of a Subscriber's devices, the Vendor should count five individual entitlements and one device entitlement, for a total of six Subscriber Entitlements. If a Vendor entitles an individual to receive a type of NYSE Amex Market Data over a Subscriber device that is dedicated to that individual, the Vendor should count that as one Subscriber Entitlement, not two.

iii. *No Program Classification Fee.*

The Exchange does not propose to impose any program classification charges for the use of NYSE Amex Last Sale Information or NYSE Amex BBO information. The Exchange recognizes that each Vendor and Subscriber will use NYSE Amex Market Data differently and that the Exchange is one of many markets with whom Vendors and Subscribers may enter into arrangements for the receipt and use of data. In recognition of that, the Exchange's proposed unit-of-count methodology does not restrict how Vendors may use NYSE Amex Market Data in their display services and encourages Vendors to create and promote innovative uses of NYSE Amex Market Data. For instance, a Vendor may use NYSE Amex BBO information to create derived information displays, such as displays that aggregate NYSE Amex BBO information with quotation information from other markets.[5]

iv. *Nonprofessional Subscriber Fee.*

The Exchange proposes to charge each NYSE Amex-Only Vendor $5.00 per month for each nonprofessional subscriber to whom it provides NYSE Amex BBO Information. The Exchange proposes to impose the charge on the NYSE Amex-Only Vendor, rather than on the nonprofessional Subscriber. At this time, the Exchange does not propose to establish a nonprofessional subscriber fee for NYSE Amex Last Sale Information because the Commission recently approved an inexpensive alternative to that product, the NYSE Amex Realtime Reference Prices service.[6]

In addition, the Exchange proposes to establish as an alternative to the fixed $5.00 monthly fee a fee of $.005 for each response that a NYSE Amex-Only Vendor disseminates to a nonprofessional Subscriber's inquiry for a best bid or offer under the NYSE Amex BBO service. The Exchange proposes to limit a NYSE Amex-Only Vendor's exposure under this alternative fee. It proposes to set at $5.00 per month, the same amount as the proposed fixed monthly nonprofessional Subscriber flat fee, as the maximum fee that a NYSE Amex-Only Vendor would have to pay in respect of each nonprofessional Subscriber for the receipt of the NYSE Amex BBO service in any calendar month.

In order to take advantage of the per-query fee, a NYSE Amex-Only Vendor must document in its Exhibit A that it has the ability to measure accurately the number of queries from each nonprofessional Subscriber and must have the ability to report aggregate query quantities on a monthly basis.

The Exchange will impose the per-query fee only on the dissemination of best bids and offers to nonprofessional Subscribers. The per-query charge is imposed on NYSE Amex-Only Vendors, not end-users, and is payable on a monthly basis. NYSE Amex-Only Vendors may elect to disseminate the NYSE Amex BBO service pursuant to the per-query fee rather than the fixed monthly fee.

In establishing nonprofessional Subscriber fees for the NYSE Amex BBO service, the Exchange proposes to apply the same criteria for qualification as a "nonprofessional subscriber" as the CTA and CQ Plan Participants use. As is true under the CTA and CQ Plans, classification as a nonprofessional subscriber is subject to Exchange review and requires the subscriber to attest to his or her nonprofessional subscriber status. A "nonprofessional subscriber" is a natural person who uses the data solely for his personal, non-business use and who is neither:

A. Registered or qualified with the Securities and Exchange Commission, ("SEC"), the Commodities Futures Trading Commission, any state securities agency, any securities exchange or association, or any commodities or futures contract market or association,

B. Engaged as an "investment adviser" as that term is defined in Section 202(a)(11) of the Investment Advisors Act of 1940 (whether or not registered or qualified under that act), nor

C. Employed by a bank or other organization exempt from registration under Federal and/or State securities laws to perform functions that would require him/her to be so registered or qualified if he/she were to perform such function for an organization not so exempt.

c. *Justification of Fees.*

The proposed monthly access fee, professional subscriber fees and nonprofessional subscriber fees for the NYSE Amex Trade service and NYSE Amex BBO service enable NYSE Amex-Only Vendors and their subscribers to contribute to the Exchange's operating costs in a manner that is appropriate for the distribution of NYSE Amex Market Data in the form taken by the proposed services.

In setting the level of the proposed fees, the Exchange took into consideration several factors, including:

(i) NYSE Amex's expectation that the NYSE Amex Trades and BBO Services are likely to be premium services, taken by investors most concerned with receiving NYSE Amex Market Data on a low latency basis;

(ii) the fees that the CTA and CQ Plan Participants, the Nasdaq/UTP Plan Participants, Nasdaq, NYSE and NYSE Arca are charging for similar services (or that NYSE Amex anticipates they will soon propose to charge);

(iii) consultation with some of the entities that the Exchange anticipates will be the most likely to take advantage of the proposed service;

(iv) the contribution of market data revenues that the Exchange believes is appropriate for entities that are most likely to take advantage of the proposed service;

(v) the contribution that revenues accruing from the proposed fee will make to meet the overall costs of the Exchange's operations;

(vi) the savings in administrative and reporting costs that the NYSE Amex Trades and BBO Services will provide to NYSE Amex-Only Vendors (relative to counterpart services under the CTA, CQ and Nasdaq/UTP Plans); and

(vii) the fact that the proposed fees provide alternatives to existing fees under the CTA, CQ and Nasdaq/UTP Plans, alternatives that vendors will purchase only if they determine that the perceived benefits outweigh the cost.

The Exchange believes that the levels of the fees are consistent with the approach set forth in the order by which the Commission approved ArcaBook fees for NYSE Arca.[7] In the ArcaBook Approval Order, the Commission stated that "when possible, reliance on competitive forces is the most appropriate and effective means to

[5] In the case of derived displays, the Vendor is required to: A. Pay the Exchange's device fees (described below); b. include derived displays in its reports of NYSE Amex Market Data usage; and c. use reasonable efforts to assure that any person viewing a display of derived data understands what the display represents and the manner in which it was derived.

[6] *See* Release No. 34–61403; 75 **Federal Register** 4598 (January 28, 2010); File No. SR–NYSEAmex–2009–85.

[7] *See* Release No. 59039 (December 2, 2008), 73 FR 74770 (December 9, 2008) (SR–NYSEArca–2006–21) (the "ArcaBook Approval Order").

assess whether the terms for the distribution of non-core data are equitable, fair and reasonable, and not unreasonably discriminatory." [8] It noted that if significant competitive forces apply to a proposal, the Commission would approve it unless a substantial countervailing basis exists.

NYSE Amex Market Data constitutes "non-core data." The Exchange does not require a central processor to consolidate and distribute the product to the public pursuant to joint-SRO plans. Rather, the Exchange distributes the product voluntarily.

In the case of both the NYSE Amex Trades service and the NYSE Amex BBO service, both of the two types of competitive forces that the Commission described in the ArcaBook Approval Order are present: The Exchange has a compelling need to attract order flow and the product competes with a number of alternative products.

The Exchange must compete vigorously for order flow to maintain its share of trading volume. This requires the Exchange to act reasonably in setting market data fees for non-core products such as the NYSE Amex Trades and BBO Services. The Exchange hopes that the proposed NYSE Amex Trades and BBO Services will enable vendors to distribute NYSE Amex Market Data widely among investors, and thereby provide a means for promoting the Exchange's visibility in the marketplace.

In addition to the need to attract order flow, the availability of alternatives to the NYSE Amex Trades and BBO Services significantly constrain the prices at which the Exchange can market those services. All national securities exchanges, the several Trade Reporting Facilities of FINRA, and ECNs that produce proprietary data, as well as the core data feeds under the CTA, CQ and Nasdaq/UTP Plans, are all sources of competition for the NYSE Amex BBO service. Currently:

(i) the Nasdaq Stock Market offers its last sale information and best-bid-and-offer information under services that would provide an alternative to the proposed NYSE Amex services;

(ii) NYSE and NYSE Arca offer last sale information in services that are substantially similar to the NYSE Amex Trades Service; and

(iii) the Exchange anticipates that NYSE and NYSE Arca will soon propose to provide best-bid-and-offer services that are substantially similar to the NYSE Amex BBO Service.

As an alternative, investors can receive NYSE Amex BBO Information from NYSE Amex OpenBook. The information available in the NYSE Amex Trades and BBO Services is also included in the calculation of the consolidated last sale price information and best-bid-and-offer calculations under the CTA, CQ and Nasdaq/UTP Plans, which comprise core datafeeds. Investors may select the NYSE Amex Trade service or the NYSE Amex BBO service as less expensive alternatives to the CTA and CQ Plan's consolidated data streams for certain purposes. (Rule 603(c) of Regulation NMS requires vendors to make the consolidated, core datafeeds available to customers when trading and order-routing decisions can be implemented.)

d. *Administrative Requirements.*

The Exchange will require each Vendor to enter into the form of "vendor" agreement into which the CTA and CQ Plans require recipients of the Network A datafeeds to enter (the "Consolidated Vendor Form"). That agreement will authorize the Vendor to provide its NYSE Amex Market Data service to its customers or to distribute the data internally.

In addition, the Exchange will require each professional end-user that receives NYSE Amex Market Data from a vendor or broker-dealer to enter into the form of professional subscriber agreement into which the CTA and CQ Plans require end users of Network A data to enter. It will also require Vendors to subject nonprofessional subscribers to the same contract requirements as the CTA and CQ Plan Participants require of Network A nonprofessional subscribers. The Network A Participants submitted the Consolidated Vendor Form and the professional subscriber form to the Commission for comment and notice.[9]

2. Statutory Basis

The bases under the Securities Exchange Act of 1934 (the "Act") for this proposed rule change are the requirement under Section 6(b)(4) [10] that an exchange have rules that provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities and the requirements under Section 6(b)(5) [11] that the rules of an exchange be designed to promote just and equitable principles of trade and not to permit unfair discrimination between customers, issuers, brokers or dealers.

The proposed rule change would benefit investors by facilitating their prompt access to real-time last sale information and best-bid-and-offer information contained in the NYSE Amex Trades and BBO Services and by providing a modern methodology alternative for counting fee-liable units. In addition, the Exchange believes that the proposed fee would allow entities that are most likely to take advantage of the proposed service to make an appropriate contribution towards meeting the overall costs of the Exchange's operations.

The Exchange notes that Nasdaq, NYSE and NYSE Arca already impose charges for services that are similar to the NYSE Amex Trades service and Nasdaq already imposes charges for services that are similar to the NYSE Amex BBO service. NYSE Amex anticipates NYSE and NYSE Arca will soon propose to establish fees for best-bid-and-offer services that are substantially similar to the NYSE Amex BBO service. Thus, the Exchange's proposed fees offer any vendor that wishes to provide its customers with a single market's last sale information or best-bid-and-offer information (as opposed to a more expensive consolidated last sale or quotation information service) an alternative to Nasdaq, NYSE and NYSE Arca.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NYSE Amex Trades and BBO Services propose to provide an alternative to existing services that the Participants make available under the CTA, CQ and Nasdaq/UTP Plans. The proposed fees do not alter or rescind any existing fees. In addition, it amounts to a competitive response to the products that Nasdaq, NYSE and NYSE Arca make available or will soon make available. For those reasons, the Exchange does not believe that this proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has discussed this proposed rules change with those entities that the Exchange believes would be the most likely to take advantage of the proposed NYSE Amex Trades and BBO Services by becoming NYSE Amex-Only Vendors. While those entities have not submitted formal, written comments on the proposal, the Exchange has incorporated some of their ideas into the proposal and this proposed rule change reflects their

[8] *Id.* at 74771.

[9] *See* Securities Exchange Act Release Nos. 34–22851 (January 31, 1986), 34–28407 (September 10, 1990), 34–49185 (February 4, 2004), and 34–22851 (January 31, 1986).

[10] 15 U.S.C. 78f(b)(4).

[11] 15 U.S.C. 78f(b)(5).

input. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) by order approve the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File No. SR–NYSEAmex–2010–35 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAmex–2010–35. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAmex–2010–35 and should be submitted on or before May 13, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010–9361 Filed 4–21–10; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–61920; File No. SR–NYSEArca-2010–29]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 6.4 Commentary .04.

April 15, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 [2] thereunder, notice is hereby given that on April 12, 2010, NYSE Arca, Inc. (the "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 6.4 Commentary .04 to permit the concurrent listing of $3.50 and $4 strikes for classes that participate in both the $0.50 Strike and $1 Strike Programs. The text of the proposed rule change is attached as Exhibit 5 to the 19b–4 form. A copy of this filing is available on the Exchange's Web site at *http://www.nyse.com*, at the Exchange's principal office and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend Rule 6.4 Commentary .04 to permit the concurrent listing of $3.50 and $4 strikes for classes that participate in both the $0.50 Strike and $1 Strike Programs.

The Exchange recently implemented a rule change that permits strike price intervals of $0.50 for options on stocks trading at or below $3.00 ("$0.50 Strike Program").[5] As part of the filing to establish the $0.50 Strike Program, the Exchange contemplated that a class may be selected to participate in both the $0.50 Strike Program and the $1 Strike Program.

Under the $1 Strike Program, new series with $1 intervals are not permitted to be listed within $0.50 of an existing $2.50 strike price in the same series, except that strike prices of $2 and $3 are permitted to be listed within $0.50 of a $2.50 strike price for classes also selected to participate in the $0.50 Strike Program. Under NYSE Arca's existing rule, for classes selected to participate in both the $0.50 Strike Program and the $1 Strike Program, the Exchange may either: (a) List a $3.50 strike but not list a $4 strike; or (b) list a $4 strike but not list a $3.50 strike. For example, under the Exchange's current rules, if a $3.50 strike for an option class in both the $0.50 and $1 Strike

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[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Exchange Act Release No. 60721 (September 25, 2009) 74 FR 50858 (October 1, 2009).

Programs was listed, the next highest permissible strike price would be $5.00. Alternatively, if a $4 strike was listed, the next lowest permissible strike price would be $3.00. The intent of the $.50 Strike Program was to expand the ability of investors to hedge risks associated with stocks trading at or under $3 and to provide finer intervals of $0.50, beginning at $1 up to $3.50. As a result, the Exchange believes that the current filing is consistent with the purpose of the $0.50 Strike Program and will permit the Exchange to fill in any existing gaps resulting from having to choose whether to list a $3.50 or $4 strike for options classes in both the $0.50 and $1 Strike Programs.

Therefore, the Exchange is submitting the current filing to permit the listing of concurrent $3.50 and $4 strikes for classes that are selected to participate in both the $0.50 Strike Program and the $1 Strike Program. To effect this change, the Exchange is proposing to add $4 to the strike prices of $2 and $3 currently permitted if a class participates in both the $0.50 Strike Program and the $1 Strike Program.

The Exchange is also proposing to amend the current rule text to delete references to "$2.50 strike prices" (and the example utilizing $2.50 strike prices) and to replace those references with broader language, *e.g.,* "existing strike prices."

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b) [6] of the Securities Exchange Act of 1934 (the "Act"), in general, and furthers the objectives of Section 6(b)(5) [7] in particular in that it is designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to remove impediments to and to perfect the mechanism for a free and open market and a national market system and, in general, to protect investors and the public interest by permitting the Exchange to list more granular strikes on options overlying lower priced securities, which the Exchange believes will provide investors with greater flexibility by allowing them to establish positions that are better tailored to meet their investment objectives.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not significantly affect the protection of investors or the public interest, does not impose any significant burden on competition, and, by its terms, does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) [8] of the Act and Rule 19b–4(f)(6) [9] thereunder. The Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing the proposed rule change.

The Exchange has requested that the Commission waive the 30-day operative delay to permit the Exchange to list series available on other exchanges. The Commission finds that waiver of the operative delay is consistent with the protection of investors and the public interest because such waiver will enable the Exchange to compete with other exchanges whose rules permit concurrent listing of $3.50 and $4 strikes for classes similarly participating in both a $0.50 strike program and a $1 strike program. Therefore, the Commission designates the proposal operative upon filing.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2010–29 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2010–29. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission,[11] all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2010–29 and should be submitted on or before May 13, 2010.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6).

[10] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[11] The text of the proposed rule change is available on the Commission's Web site at *http://www.sec.gov/.*

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010–9357 Filed 4–21–10; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–61912; File No. SR–NYSE–2010–15]

Self-Regulatory Organizations; New York Stock Exchange LLC; Order Approving Proposed Rule Change Making Permanent the Exchange's Pilot Program With Respect to Its Continued Listing Standards

April 15, 2010.

I. Introduction

On February 26, 2010, New York Stock Exchange LLC ("NYSE" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission"), pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the "Act")[2] and Rule 19b–4 thereunder,[3] a proposal to make permanent an amendment to the continued listing requirements in Section 802.01B of the Exchange's Listed Company Manual (the "Manual") that is currently in effect on a pilot program basis (the "Pilot Program"). The proposed rule change was published for comment in the **Federal Register** on March 12, 2010.[4] The Commission received no comments regarding the proposal. This order approves the proposed rule change.

II. Description of the Proposal

The Exchange proposes to make its Pilot Program permanent. Prior to the adoption of the Pilot Program,[5] Section 802.01B(I) of the Manual provided that any company that qualified to list under the Earnings Test set out in Section 102.01C(I) or in Section 103.01B(I) (in the case of foreign private issuers) or pursuant to the requirements set forth under the Assets and Equity Test set forth in Section 102.01C(IV) or the "Initial Listing Standard for Companies Transferring from NYSE Arca" (the "NYSE Arca Transfer Standard") set forth in Section 102.01(C)(V) (the NYSE Arca Transfer Standard expired by its terms on August 31, 2009) was considered to be below compliance standards if such company's average global market capitalization over a consecutive 30 trading-day period was less than $75 million and, at the same time, total stockholders' equity was less than $75 million. Under the Pilot Program, companies that listed under the initial listing standards set forth in the immediately preceding sentence are considered to be below compliance standards if average global market capitalization over a consecutive 30 trading-day period is less than $50 million and, at the same time, total stockholders' equity is less than $50 million.

The Pilot Program originally expired by its terms on October 31, 2009, but the Exchange extended its application for an additional five months, until February 28, 2010.[6] NYSE filed an immediately effective proposed rule change to extend the Pilot Program for a further four months, until June 30, 2010.[7] This order approves the Pilot Program on a permanent basis.

III. Discussion and Commission Findings

After careful consideration, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange[8] and, in particular, the requirements of Section 6 of the Act.[9] Specifically, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[10] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest and are not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

The development and enforcement of adequate standards governing the initial and continued listing of securities on an exchange is an activity of critical importance to financial markets and the investing public. Listing standards serve as a means for an exchange to screen issuers and to provide listed status only to bona fide companies that have, or in the case of an initial public offering will have, sufficient public float, investor base, and trading interest to provide the depth and liquidity necessary to promote fair and orderly markets. Adequate standards are especially important given the expectations of investors regarding exchange trading and the imprimatur of listing on a particular market. Once a security has been approved for initial listing, maintenance criteria allow an exchange to monitor the status and trading characteristics of that issue to ensure that it continues to meet the exchange's standards for market depth and liquidity so that fair and orderly markets can be maintained.

The Commission believes that the proposal to make permanent the Pilot Program is reasonable and consistent with the Act, and furthers investor protection and the public interest. Under the proposal, companies that initially listed under the Earnings Test, Assets and Equity Test, or NYSE Arca Transfer Standard are considered to be below compliance standards if average global market capitalization over a consecutive 30 trading-day period is less than $50 million and, at the same time, total stockholders' equity is less than $50 million. The Commission notes that for companies listed under the Earnings Test, the Pilot Program returned continued listing requirements to those in place prior to the higher standards adopted on June 9, 2005.[11] Thus, even prior to implementation of the Pilot Program, the Exchange had had considerable historical experience with the continued listing of companies that had continued to trade on the Exchange with global market capitalization and stockholders' equity each below $75 million but greater than $50 million. In addition, the Exchange represents that its experience under the Pilot Program has been very positive, as only one of the companies that was deemed back in compliance as a result of the adoption

[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 61657 (March 5, 2010), 75 FR 11970.

[5] *See* Securities Exchange Act Release No. 59996 (May 28, 2009), 74 FR 26912 (June 4, 2009) (SR–NYSE–2009–48) (the "Pilot Program Notice").

[6] *See* Securities Exchange Act Release No. 60911 (November 2, 2009), 74 FR 57730 (November 9, 2010) (SR–NYSE–2009–109).

[7] *See* Securities Exchange Act Release No. 61609 (March 1, 2010), 75 FR 10336 (March 5, 2010) (SR–NYSE–2010–13).

[8] In approving this proposed rule change the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(5).

[11] *See* Securities Exchange Act Release No. 51813 (June 9, 2005), 70 FR 35484 (June 20, 2005) (SR–NYSE–2004–20). The Assets and Equity Test set forth in Section 102.01C(IV) and the NYSE Arca Transfer Standard set forth in Section 102.01C(V) were adopted subsequent to this amendment.

of the Pilot Program has subsequently fallen below the standard as amended by the Pilot Program as of the date of this filing and only two additional companies have been newly identified as being below the Pilot Program standard.

The Commission notes that the continued listing standards as amended by the Pilot Program are at least as stringent as those of any other national securities exchange. In addition, the Exchange notes that the Commission stated in the Pilot Program Notice[12] that it believed that the continued listing standards adopted under the Pilot Program met the requirements established in Exchange Act Rule 3a51–1(a)(2)(ii)[13] in that they were reasonably related to the initial listing standards set forth in paragraph (a)(2)(i) of Exchange Act Rule 3a51–1 (the "Penny Stock Rule").[14]

Based on the above, the Commission believes that permanent adoption of the Pilot Program is appropriate and that the continued listing standards, although lower than the standards in place prior to the Pilot Program, should help to ensure that listed companies continue to have adequate depth and liquidity to maintain fair and orderly markets for the protection of investors. Consequently, the Commission believes that the Pilot Program is consistent with the Act.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[15] that the proposed rule change (SR–NYSE–2010–15) is hereby approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010–9358 Filed 4–21–10; 8:45 am]

BILLING CODE 8011–01–P

[12] *See* the Pilot Program Notice at Note 5.

[13] 17 CFR 240.3a51–1(a)(2)(ii).

[14] 17 CFR 240.3a51–1(a)(2)(i).

[15] 15 U.S.C. 78s(b)(2).

[16] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 6969; Forms DS–3036, DS–3037, and DS–7000; OMB No. 1405–0147]

60-Day Notice of Proposed Information Collection: Recording, Reporting, and Data Collection Requirements Under 22 CFR Part 62, the Exchange Visitor Program—Student and Exchange Visitor Information System (SEVIS)

ACTION: Notice of request for public comments.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

- *Title of Information Collection:* Recording, Reporting, and Data Collection Requirements Under 22 CFR Part 62 (DS–7000), the Exchange Visitor Program Application (Form DS–3036); and Update of Information on Exchange Visitor Program Sponsor (Form DS–3037).
- *OMB Control Number:* 1405–0147.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Bureau of Educational and Cultural Affairs, Office of Designation, ECA/EC/D.
- *Form Number:* Forms DS–3036, DS–3037 and DS–7000.
- *Respondents:* U.S. government and public and private organizations wishing to become Department of State designated sponsors authorized to conduct exchange visitor programs, and Department of State designated sponsors.
- *Estimated Number of Respondents:* 191,810 (DS–3036—150; DS–3037—1460; DS–7000—190,200).
- *Estimated Number of Responses:* 1,623,447 (DS–3036—150; DS–3037—2920; DS–7000—1,620,377).
- *Average Hours per Response:* DS–3036—8 hours; DS–3037—20 minutes; DS–7000—45 minutes.
- *Total Estimated Burden:* 1,323,260 (DS–3036—1200 hours; DS–3037—973 hours; DS–7000—1,321,087).
- *Frequency:* On Occasion.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

DATES: The Department will accept comments from the public up to 60 days from April 22, 2010.

ADDRESSES: You may submit comments by any of the following methods:

- Persons with access to the Internet may also view this notice and provide comments by going to the regulations.gov Web site at: *http://www.regulations.gov/index.cfm.*
- *E-mail: JExchanges@State.gov*
- *Mail (paper, disk, or CD–ROM submissions):* U.S. Department of State, ECA/EC/D, SA–5, Floor 5, 2200 C Street, NW., Washington, DC 20522–0505, ATTN: **Federal Register** Notice Response.

You must include the DS form number (if applicable), information collection title, and OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed information collection and supporting documents, to Stanley S. Colvin, Deputy Assistant Secretary for Private Sector Exchange, ECA/EC/D, SA–5, Floor 5, Department of State, 2200 C Street, NW., Washington, DC 20522–0505, who may be reached on 202–632–2805 or at *JExchanges@State.gov.*

SUPPLEMENTARY INFORMATION: We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper performance of our functions.
- Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of technology.

Abstract of Proposed Collection

The collection is the continuation of information collected and needed by the Bureau of Educational and Cultural Affairs in administering the Exchange Visitor Program (J-Visa) under the provisions of the Mutual Educational and Cultural Exchange Act, as amended. The forms have been revised to clarify language used and remove unnecessary data collection.

Methodology

Access to Forms DS–3036 and DS–3037 are found in the Student and Exchange Visitor Information System (SEVIS).

Dated: April 15, 2010.

Stanley S. Colvin,

Deputy Assistant Secretary for Private Sector Exchange, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2010–9325 Filed 4–21–10; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 6964]

Bureau of Educational and Cultural Affairs (ECA) Request for Grant Proposals: 2010 Community Solutions Program

Announcement Type: New Cooperative Agreement.

Funding Opportunity Number: ECA/PE/C/EUR–SCA–10–60.

Catalog of Federal Domestic Assistance Number: 19.415.

Key Dates:

Application Deadline: June 3, 2010.

Executive Summary: The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs invites proposal submissions for the Community Solutions Program in Africa, East Asia and the Pacific, Europe, the Middle East and North Africa, South and Central Asia and the Western Hemisphere. Public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3) may submit proposals to conduct this professional fellowship program. The Community Solutions Program serves as a mechanism to support and encourage initiatives organized by young civic and community leaders, ages 25–38, currently working to address the economic, environmental, political, and social challenges confronting their respective local communities. Through professional fellowships with a specific leadership component, Community Solutions will provide opportunities for eligible individuals to more effectively address issues of concern in their own towns, cities and regions.

I. Funding Opportunity Description

I.1. Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." The funding authority for the program above is provided through legislation.

I.2. Purpose and Program Description

In an increasingly connected world, local economic, environmental, political, and social challenges are intimately linked to their counterparts on a global scale. So too, are each community's solutions and approaches to these problems. Making progress on today's complex global challenges on a local scale requires multi-dimensional public engagement strategies to forge partnerships, mobilize broad coalitions, and galvanize public opinion across all sectors of society.

The Community Solutions Program seeks to enhance the skills of approximately 65–80 civic and community leaders to more effectively address current economic, environmental, political, and social challenges in their communities through increased civic engagement and dialogue, leadership development, and an enhanced understanding of the way public and private resources interface for the common good. Through a four- to six-month fellowship, complemented by leadership development, Community Solutions will provide opportunities for eligible individuals to experience best practices, learn about effective models of public and community engagement, and develop concrete strategies to better address complex issues in their home communities.

ECA anticipates funding one project for approximately $1,500,000 to take place over the course of one to two years and target young professionals currently engaged in initiatives that aim to improve and enhance the economic, environmental, political, and social well-being of their communities.

As a global tool to address community-based challenges, the Community Solutions Program seeks to:

(1) Enhance the participants' ability to address complex local economic, environmental, political, and social challenges through a U.S.-based fellowship;

(2) Provide concrete tools to the participants to take on greater leadership roles in their communities, by developing their skills for effective public discourse, professional collaboration, and project management;

(3) Cultivate professional ties with U.S. economic, environmental, political, and social institutions through collaborative and follow-on projects;

(4) Create a global network of diverse, multi-disciplinary, engaged professionals and civic leaders committed to problem solving and community engagement; and

(5) Expand and strengthen the relationship between the people of the United States and other countries to work in partnership to identify solutions to common issues facing their local communities.

The specific themes for the professional fellowships for this program are: (1) Accountability and Transparency, (2) Tolerance/Conflict Resolution, (3) Environmental Issues, and (4) Women's Issues.

Eligible countries and guidance for each theme are provided in Section I.8 below. Proposals that target professional fellowships that are unrelated to the themes referenced in this Request for Grant Proposals will be considered ineligible.

I.3. Participants

For the purposes of this program, "participants" are defined as citizens of the eligible countries selected through a merit-based, global competition to travel to the United States to take part in a Community Solutions fellowship. Participants must be early to mid-career professionals with demonstrated leadership abilities, who are engaged in a community-based project with the express goal of addressing an economic, environmental, political, and/or social challenge confronting that community (either in or outside of their professional capacity). Participants must possess the intercultural and English language skills necessary to benefit fully from the fellowship. Therefore, strong preference will be given to individuals who have previously studied in the United States for a period of four months or longer, in order to build upon an already established understanding of U.S. society, culture, politics, and public institutions.

Fellows should be placed in community-based, non-profit or other civil society organizations, government offices, or legislative bodies (Federal or State, county or municipal). Hosting institutions and organizations should have expertise relevant to the fellowship's focus and be working on innovative community engagement projects in the non-profit or governmental spheres, including State legislatures, city councils or local government that express a willingness to collaborate on a specific project of

mutual interest. Preference should be given to hosting sites that have identified potential collaborative projects or initiatives of interest to Community Solutions participants. In order to enhance the possibility that these collaborative initiatives continue after the conclusion of the fellowship, proposals should include follow-on projects that utilize existing Web or social technologies such as Twitter, blogs, SMS messaging systems, *etc.*

Through their respective fellowships, Community Solutions Fellows will work with seasoned civic leaders on pre-defined issues of mutual interest. Fellowship sites should provide real life models for the Fellows to apply leadership lessons, explore creative approaches to global challenges, and develop concrete strategies to apply within their local communities. Linking Community Solutions Fellows, program hosts and mentors together, the Community Solutions program will work to create a worldwide network of engaged professionals and civic leaders.

Applicants should strive to maximize the number of participants and the length of the U.S.-based program at the given funding levels. Therefore, applicants who engage public and private partners for programming support, and employ other creative techniques to increase or stretch funding dollars will be deemed more competitive than those that do not, under the Cost Effectiveness and Cost-Sharing review criterion.

I.4. Partner Organizations

Applicants must identify the U.S.-based and any foreign-based organizations and individuals with whom they are proposing to collaborate to implement Community Solutions, and describe any previous cooperative activities. While having a presence in each eligible country is not required, applicants that are able to demonstrate institutional capacity in regions overseas (whether through their own resources or through partnerships with other organizations or institutions) will be given strong consideration. In addition, proposals must demonstrate capacity in the United States to secure effective and appropriate host placements for the participants. Proposals that include letters of commitment from possible U.S-based host organizations will be deemed more competitive.

I.5. Project Activities

Projects should include placement of participants in carefully identified four- to six-month fellowships in non-profit organizations and other public and civil society organizations where they will work with seasoned community leaders on current complex global challenges related to the participants' community activities. Strong project designs will ground and augment the fellowship experience with leadership development activities that relate to civic engagement.

I.6. Program Guidelines

In a cooperative agreement, ECA is substantially involved in program activities above and beyond routine grant monitoring. While the recipient organization is responsible for the conception and structure of the program, ECA anticipates working in tandem to ensure that all aspects of the program design support the Community Solutions program goals through innovative activities.

I.7. Projected Timeline

ECA envisions the approximate dates of the Community Solutions program to be as follows:

- *September 2010–January 2011:* Recruitment and selection of foreign participants. Recruitment campaign for U.S. hosting institutions.
- *February 2011–May 2011:* Securing U.S.-based hosts and host sites.
- *August 2011:* Travel to the United States by all the foreign participants for orientation and placement at community Fellowship sites for a four- to six-month program.
- *August 2011–December 2011:* Fellowship.
- *December 2011:* Travel to Washington, DC, for a two-day end of program workshop.
- *January 2012–July 2012:* Conduct any follow-on collaborative projects.

I.8. Professional Fellowship Themes

Themes and Eligible Partner Countries: Proposals need to embrace a global program design that incorporates all of the proposed themes under Community Solutions. Program participants should be from all of the regions listed below. Proposals that target countries or themes not listed in this solicitation will be deemed technically ineligible. No guarantee is made or implied that every theme will have participants.

1. *Transparency and Accountability:* Fellowships should provide exposure to institutions and concepts related to civil society, grass-roots democracy, good governance, anti-corruption, transparency, accountability, and/or free and fair elections. The important role of volunteerism and the culture of volunteerism can also be addressed, when appropriate.

Geographic Regions and Eligible Countries

- *Africa:* Zimbabwe, Uganda, Rwanda, Liberia, Zambia, Sierra Leone.
- *East Asia and the Pacific:* Mongolia, Cambodia, Thailand, Laos, Singapore, Philippines, and Malaysia.
- *Europe:* Bulgaria, Romania, Hungary, Slovakia and the Czech Republic.
- *South and Central Asia:* Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

2. *Tolerance/Conflict Resolution:* Fellowships should expose participants to issues and strategies that address tolerance, multi-culturalism, discrimination, and conflict resolution. Negotiation skills, the art of compromise, fair treatment of minority populations, and civil rights and responsibilities can also be addressed. Based on participants' specific interests, fellowships may need to be identified that deal with conflict resolution and crisis response tools for use in failing, failed, and post-conflict states and complex emergencies/disasters.

Geographic Regions and Eligible Countries

- *Africa:* Zimbabwe, Uganda, Rwanda, Liberia, Zambia, Sierra Leone.
- *South and Central Asia:* Nepal, Sri Lanka, Bangladesh.
- *Near East & North Africa:* Israel, West Bank/Gaza, Lebanon, Egypt, Jordan, Syria.
- *Western Hemisphere:* El Salvador, Peru, Bolivia, Paraguay, and Trinidad.

3. *Environmental Issues:* Fellowships for the "Environmental Issues" theme should focus on issues related to water and resource management, food security, supporting the food supply (at local, regional or national levels), social entrepreneurship (to leverage science and technology to address ecological and environmental issues) low-carbon technologies, and the use of natural resources, pollution, sustainable energy, and climate change.

Geographic Regions and Eligible Countries

- *South and Central Asia:* Nepal, Sri Lanka, Bangladesh, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.
- *Near East & North Africa:* Israel, West Bank/Gaza, Lebanon, Egypt, Jordan, Syria.
- *Western Hemisphere:* El Salvador, Peru, Bolivia, Paraguay, and Trinidad.

4. *Women's Issues:* Fellowships for the "Women's Issues" theme should focus on issues related to women's empowerment, women's education,

women's health, women entrepreneurs, gender equality, and the prevention of all forms of exploitation, including domestic violence. Special emphasis should be placed on identifying Fellowships that will provide exposure to best practices for grassroots organizations working to advance the political, economic, and social empowerment of women.

Geographic Regions and Eligible Countries

- *Africa:* Zimbabwe, Uganda, Rwanda, Liberia, Zambia, Sierra Leone.
- *Near East & North Africa:* Israel, West Bank/Gaza, Lebanon, Egypt, Jordan, Syria.

Additional guidelines and programming responsibilities of the recipient organization and ECA are located in the POGI.

II. Award Information

Type of Award: Cooperative Agreement. ECA's level of involvement in this program is listed under number I above.

Fiscal Year Funds: 2010.

Approximate Total Funding: $1,500,000.

Approximate Number of Awards: 1.

Floor of Award Range: $1,500,000.

Ceiling of Award Range: $1,500,000.

Anticipated Award Date: September 1, 2010.

Anticipated Project Completion Date: July 2012.

III. Eligibility Information

III.1. Eligible Applicants

Proposals may be submitted by U.S. public and non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3).

III.2. Cost Sharing or Matching Funds

There is no minimum or maximum percentage required for this competition. However, the Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

When cost sharing is offered, it is understood and agreed that the applicant must provide the amount of cost sharing as stipulated in its proposal and later included in an approved agreement. Cost sharing may be in the form of allowable direct or indirect costs. For accountability, you must maintain written records to support all costs which are claimed as your contribution, as well as costs to be paid by the Federal government. Such records are subject to audit. The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A–110, (Revised), Subpart C.23—Cost Sharing and Matching. In the event you do not provide the minimum amount of cost sharing as stipulated in the approved budget, ECA's contribution will be reduced in like proportion.

III.3. Other Eligibility Requirements

(a) Bureau grant guidelines require that organizations with less than four years experience in conducting international exchanges be limited to $60,000 in Bureau funding. ECA anticipates making one award, in an amount up to $1,500,000 to support program and administrative costs required to implement this exchange program. Therefore, organizations with less than four years experience in conducting international exchanges are ineligible to apply under this competition. The Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

(b) *Technical Eligibility:* All proposals must comply with the following or they will result in your proposal being declared technically ineligible and given no further consideration in the review process.

- Eligible applicants may not submit more than one proposal under this competition.
- If more than one proposal is received from the same applicant, all submissions will be declared technically ineligible and will receive no further consideration in the review process. **Please Note:** Applicant organizations are defined by their legal name, and EIN number as stated on their completed SF–424 and additional supporting documentation outlined in the Proposal Submission Instructions (PSI) document.
- Eligible applicants may only propose working with the countries and themes listed in this RFGP.
- Please refer to the Proposal Submission Instruction (PSI) document for additional requirements.

IV. Application and Submission Information

Note: Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

IV.1. Contact Information To Request an Application Package

Please contact David Gustafson in the Office of Citizen Exchanges, ECA/PE/C, U.S. Department of State, SA–5, 3rd Floor, 2200 C St., NW., Washington, DC 20522–0503, ph: (202) 632–6083, *GustafsonDP@state.gov* to request a Solicitation Package. Please refer to the Funding Opportunity Number: (ECA/PE/C/EUR–SCA–10–60).

Alternatively, an electronic application package may be obtained from grants.gov. *Please see* section IV.3f for further information.

The Solicitation Package contains the Proposal Submission Instruction (PSI) document which consists of required application forms, and standard guidelines for proposal preparation.

It also contains the Project Objectives, Goals and Implementation (POGI) document, which provides specific information, award criteria and budget instructions tailored to this competition.

Please specify Linnéa E. Allison and refer to the Funding Opportunity Number (ECA/PE/C/EUR–SCA–10–60) located at the top of this announcement on all other inquiries and correspondence.

IV.2. To Download a Solicitation Package Via Internet

The entire Solicitation Package may be downloaded from the Bureau's Web site at *http://exchanges.state.gov/grants/open2.html,* or from the Grants.gov Web site at *http://www.grants.gov.*

Please read all information before downloading.

IV.3. Content and Form of Submission

Applicants must follow all instructions in the Solicitation Package. The application should be submitted per the instructions under

IV.3a. You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the U.S. Government. This number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access *http://www.dunandbradstreet.com* or call 1–866–705–5711. Please ensure that your DUNS number is included in the appropriate box of the SF–424 which is part of the formal application package.

IV.3b. All proposals must contain an executive summary, proposal narrative and budget.

Please Refer to the Solicitation Package. It contains the mandatory Proposal Submission Instructions (PSI) document and the Project Objectives, Goals and Implementation (POGI) document for additional formatting and technical requirements.

IV.3c. You must have non-profit status with the IRS at the time of application. **Please Note:** Effective January 7, 2009, all applicants for ECA Federal assistance awards must include in their application the names of directors and/or senior executives (current officers, trustees, and key employees, regardless of amount of compensation). In fulfilling this requirement, applicants must submit information in one of the following ways:

(1) Those who file Internal Revenue Service Form 990, "Return of Organization Exempt From Income Tax," must include a copy of relevant portions of this form.

(2) Those who do not file IRS Form 990 must submit information above in the format of their choice.

In addition to final program reporting requirements, award recipients will also be required to submit a one-page document, derived from their program reports, listing and describing their grant activities. For award recipients, the names of directors and/or senior executives (current officers, trustees, and key employees), as well as the one-page description of grant activities, will be transmitted by the State Department to OMB, along with other information required by the Federal Funding Accountability and Transparency Act (FFATA), and will be made available to the public by the Office of Management and Budget on its USASpending.gov Web site as part of ECA's FFATA reporting requirements.

If your organization is a private non-profit which has not received a grant or cooperative agreement from ECA in the past three years, or if your organization received non-profit status from the IRS within the past four years, you must submit the necessary documentation to verify non-profit status as directed in the PSI document. Failure to do so will cause your proposal to be declared technically ineligible.

IV.3d. Please take into consideration the following information when preparing your proposal narrative:

IV.3d.1 Adherence to All Regulations Governing the J Visa

The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs is the official program sponsor of the exchange program covered by this RFGP, and an employee of the Bureau will be the "Responsible Officer" for the program under the terms of 22 CFR 62, which covers the administration of the Exchange Visitor Program (J visa program). Under the terms of 22 CFR 62, organizations receiving awards (either a grant or cooperative agreement) under this RFGP will be third parties "cooperating with or assisting the sponsor in the conduct of the sponsor's program." The actions of recipient organizations shall be "imputed to the sponsor in evaluating the sponsor's compliance with" 22 CFR 62. Therefore, the Bureau expects that any organization receiving an award under this competition will render all assistance necessary to enable the Bureau to fully comply with 22 CFR 62 *et seq.*

The Bureau of Educational and Cultural Affairs places critically important emphases on the secure and proper administration of Exchange Visitor (J visa) Programs and adherence by recipient organizations and program participants to all regulations governing the J visa program status. Therefore, proposals should *explicitly state in writing* that the applicant is prepared to assist the Bureau in meeting all requirements governing the administration of Exchange Visitor Programs as set forth in 22 CFR 62. If your organization has experience as a designated Exchange Visitor Program Sponsor, the applicant should discuss their record of compliance with 22 CFR 62 *et seq.,* including the oversight of their Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, record-keeping, reporting and other requirements.

The Office of Citizen Exchanges of ECA will be responsible for issuing DS–2019 forms to participants in this program.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at *http://exchanges.state.gov* or from: Office of Designation, ECA/EC/D, SA–5, Floor C2, Department of State, Washington, DC 20522–0582.

IV.3d.2 Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and disabilities. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into your proposal. Public Law 104–319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy," the Bureau "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

IV.3d.3. Program Monitoring and Evaluation

Proposals must include a plan to monitor and evaluate the project's success, both as the activities unfold and at the end of the program. The Bureau recommends that your proposal include a draft survey questionnaire or other survey technique plus a description of a methodology to use to link outcomes to original project objectives. The Bureau expects that the recipient organization will track participants or partners and be able to respond to key evaluation questions, including satisfaction with the program, learning as a result of the program, changes in behavior as a result of the program, and effects of the program on institutions (institutions in which participants work or partner institutions). The evaluation plan should include indicators that measure gains in mutual understanding as well as substantive knowledge.

Successful monitoring and evaluation depends heavily on setting clear goals and outcomes at the outset of a program. Your evaluation plan should include a description of your project's objectives, your anticipated project outcomes, and how and when you intend to measure these outcomes (performance indicators). The more that outcomes are "smart" (specific, measurable, attainable, results-oriented, and placed in a reasonable time frame), the easier it will be to conduct the evaluation. You should also show how your project objectives link to the goals of the program described in this RFGP.

Your monitoring and evaluation plan should clearly distinguish between program *outputs* and *outcomes. Outputs* are products and services delivered, often stated as an amount. Output information is important to show the scope or size of project activities, but it

cannot substitute for information about progress towards outcomes or the results achieved. Examples of outputs include the number of people trained or the number of seminars conducted. *Outcomes,* in contrast, represent specific results a project is intended to achieve and is usually measured as an extent of change. Findings on outputs and outcomes should both be reported, but the focus should be on outcomes.

We encourage you to assess the following four levels of outcomes, as they relate to the program goals delineated in the RFGP (listed here in increasing order of importance):

1. *Participant satisfaction* with the program and exchange experience.

2. *Participant learning,* such as increased knowledge, aptitude, skills, and changed understanding and attitude. Learning includes both substantive (subject-specific) learning and mutual understanding.

3. *Participant behavior,* concrete actions to apply knowledge in work or community; greater participation and responsibility in civic organizations; interpretation and explanation of experiences and new knowledge gained; continued contacts between participants, community members, and others.

4. *Institutional changes,* such as increased collaboration and partnerships, policy reforms, new programming, and organizational improvements.

Please Note: Consideration should be given to the appropriate timing of data collection for each level of outcome. For example, satisfaction is usually captured as a short-term outcome, whereas behavior and institutional changes are normally considered longer-term outcomes.

Overall, the quality of your monitoring and evaluation plan will be judged on how well it: (1) Specifies intended outcomes; (2) gives clear descriptions of how each outcome will be measured; (3) identifies when particular outcomes will be measured; and (4) provides a clear description of the data collection strategies for each outcome (*i.e.,* surveys, interviews, or focus groups). (*Please note* that evaluation plans that deal only with the first level of outcomes [satisfaction] will be deemed less competitive under the present evaluation criteria.)

Recipient organizations will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

IV.3e. Please follow the guidelines in this section and consult the PSI when preparing the budget submission:

IV.3e.1. Applicants must submit SF–424A—"Budget Information—Non-Construction Programs" along with a comprehensive budget for the entire program. Budget requests may not exceed $1,500,000. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification.

IV.3e.2. Allowable costs for the program are outlined in the POGI.

IV.3F. Application Deadline and Methods of Submission

Application Deadline Date: June 3, 2010.

Reference Number: ECA/PE/C/EUR–SCA–10–60.

Methods of Submission: Applications may be submitted in one of two ways:

(1) In hard-copy, via a nationally recognized overnight delivery service (*i.e.,* Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, *etc.*), or

(2) Electronically through *http://www.grants.gov.*

Along with the Project Title, all applicants must enter the above Reference Number in Box 11 on the SF–424 contained in the mandatory Proposal Submission Instructions (PSI) of the solicitation document.

IV.3f.1 Submitting Printed Applications

Applications must be shipped no later than the above deadline. Delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at ECA more than seven days after the deadline will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. ECA will *not* notify you upon receipt of application. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to ECA via the Internet. Delivery of proposal packages *may not* be made via local courier service or in person for this competition. Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered.

Important Note: When preparing your submission please make sure to include one extra copy of the completed SF–424 form and place it in an envelope addressed to "ECA/EX/PM".

The original and eight (8) copies of the application should be sent to: Program Management Division, ECA–IIP/EX/PM, Ref.: ECA/PE/C/EUR–SCA–10–60, SA–5, Floor 4, Department of State, 2200 C Street, NW., Washington, DC 20522–0504.

Applicants submitting hard-copy applications must also submit the "Executive Summary" and "Proposal Narrative" sections of the proposal in text (.txt) or Microsoft Word format on CD–ROM. As appropriate, the Bureau will provide these files electronically to Public Affairs Sections at U.S. embassies for their review.

IV.3f.2 Submitting Electronic Applications

Applicants have the option of submitting proposals electronically through Grants.gov (*http://www.grants.gov*). Complete solicitation packages are available at Grants.gov in the "Find" portion of the system.

Please Note: ECA bears no responsibility for applicant timeliness of submission or data errors resulting from transmission or conversion processes for proposals submitted via Grants.gov.

Please follow the instructions available in the 'Get Started' portion of the site (*http://www.grants.gov/GetStarted*).

Several of the steps in the Grants.gov registration process could take several weeks. Therefore, applicants should check with appropriate staff within their organizations immediately after reviewing this RFGP to confirm or determine their registration status with Grants.gov.

Once registered, the amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. In addition, validation of an electronic submission via Grants.gov can take up to two business days.

Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov.

The Grants.gov Web site includes extensive information on all phases/aspects of the Grants.gov process, including an extensive section on frequently asked questions, located under the "For Applicants" section of

the Web site. ECA strongly recommends that all potential applicants review thoroughly the Grants.gov Web site, well in advance of submitting a proposal through the Grants.gov system. ECA bears no responsibility for data errors resulting from transmission or conversion processes.

Direct all questions regarding Grants.gov registration and submission to:

Grants.gov Customer Support.

Contact Center Phone: 800–518–4726.

Business Hours: Monday–Friday, 7 a.m.–9 p.m. Eastern Time.

E-mail: support@grants.gov.

Applicants have until midnight (12 a.m.), Washington, DC time of the closing date to ensure that their entire application has been uploaded to the Grants.gov site. There are no exceptions to the above deadline. Applications uploaded to the site after midnight of the application deadline date will be automatically rejected by the grants.gov system, and will be technically ineligible.

Please refer to the Grants.gov Web site, for definitions of various "application statuses" and the difference between a submission receipt and a submission validation.

Applicants will receive a validation e-mail from grants.gov upon the successful submission of an application. Again, validation of an electronic submission via Grants.gov can take up to two business days. Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov. ECA will *not* notify you upon receipt of electronic applications.

It is the responsibility of all applicants submitting proposals via the Grants.gov Web portal to ensure that proposals have been received by Grants.gov in their entirety, and ECA bears no responsibility for data errors resulting from transmission or conversion processes.

IV.3g. Intergovernmental Review of Applications

Executive Order 12372 does not apply to this program.

V. Application Review Information

V.1. Review Process

The Bureau will review all proposals for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and then be forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for *cooperative agreements* resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible proposals will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. *Quality of the Program Idea:* Proposals should exhibit originality, substance, precision, and relevance to the Bureau's mission.

2. *Program Planning and Ability to Achieve Objectives:* Program objectives should be stated clearly and should reflect the applicant's expertise in the subject area and region. Objectives should respond to the topics in this announcement and should relate to the current conditions in the target country/countries. A detailed agenda and relevant work plan should explain how objectives will be achieved and should include a timetable for completion of major tasks. The substance of workshops, Fellowships, seminars and/or consulting should be described in detail. Sample schedules should be outlined. Responsibilities of proposed in-country partners should be clearly described. A discussion of how the applicant intends to address language issues should be included, if needed.

3. *Institutional Capacity and Track Record:* Proposals should include (1) the institution's mission and date of establishment; (2) detailed information about proposed in-country partner(s) and the history of the partnership; (3) an outline of prior awards—U.S. government and/or private support received for the target theme/country/region; and (4) descriptions and resumes of experienced staff members who will implement the program. The proposal should reflect the institution's expertise in the subject area and knowledge of the conditions in the target country/countries. Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by Bureau Grants Staff. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants. Proposed personnel and institutional resources should be adequate and appropriate to achieve the program's goals. The Bureau strongly encourages applicants to submit letters of support from proposed in-country partners.

4. *Cost Effectiveness and Cost Sharing:* Overhead and administrative costs in the proposal budget, including salaries, honoraria and subcontracts for services, should be kept to a minimum. Proposals in which the administrative costs do not exceed 25% of the total requested ECA grant funds will be more competitive. Applicants are strongly encouraged to cost share a portion of overhead and administrative expenses. Cost-sharing, including contributions from the applicant, proposed in-country partner(s), and other sources should be included in the budget request. Proposal budgets that do not reflect cost sharing will be deemed not competitive on this criterion.

5. *Support of Diversity:* Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (selection of participants, program venue and program evaluation) and program content (orientation and wrap-up sessions, program meetings, resource materials and follow-up activities). Applicants should refer to the Bureau's Diversity, Freedom and Democracy Guidelines in the Proposal Submission Instructions (PSI).

6. *Multiplier Effect/Follow-on Activities:* Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

7. *Project Evaluation:* Proposals should include a detailed plan to evaluate the program, both as activities unfold and at the end of the program. Program objectives should target clearly defined results in quantitative terms. Competitive evaluation plans will describe how applicant organizations would measure these results, and proposals should include draft data collection instruments (surveys, questionnaires, *etc.*) in Tab E.

8. *Stewardship:* Applicants should address how they will utilize innovative tools, low-carbon technologies, and socially responsible approaches to program implementation, including Web-based and other technologies, to reduce the program's carbon footprint and be a faithful steward of Federal resources.

VI. Award Administration Information

VI.1a. Award Notices

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures. Successful applicants will receive a Federal Assistance Award (FAA) from the Bureau's Grants Office. The FAA and the original proposal with subsequent modifications (if applicable) shall be the only binding authorizing document between the recipient and the U.S. Government. The FAA will be signed by an authorized Grants Officer, and mailed to the recipient's responsible officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review from the ECA program office coordinating this competition.

VI. 1b.

All awards made under this competition must be executed according to all relevant U.S. laws and policies regarding assistance to the Palestinian Authority, and to the West Bank and Gaza. Organizations must consult with relevant Public Affairs Offices before entering into any formal arrangements or agreements with Palestinian organizations or institutions.

Note: To assure that planning for the inclusion of the Palestinian Authority complies with requirements, please contact Linnéa E. Allison at (202) 632–6060, or *allisonle@state.gov,* for additional information.

VI.2 Administrative and National Policy Requirements

Terms and Conditions for the Administration of ECA agreements include the following:

Office of Management and Budget Circular A–122, "Cost Principles for Nonprofit Organizations"

Office of Management and Budget Circular A–21, "Cost Principles for Educational Institutions"

OMB Circular A–87, "Cost Principles for State, Local and Indian Governments"

OMB Circular No. A–110 (Revised), Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations

OMB Circular No. A–102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments

OMB Circular No. A–133, Audits of States, Local Government, and Non-profit Organizations

Please reference the following Web sites for additional information:

http://www.whitehouse.gov/omb/grants.
http://fa.statebuy.state.gov.

VI.3. Reporting Requirements

You must provide ECA with an electronic copy of the following reports at *reportseca@state.gov*:

Mandatory

(1) A final program and financial report no more than 90 days after the expiration of the award;

(2) A concise, one-page final program report summarizing program outcomes no more than 90 days after the expiration of the award. This one-page report will be transmitted to OMB, and be made available to the public via OMB's USAspending.gov Web site—as part of ECA's Federal Funding Accountability and Transparency Act (FFATA) reporting requirements.

(3) A SF–PPR, "Performance Progress Report" Cover Sheet with all program reports.

(4) Quarterly program and financial reports highlighting all major activities undertaken during the grant period including program analysis and lessons learned.

Award recipients will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. (Please refer to IV. Application and Submission Instructions (IV.3.d.3) above for Program Monitoring and Evaluation information.

All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

All reports must be sent to the ECA Grants Officer and ECA Program Officer listed in the final assistance award document.

VI.4. Program Data Requirements

Award recipients will be required to maintain specific data on program participants and activities in an electronically accessible database format that can be shared with the Bureau as required. At a minimum, the data must include the following:

(1) Name, address, contact information and biographic sketch of all persons who travel internationally on funds provided by the agreement or who benefit from the award funding but do not travel.

(2) Itineraries of international and domestic travel, providing dates of travel and cities in which any exchange experiences take place. Final schedules for in-country and U.S. activities must be received by the ECA Program Officer at least three work days prior to the official opening of the activity.

VII. Agency Contacts

For questions about this announcement, please contact: Linnéa E. Allison, U.S. Department of State, Office of Citizen Exchanges, 2200 C Street (SA–5, 3rd Floor), NW., Washington, DC 20522–0503, (202) 632–6060 (tel.) (202) 632–6492 (fax), or *allisonle@state.gov.*

All correspondence with the Bureau concerning this RFGP should reference the above title and number (ECA/PE/C/EUR–SCA–10–60).

Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

VIII. Other Information

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative.

Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: April 15, 2010.

Maura M. Pally,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 2010–9360 Filed 4–21–10; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 6962]

Bureau of Educational and Cultural Affairs (ECA) Request for Grant Proposals: Kennedy-Lugar Youth Exchange and Study (YES) Program: "Overseas YES Inbound Recruitment, YES Abroad Placement, and Alumni Components" for the 2011–12 Academic Year

Announcement Type: New Grant.

Funding Opportunity Number: ECA/PE/C/PY–10–06.

Catalog of Federal Domestic Assistance Number: 19.415.

Key Dates: September 1, 2010—September 30, 2013.

Application Deadline: June 3, 2010.

Executive Summary: The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs (ECA) announces an open competition for a grant to support exchanges and relationship building between high school students from countries with significant Muslim populations and the people of the United States. Public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3) and public institutions may submit a proposal for the Overseas YES Inbound Recruitment, YES Abroad Placement, and Alumni Components to: Recruit and select approximately 1,077 students from designated countries (referred to herein as "inbound" participants), provide orientations, coordinate logistics, and provide follow-on alumni programs in support of an academic year or semester of study in the United States, incorporating themes promoting civil society, leadership, and mutual understanding; and select approximately 50 American participants and identify host families and schools for their placement and support in ten countries overseas.

To implement the entirety of the YES program, two Requests for Grant Proposals are being announced at this time (the Disabilities Components will be handled through a separate grant process.): one (this announcement) covers Kennedy-Lugar Youth Exchange and Study Program (YES) Overseas Recruitment, YES Abroad Placement, and Alumni Components. A *separate announcement* will solicit organizations to arrange placement of Inbound Kennedy-Lugar YES students with U.S. host families and schools and monitor their health, safety and welfare, and identify and nominate U.S. students for consideration for the YES Abroad program.

This Overseas YES Inbound Recruitment, YES Abroad Placement, and Alumni Components announcement requires:

- Development of all program materials for marketing to U.S. and non-U.S. students, a host family and school handbooks, web presence, student application forms, and other standardized program forms and publications.
- Recruitment and selection of approximately 1,077 YES Inbound participants in designated countries overseas.
- Final selection of approximately 50 American participants from among those recruited and proposed by U.S. Placement Organizations.
- Placement and support of YES Abroad American participants with host families and schools in ten eligible countries overseas.
- All overseas orientations for all YES Abroad and YES Inbound participants.
- Alumni programs for YES Abroad and YES Inbound participants.

Organizations are invited to submit proposals to recruit, screen and select approximately 1,077 qualified high school students from over 35 designated countries; conduct local student and natural family orientations; provide cross-cultural training; collaborate with U.S. placement organizations for on-program counseling; coordinate programmatic and on-program participant monitoring activities; and evaluate program implementation for students participating in the YES Inbound program during the 2011–12 academic year.

In addition, the organization selected under this announcement will select from among American students proposed by U.S. Placement Organizations 50 American students and place them in ten eligible countries overseas for the YES Abroad Program. For YES Abroad, the eligible hosting countries at the time of publication of this RFGP are: Egypt, Ghana, India, Indonesia, Malaysia, Mali, Morocco, Oman, Thailand, and Turkey.

The Bureau reserves the right to amend these lists at any time as conditions change.

Under the Kennedy-Lugar Youth Exchange and Study (YES) Program Overseas Inbound Recruitment, YES Abroad Placement, and Alumni Components grant, applicants are encouraged to consider the formation of a consortium of partners to implement activities in all countries listed below. (Partial lists of country programs will not be accepted.) It is ECA's expectation that it will not be likely that one organization will have the desired experience and expertise in all countries, therefore the strongest proposals may be from organizations that propose oversight to a number of organizations with the necessary capacity to carry out activities in each country. Nonetheless, the applicant must accept full responsibility for coordination, standardization, and delivery of high-quality performance within each country.

I. Funding Opportunity Description

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, as amended, Public Law 87–256, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic, and peaceful relations between the United States and the other countries of the world." The funding authority for the program above is provided through legislation.

Purpose

The Kennedy-Lugar Youth Exchange and Study (YES) Program is designed to foster a global community of shared interests and values developed through better mutual understanding via first-hand participation of high school students, preferably aged 15–18.5, from countries with significant Muslim populations in academic year or semester exchanges to the United States. The program seeks to select up to 1,077 inbound students with leadership potential, to develop their leadership skills while in the U.S., and to support them in alumni activities after they return home. The YES Abroad program would include approximately 50 high school students from the United States.

The overarching goals of the program are to:

1. Promote better understanding by youth from selected countries about local society, people, institutions, values and culture;
2. Foster lasting personal ties;
3. Engage the exchange participants in activities that advance mutual understanding, respect for diversity, leadership skills, and understanding of civil society during their exchange experience;
4. Enhance Americans' understanding of other countries and cultures;
5. Increase the capacity of organizations in participating countries to engage youth in activities that enhance mutual understanding, respect for diversity, leadership skills, and understanding of civil society through alumni activities.

Eligible Countries

The partner countries for this program have been selected based on several factors: (1) Foreign policy considerations, (2) a favorable climate for exchange, and (3) anticipated

recruitment and placement capacity for students from each listed country. The list below includes the countries that are currently participating in the YES Inbound program. An approximate target number of students is indicated for each country based on the experience of previous years and/or anticipated capacities for successful recruitment and placement. Proposals should budget for up to the targeted number of inbound students:

Afghanistan (50)
Albania (15)
Bahrain (10)
Bangladesh (35)
Bosnia and Herzegovina (15)
Bulgaria (7)
Cameroon (6)
Egypt (50)
Lebanon (45)
Liberia (6)
Macedonia (15)
Malaysia (50)
Mali (17)
Morocco (25)
Mozambique (10)
Nigeria (30)
Oman (9)
Pakistan (108)
Philippines (40)
Qatar (6)
Gaza (10)
Ghana (35)
India (45)
Indonesia (103)
Israel (Arab Communities) (22)
Jordan (28)
Kenya (25)
Kosovo (7)
Kuwait (18)
Saudi Arabia (20)
Senegal (17)
Sierra Leone (7)
South Africa (6)
Suriname (5)
Tanzania (30)
Thailand (20)
Tunisia (20)
Turkey (50)
West Bank (25)
Yemen (35)

For YES Abroad, the eligible countries at the time of publication of this RFGP are: Egypt, Ghana, India, Indonesia, Malaysia, Mali, Morocco, Oman, Thailand, and Turkey.

The Bureau reserves the right to amend these lists at any time as conditions change. Should an applicant have questions in regards to countries on this list, please contact the Bureau. (*See* Section IV.1 for contact information.)

For Overseas YES Inbound Recruitment, an applicant must propose no fewer than the number of students per country shown above. Applicants must submit proposals that include all the countries. YES Inbound participants are governed by the protections of the J–1 visa regulations governing exchange students coming to the U.S.; applicants must coordinate with Placement Organizations to insure and uphold all U.S. J–1 visa regulations.

In their proposals applicants must describe in detail their plans for YES Overseas Inbound student recruitment, selection, placement, orientation, and monitoring procedures that will ensure this requirement's implementation. You will coordinate with the YES Inbound Placement Organizations to provide inbound student information and logistics. Proposals should provide implementation plans by country for student orientations pre- and post-exchange, and follow-on activities for returning alumni of the program.

For YES Abroad, an applicant must propose placing no fewer than three (3) students per country. It is acknowledged that outbound American participants are not governed by the same protections of the J–1 visa regulations governing exchange students coming to the U.S; therefore for the safety and security of the American participants, it is a requirement that an applicant must provide similar protections and oversight traditionally afforded to inbound students under the U.S. J–1 visa regulations. One potential exception may be the J–1 visa regulation of requiring criminal background checks of host families, which the Program Office recognizes may not be possible. However, the applicant must propose an appropriate means of verifying the integrity and suitability of each host family.

In their proposals applicants must describe in detail their plans for YES Abroad host family screening, selection, placement, orientation, initial and on-going language training, and monitoring procedures that will ensure this requirement's implementation. YES Abroad student recruitment will be handled through another grant. Successful applicants must coordinate with these grantees for recruitment information and logistics, and make the final selection of YES Abroad students based on the students' interests and backgrounds and the numbers needed for placement per country. The applicant must develop and coordinate selection criteria and a process whereby each U.S. YES Inbound Placement and YES Abroad Recruitment grantee will market the YES Program, receive applications and have the opportunity to nominate qualified student candidates for the YES Abroad program. In a transparent, merit-based process, the applicant will then select and submit to ECA and the respective embassies the names and information on the finalists for review and concurrence.

Proposals should provide implementation plans by country for YES Abroad school enrollment, host family screening and placement, cultural enrichment activities, and student support that includes post-arrival, mid-year, and re-entry orientations for American participants. Organizations may propose sub-grantee or partner organizations to implement overseas portions of the grant.

Execution of the YES Program: Other Components

The Bureau will be awarding other grants to administer the "Placement Components" of the YES Inbound program, to perform the following functions for inbound students: to recruit and screen U.S. host families; secure school placements; conduct local student and host family orientations; provide cultural and educational enrichment activities; handle all counseling and programmatic issues; and evaluate program implementation. These grants will also support identification and recruitment of U.S. students for YES Abroad among the placement organization's network of American high schools.

Another organization is currently responsible for supporting students with disabilities. This involves a preparatory program orientation and a year-end reentry training, as well as supplementary ongoing support throughout the year in order to help students with disabilities cope with challenges specific to their circumstances.

Grant Funding History

The first competition for the YES program was conducted in 2002 and grants were awarded in FY 2002 to bring students to the U.S. in the fall of 2003. Grants were subsequently renewed in FY 2003 and FY 2004. The second competition for grants to assist ECA in expanding the reach of the program was conducted in FY 2005, and the grants awarded were subsequently renewed in FY 2006 and FY 2007. In FY 2008, grants were awarded on a competitive basis, with a renewal in FY 2009. This RFGP reflects a new grant structure and includes YES Abroad. The YES program has grown incrementally each year from approximately 165 students from 11 countries in academic year 2003–04 to nearly 1,000 students from over 35 countries in 2010–11.

Through this open competition ECA seeks to provide an award to fund approximately 50 students from the United States to participate in the YES Abroad program during the 2011–2012 academic year. Applicants that have not participated in the YES program previously are encouraged to view the program's Web site at: *http://exchanges.state.gov/education/citizens/students/programs/yes.htm* and to contact the Youth Division Program Office representatives listed in this solicitation.

Scope of Program, Timeline, and Applicant Infrastructure

Funding for the YES Inbound program will support academic year-long exchanges (between August 2011 and June 2012) with students enrolled in accredited U.S. schools and living with host families. Proposals for single semester exchanges for inbound students (spring 2012) may be proposed only for Malaysia where the academic calendar will not allow a full-year U.S. program.

It is anticipated that awards will commence in September 2010 with marketing, recruitment, selection of inbound students and exchange program planning taking place throughout the remainder of 2010–2011 period.

Given current U.S. visa processing timelines in some countries, inbound students must be selected early enough to allow up to six months between the visa interview date and the date of departure for students to obtain visas in time for an August 2011 arrival. The grantee must work with the U.S. Embassy in each country to ensure timely processing of U.S. visas for all inbound participants.

The grantee will distribute YES Inbound finalists to U.S. placement organizations, selected and funded through a separate grant competition, through a fair, equitable and transparent process, which applicants should explain in their proposal narrative. The applicant will be in direct communication with all placement organizations working with YES students and will be the primary liaison with ECA program officers.

For countries where the standard of English instruction does not provide an adequate qualified applicant pool, selected inbound students requiring additional language instruction may receive pre-program English language enhancement activities. This will help to ensure that the weaker language qualifications of students from more remote areas are not an excluding factor in their selection.

For YES Abroad, the grantee will develop marketing materials for recruitment of American students to be carried out by placement organizations (funded under another grant) and recruit host families, hold a competitive selection process, and develop and implement all aspects of its proposed program in consultation with ECA and each host country's U.S. Embassy. YES placement organizations will provide nominations of YES Abroad applicants for consideration in selection.

YES Abroad participants will depart the United States during the summer of 2011 and remain in their host countries for 10 or 11 months until their departure during the period of mid-May to early July 2012. Schedules will depend on the academic calendar in each host country. In addition to attending school, YES Abroad students from the United States must receive intensive language and cross-cultural training for two to four weeks upon arrival and on-going formal tutoring at least during the first (fall) semester. The students will be exposed to local culture through enhancement activities that will enable them to attain a broad view of the host country's society. Students will explore opportunities for volunteerism and community service and be encouraged to share their culture, lifestyle and traditions with local citizens throughout their stay.

All YES Inbound participants will have opportunities to give presentations on the U.S. in community forums. Therefore, students must be prepared beforehand on how to present information on their home countries.

ECA will accept proposals from individual organizations with adequate infrastructure in both the U.S. and the partner countries to conduct all aspects of the program as described in the POGI, or from organizations that have formed consortia with qualified organizations or representatives to implement specified tasks to complete the project. In the latter case, the applicant must have a significant role in implementing a significant portion of the programs and meet all eligibility criteria discussed in this solicitation.

Applicants may propose value-added programming for students as long as it directly supports YES program objectives, themes, and goals, and enhancement activities related to the YES program mission. Examples could include special workshops or student projects focused on issues particularly relevant in the Inbound students' home country or region.

Applicants may not propose names other than "Kennedy-Lugar Youth Exchange and Study (YES) Program" for their program, so that all student participants and alumni will identify themselves first and foremost with the YES program. All materials produced for grant activities should bear the YES logo, acknowledge the Department of State as the funding source and reflect the State Department's objectives for the program. An exception to this requirement can only be made upon agreement from ECA and the U.S. Embassy in the respective countries.

The YES Inbound program is for all students from countries with significant Muslim populations. However, participation in the YES program is not limited to Muslim students. It is ECA's expectation that the participants from any country will collectively reflect the religious, ethnic, socio-economic, and geographic diversity of their country, to the extent possible. In order to support cross-cultural communication and understanding, ECA encourages applicants to request funding for consultants specially skilled in Islamic cultures. These consultants will provide training for grantee staff and volunteers to develop printed and online resource materials that support the unique cultural needs of their YES students, and should offer services such as an on-call resource for staff, volunteers, host and natural families, and to provide students with support.

General Responsibilities

The grantee organization will be responsible for all aspects of the YES Program's organizational and administrative implementation, including marketing, recruitment, and selection of inbound and outbound students, procurement of U.S. visas and transit visas for inbound students as required, transportation to and from the U.S., pre-departure orientation for YES Abroad and YES inbound, and re-entry orientations of inbound students as well as their natural and host families, support of students throughout the year, and follow-on alumni activities for returning Inbound students. The responsibilities of the grantee are described in further detail in the accompanying Program Objectives, Goals, and Implementation (POGI) document.

YES Inbound program responsibilities include:

- Recruitment and selection of 1,077 high school students from countries with significant Muslim populations.
- Provision of extensive orientation of the selected students to the program prior to their coming to the U.S. English language training may also be provided to encourage diversity in the selection pool and as needed, to meet projected recruitment levels.
- Provision of pre-departure and re-entry orientations for students to address program rules and goals and to provide support to students while in the U.S. and following their return home.
- Preparation of YES program participants to share their culture, lifestyle, and traditions with U.S. citizens throughout their stay and during special international events that highlight exchanges such as

International Education Week and Global Youth Service Day.

• Provision of YES students with leadership training and opportunities that will foster skills they can take back with them and use in their home countries.

• Provision of activities that will increase and enhance students' understanding of the importance of tolerance and respect for the views, beliefs, and practices of others in a diverse society.

• Development of an alumni database and creation of alumni programs—both in coordination with the U.S. Embassies—giving opportunities for returning students to incorporate their knowledge and skills into service in their home countries.

• Holding an alumni conference for which all interested YES alumni can apply to attend. The conference may be one global event, or multiple events held in various regions.

YES Abroad responsibilities include:

• Substantially involving U.S. Embassies in the program activities outlined herein and beyond routine grant monitoring.

• Developing and implementing all aspects of the proposed program in consultation with ECA and the host country's U.S. Embassy.

• Developing a standardized screening process in the selection of host families for YES Abroad students and obtaining the Public Affairs Section (PAS) of the U.S. Embassy's concurrence on proposed placement locations (neighborhoods, regions) prior to sharing placement information with YES Abroad participants.

• Enrolling American YES Abroad participants in accredited public or private schools with other host country national with a general academic curriculum.

• Providing intensive program, cultural, and language training and continued language training throughout the program.

• Monitoring the welfare, health and safety of YES Abroad participants while overseas and documenting their progress throughout the program, providing counseling, feedback, and support. Reporting significant adjustment issues to the U.S. Embassy and ECA.

General YES Program Overseas Component Responsibilities Include:

• In consultation with U.S. Embassies and ECA, developing a comprehensive operational guideline manual setting procedures for communication, documentation, and logistics throughout the program.

• Developing and distributing marketing materials (brochures, posters, advertisements, press releases, etc.) for the YES Program in each country.

• Developing and monitoring a broad-scope interactive YES program Web site to market and present the YES program with foci on both the YES Abroad and Inbound components. The Web site must have features that target and instruct both prospective students and host families and alumni of both programs.

• Developing and publishing handbooks for schools, host families and students for both the YES Abroad and Inbound components.

• Developing standardized templates for participant applications for both the YES Abroad and Inbound components.

• Developing and maintaining a database for all participant and host family information for both the YES Abroad and Inbound components.

The ECA program office and U.S. Embassy activities and responsibilities for this program are as follows:

• Determining in-country the priorities for recruitment of YES Inbound participants, and to participate in the final interview and selection process of inbound participants.

• Reviewing and approving all in-country YES program materials for the public.

• Reviewing proposed school and host family placement or alternative housing arrangement plans per criteria set forward in the POGI for each YES Abroad participant before final arrangements are made.

Through participation in the YES program, Inbound students should:

1. Acquire an understanding of important elements of a civil society. This includes concepts such as volunteerism, the idea that American citizens can and do act at the grassroots level to deal with societal problems, and an awareness of and respect for the rule of law.

2. Develop an appreciation for American culture, an understanding of the diversity of American society and increased respect for diversity, and appreciation for others with differing views, beliefs and practices.

3. Interact with Americans and generate enduring ties.

4. Teach Americans about the cultures of their home countries.

5. Gain leadership capacity that will enable them to initiate and support activities in their home countries that focus on development and community service in their role as YES alumni.

The overall goals of the YES Abroad program are to:

1. Promote better understanding by American youth about selected countries and their society, people, institutions, values and culture;

2. Foster lasting personal ties;

3. Enhance foreign audiences' understanding of American culture;

4. Expose program participants to leadership development opportunities and enhancement activities;

5. Increase the capacity of the exchange infrastructure in participating countries to engage youth in activities that advance mutual understanding, respect for diversity, and civil society.

Further Considerations

1. It is anticipated that one grant will be awarded for the Overseas YES Inbound Recruitment, YES Abroad Placement, and Alumni Components for the 2011–12 Academic Year. Applicants must demonstrate that training of local staff ensures their competence in providing culture and YES-specific orientation programs. Please refer to the Solicitation Package for details on essential program elements, permissible costs, and criteria used to select students.

2. ECA anticipates the grant beginning no later than September 2010.

3. Administration of the YES program must be in compliance with reporting and withholding regulations for Federal, state, and local taxes as applicable.

4. The grantee is required to make an effort to recruit and include students with disabilities in the exchange. As previously noted, the ECA Program Office intends to award a grant to a separate organization to provide a special arrival orientation (in August 2011) and a pre-departure orientation in the spring of 2012, as well as on-going support throughout the year for the students with disabilities. These orientations are in addition to general orientations to be conducted by the recipient of this grant. The recipient will also be expected to assist in accommodating for the timing of these special orientations.

5. All YES Inbound exchange participants must travel on J–1 visas using DS–2019s issued by the ECA program office under its program designation.

6. Applicants should reflect an understanding of the related youth work of various international agencies in the proposed countries, such as the U.S. Agency for International Development, World Bank, non-governmental organizations (NGOs) working with youth, and development foundations as a way to enhance alumni programming and provide participants with resources and support when they return home.

7. Projects should promote youth awareness of and involvement in civic

and democratic processes, including respect for diversity, accountability of government, human rights, and inclusiveness of women, people with disabilities, and minorities. Proposals may include small grants to encourage alumni to utilize what they have learned while on the exchange upon their return to their home countries to promote civic education projects and community development and community service initiatives.

8. Proposals must contain letters of commitment from any foreign or domestic partners to be involved in the program, and these letters should be tailored to the activities being proposed.

Please refer to the Solicitation Package for further information, especially the Project Objectives, Goals and Implementation (POGI) and the Proposal Submission Instructions (PSI).

II. Award Information

Type of Award: Grant Agreement.

Fiscal Year Funds: 2010.

Approximate Total Funding: $17,500,000.

Approximate Number of Awards: 1.

Approximate Average Award: $17,500,000.

Anticipated Award Date: September 2010.

Anticipated Project Completion Date: September 30, 2013.

Additional Information: Pending successful implementation of this program, awardees' ability to comply with Federal Regulations and ECA guidelines, and the availability of funds in subsequent fiscal years, it is ECA's intent to renew this grant or cooperative agreement for two additional fiscal years, before openly competing it again.

III. Eligibility Information

III.1. Eligible Applicants

Applications may be submitted by public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3).

III.2. Cost Sharing or Matching Funds

There is no minimum or maximum percentage required for this competition. However, the Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

When cost sharing is offered, it is understood and agreed that the applicant must provide the amount of cost sharing as stipulated in its proposal and later included in an approved grant agreement. Cost sharing may be in the form of allowable direct or indirect costs. For accountability, you must maintain written records to support all costs which are claimed as your contribution, as well as costs to be paid by the Federal government. Such records are subject to audit. The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A–110, (Revised), Subpart C.23—Cost Sharing and Matching. In the event you do not provide the minimum amount of cost sharing as stipulated in the approved budget, ECA's contribution will be reduced in like proportion.

III.3. Other Eligibility Requirements

a. Grants awarded to eligible organizations with less than four years of experience in conducting international exchange programs will be limited to $60,000. ECA anticipates awarding one grant, in an amount over $60,000 to support program and administrative costs required to implement this exchange program. Therefore, *organizations with less than four years of experience in conducting international exchange programs are ineligible to apply under this competition.* The Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

b. *Sub-Awards:* Due to the scope and geographic breadth of this grant, it is highly anticipated that applicants may propose multiple organizations as sub-award partners. This is encouraged to strengthen the awardee's capacity in each country. Each partner must have significant previous history in youth exchange within the respective country(ies) where they will implement the program. The applicant will however be fully responsible for the oversight of its sub-awardees. Further information on sub-agreements is provided in the OMB Circulars referenced in Section VI.2.

c. *Technical Eligibility:* All proposals must comply with the following, or they will result in your proposal being declared technically ineligible and given no further consideration in the review process:

- Proposed programs may not involve multiple academic year exchanges or exchanges to take place other than within the dates of August 2011 and June 2012;
- Proposals must identify essential partners and include letters of commitment from partners critical to the implementation of the program.

IV. Application and Submission Information

Note: Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

IV.1 Contact Information To Request an Application Package

Please contact Matt O'Rourke at ECA/PE/C/PY, U.S. Department of State, SA–5, 3–I17, 2200 C St. NW., Washington, DC 20522, telephone: 202–632–6065 or *ORourkeMM@state.gov* to request a Solicitation Package. Please refer to the Funding Opportunity Number ECA/PE/C/PY–10–06 located at the top of this announcement when making your request.

Alternatively, an electronic application package may be obtained from grants.gov. Please see section IV.3f for further information.

The Solicitation Package contains the Proposal Submission Package, which consists of required application forms, and standard guidelines for proposal preparation. It also contains the Project Objectives, Goals and Implementation (POGI) document, which provides specific information, award criteria and budget instructions tailored to this competition.

Please specify Kevin Baker, Program Officer, and refer to the Funding Opportunity Number ECA/PE/C/PY–10–06 located at the top of this announcement on all other inquiries and correspondence.

IV.2. To Download a Solicitation Package via Internet

The entire Solicitation Package may be downloaded from the Bureau's Web site at *http://exchanges.state.gov/grants/open2.html* or from the Grants.gov Web site at *http://www.grants.gov.* Please read all information before downloading.

IV.3. Content and Form of Submission

Applicants must follow all instructions in the Solicitation Package. The original and ten copies of the application should be submitted per the instructions under IV.3f. "Application Deadline and Methods of Submission" section below.

IV.3a. You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the U.S. Government. This number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access *http://*

www.dunandbradstreet.com or call 1–866–705–5711. Please ensure that your DUNS number is included in the appropriate box of the SF–424 which is part of the formal application package.

IV.3b. All proposals must contain an executive summary, proposal narrative and budget.

Please Refer to the Solicitation Package. It contains the mandatory Proposal Submission Instructions (PSI) document and the Project Objectives, Goals and Implementation (POGI) document for additional formatting and technical requirements.

IV.3c. You must have nonprofit status with the IRS at the time of application. **Please Note:** Effective January 7, 2009, all applicants for ECA Federal assistance awards must include in their application the names of directors and/or senior executives (current officers, trustees, and key employees, regardless of amount of compensation). In fulfilling this requirement, applicants must submit information in one of the following ways:

(1) Those who file Internal Revenue Service Form 990, "Return of Organization Exempt From Income Tax," must include a copy of relevant portions of this form.

(2) Those who do not file IRS Form 990 must submit information above in the format of their choice.

In addition to final program reporting requirements, award recipients will be required to submit a one-page document, derived from their program reports, listing and describing their grant activities. For award recipients, the names of directors and/or senior executives (current officers, trustees, and key employees), as well as the one-page description of grant activities, will be transmitted by the State Department to OMB, along with other information required by the Federal Funding Accountability and Transparency Act (FFATA), and will be made available to the public by the Office of Management and Budget on its USASpending.gov Web site as part of ECA's FFATA reporting requirements.

If your organization is a private nonprofit which has not received a grant or cooperative agreement from ECA in the past three years, or if your organization received nonprofit status from the IRS within the past four years, you must submit the necessary documentation to verify nonprofit status as directed in the PSI document. Failure to do so will cause your proposal to be declared technically ineligible.

IV.3d. Please take into consideration the following information when preparing your proposal narrative:

IV.3d.1. Adherence to All Regulations Governing the J Visa

The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs is the official program sponsor of the exchange program covered by this RFGP, and an employee of the Bureau will be the "Responsible Officer" for the program under the terms of 22 CFR 62, which covers the administration of the Exchange Visitor Program (J visa program). Under the terms of 22 CFR 62, organizations receiving awards (either a grant or cooperative agreement) under this RFGP will be third parties "cooperating with or assisting the sponsor in the conduct of the sponsor's program." The actions of recipient organizations shall be "imputed to the sponsor in evaluating the sponsor's compliance with" 22 CFR 62. Therefore, the Bureau expects that any organization receiving an award under this competition will render all assistance necessary to enable the Bureau to fully comply with 22 CFR 62 *et seq.*

The Bureau of Educational and Cultural Affairs places critically important emphases on the secure and proper administration of Exchange Visitor (J visa) Programs and adherence by recipient organizations and program participants to all regulations governing the J visa program status. Therefore, proposals should *explicitly state in writing* that the applicant is prepared to assist the Bureau in meeting all requirements governing the administration of Exchange Visitor Programs as set forth in 22 CFR 62.

If your organization has experience as a designated Exchange Visitor Program Sponsor, you should discuss your record of compliance with 22 CFR 62 *et seq.,* including the oversight of Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, record-keeping, reporting and other requirements. ECA will review the record of compliance with 22 CFR 62 *et Seq.* of applicant organizations designated as Exchange Visitor Program Sponsors by ECA's Office of Private Sector Exchange as one factor in evaluating the record/ability of organizations to carry out successful exchange programs.

The Office of Citizen Exchanges of ECA will be responsible for issuing DS–2019 forms to participants in this program.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at *http://exchanges.state.gov* or from: Office of Designation, ECA/EC/D, SA–5, Floor C2, Department of State, Washington, DC 20522–0582.

IV.3d.2. Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and disabilities. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the "Support for Diversity" section for specific suggestions on incorporating diversity into your proposal. Public Law 104–319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy," the Bureau "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

Funds provided through this award may not be used to promote participation in, or to purchase equipment or supplies intended for, activities related to religious worship or proselytization. Host families, school officials, and grantee organizations shall not require program participants to attend religious services. However, as part of their exchange experience, participants may be offered the opportunity to take part voluntarily in this facet of their host culture, at their own discretion. Host families are encouraged to enable participants living with them to attend services of the participant's religion, if the participant so desires and the services are available within a reasonable distance of the host family's residence.

IV.3d.3. Program Monitoring and Evaluation

Proposals must include a plan to monitor and evaluate the project's success, both as the activities unfold

and at the end of the program. The Bureau recommends that your proposal include a draft survey questionnaire or other technique plus a description of a methodology to use to link outcomes to original project objectives. The Bureau expects that the recipient organization will track participants or partners and be able to respond to key evaluation questions, including satisfaction with the program, learning as a result of the program, changes in behavior as a result of the program, and effects of the program on institutions (institutions in which participants work or partner institutions). The evaluation plan should include indicators that measure gains in mutual understanding as well as substantive knowledge.

Successful monitoring and evaluation depend heavily on setting clear goals and outcomes at the outset of a program. Your evaluation plan should include a description of your project's objectives, your anticipated project outcomes, and how and when you intend to measure these outcomes (performance indicators). The more that outcomes are "smart" (specific, measurable, attainable, results-oriented, and placed in a reasonable time frame), the easier it will be to conduct the evaluation. You should also show how your project objectives link to the goals of the program described in this RFGP.

Your monitoring and evaluation plan should clearly distinguish between program *outputs* and *outcomes. Outputs* are products and services delivered, often stated as an amount. Output information is important to show the scope or size of project activities, but it cannot substitute for information about progress towards outcomes or the results achieved. Examples of outputs include the number of people trained or the number of seminars conducted. *Outcomes,* in contrast, represent specific results a project is intended to achieve and is usually measured as an extent of change. Findings on outputs and outcomes should both be reported, but the focus should be on outcomes.

We encourage you to assess the following four levels of outcomes, as they relate to the program goals set out in the RFGP (listed here in increasing order of importance):

1. Participant satisfaction with the program and exchange experience.

2. Participant learning, such as increased knowledge, aptitude, skills, and changed understanding and attitude. Learning includes both substantive (subject-specific) learning and mutual understanding.

3. Participant behavior, concrete actions to apply knowledge in work or community; greater participation and responsibility in civic organizations; interpretation and explanation of experiences and new knowledge gained; continued contacts between participants, community members, and others.

4. Institutional changes, such as increased collaboration and partnerships, policy reforms, new programming, and organizational improvements.

Please note: Consideration should be given to the appropriate timing of data collection for each level of outcome. For example, satisfaction is usually captured as a short-term outcome, whereas behavior and institutional changes are normally considered longer-term outcomes.

Overall, the quality of your monitoring and evaluation plan will be judged on how well it (1) specifies intended outcomes; (2) gives clear descriptions of how each outcome will be measured; (3) identifies when particular outcomes will be measured; and (4) provides a clear description of the data collection strategies for each outcome (*i.e.,* surveys, interviews, or focus groups). (Please note that evaluation plans that deal only with the first level of outcomes [satisfaction] will be deemed less competitive under the present evaluation criteria.)

Recipient organizations will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

Program Monitoring includes Participant Monitoring, which focuses specifically on ensuring students' health, safety and welfare throughout the year; see below for details and instructions. This section focuses on other aspects of Program Monitoring.

Program Monitoring: Proposals must include a plan to monitor and report on the YES Abroad students' successes, both as the activities unfold and at the end of the program. (YES inbound students will be monitored by the Placement Organization grants.) For YES Abroad students, the Bureau recommends that your proposal include a draft survey questionnaire or other technique, plus a description of a methodology that will be used to link outcomes to original project objectives. The Bureau expects that the grantee will track YES Abroad participants and be able to respond to key monitoring questions throughout the year, particularly on effects of the program on program participants, their host families and communities.

Successful monitoring depends heavily on setting clear goals and outcomes at the outset of a program. Your monitoring plan should include a description of your objectives for YES Abroad and how and when you intend to measure these outcomes. You should also show how your project objectives link to the goals of the program described in this RFGP.

Overall, the quality of your monitoring plan will be judged on how well it specifies successes and challenges. Grantees will be required to provide reports analyzing their YES Abroad monitoring findings to the Bureau in their quarterly program reports. All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

IV.3e. Please take the following information into consideration when preparing your budget:

IV.3e.1. Applicants must submit SF–424A—"Budget Information—Non-Construction Programs" along with a comprehensive budget for the entire program. *Awards may not exceed $17,500,000. Please indicate clearly the number of students funded, by country.* There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification.

IV.3e.2. Any/all sub-awards/agreements including accompanying budgets required to accomplish overall program objectives described herein, shall be submitted with the proposal package and must be approved by the Grants Officer, prior to commencement.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

IV.3f. Submission Dates and Times

Application Deadline Date: June 3, 2010.

Reference Number: ECA/PE/C/PY–10–06.

Methods of Submission—Applications may be submitted in one of two ways:

(1) In hard-copy, via a nationally recognized overnight delivery service (*i.e.,* DHL, Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, *etc.*), or

(2) Electronically through *http://www.grants.gov.*

Along with the Project Title, all applicants must enter the above

Reference Number in Box 11 on the SF–424 contained in the mandatory Proposal Submission Instructions (PSI) of the solicitation document.

IV.3f.1. Submitting Printed Applications

Applications must be shipped no later than the above deadline. Delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at ECA more than seven days after the deadline will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. ECA will *not* notify you upon receipt of application. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to ECA via the Internet. Delivery of proposal packages *may not* be made via local courier service or in person for this competition. Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered.

Important note: When preparing your submission please make sure to include one extra copy of the completed SF–424 form and place it in an envelope addressed to "ECA/EX/PM".

The original and ten (10) copies of the application should be sent to: Program Management Division, ECA–IIP/EX/PM, Ref.: ECA/PE/C/PY–10–06, SA–5, Floor 4, Department of State, 2200 C Street, NW., Washington, DC 20522–0504.

Applicants submitting hard-copy applications must also submit the "Executive Summary" and "Proposal Narrative" sections of the proposal in text (.txt) or Microsoft Word format on CD–ROM to the program officer at *BakerKM1@state.gov.* As appropriate, the Bureau will provide these files electronically to Public Affairs Section(s) at the U.S. embassies for their review.

IV.3f.2. Submitting Electronic Applications

Applicants have the option of submitting proposals electronically through Grants.gov (*http://www.grants.gov*). Complete solicitation packages are available at Grants.gov in the "Find" portion of the system.

Please Note: ECA bears no responsibility for applicant timeliness of submission or data errors resulting from transmission or conversion processes for proposals submitted via Grants.gov.

Please follow the instructions available in the 'Get Started' portion of the site (*http://www.grants.gov/GetStarted*).

Several of the steps in the Grants.gov registration process could take several weeks. Therefore, applicants should check with appropriate staff within their organizations immediately after reviewing this RFGP to confirm or determine their registration status with Grants.gov.

Once registered, the amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your internet connection. In addition, validation of an electronic submission via Grants.gov can take up to two business days.

Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov.

The Grants.gov Web site includes extensive information on all phases/aspects of the Grants.gov process, including an extensive section on frequently asked questions, located under the "For Applicants" section of the Web site. ECA strongly recommends that all potential applicants review thoroughly the Grants.gov Web site, well in advance of submitting a proposal through the Grants.gov system. ECA bears no responsibility for data errors resulting from transmission or conversion processes.

Direct all questions regarding Grants.gov registration and submission to:

Grants.gov Customer Support.

Contact Center Phone: 800–518–4726.

Business Hours: Monday–Friday, 7 a.m.–9 p.m. EST.

E-mail: support@grants.gov.

Applicants have until midnight (12 a.m.), Washington, DC time of the closing date to ensure that their entire application has been uploaded to the Grants.gov site. *There are no exceptions to the above deadline. Applications uploaded to the site after midnight of the application deadline date will be automatically rejected by the Grants.gov system, and will be technically ineligible.*

Applicants will receive a confirmation e-mail from Grants.gov upon the successful submission of an application. ECA will *not* notify you upon receipt of electronic applications. It is the responsibility of all applicants submitting proposals via the Grants.gov web portal to ensure that proposals have been received by Grants.gov in their entirety. ECA bears no responsibility for data errors resulting from transmission or conversion processes.

IV.3g. Intergovernmental Review of Applications

Executive Order 12372 does not apply to this program.

IV.3f.2. Submitting Electronic Applications

Applicants have the option of submitting proposals electronically through Grants.gov (*http://www.grants.gov*). Complete solicitation packages are available at Grants.gov in the "Find" portion of the system.

Please Note: Due to Recovery Act related opportunities, there has been a higher than usual volume of grant proposals submitted through Grants.gov. Potential applicants are advised that the increased volume may affect the grants.gov proposal submission process. As stated in this RFGP, ECA bears no responsibility for applicant timeliness of submission or data errors resulting from transmission or conversion processes for proposals submitted via Grants.gov. Please follow the instructions available in the 'Get Started' portion of the site (*http://www.grants.gov/GetStarted*).

Several of the steps in the Grants.gov registration process could take several weeks. Therefore, applicants should check with appropriate staff within their organizations immediately after reviewing this RFGP to confirm or determine their registration status with Grants.gov. Once registered, the amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your internet connection. In addition, validation of an electronic submission via Grants.gov can take up to two business days.

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Applicants will receive a confirmation e-mail from Grants.gov upon the successful submission of an application. ECA will *not* notify you upon receipt of electronic applications.

It is the responsibility of all applicants submitting proposals via the Grants.gov Web portal to ensure that proposals have been received by Grants.gov in their entirety. ECA bears no responsibility for data errors resulting from transmission or conversion processes.

IV.3g. Intergovernmental Review of Applications: Executive Order 12372 does not apply to this program.

V. Application Review Information

V.1. Review Process

The Bureau will review all proposals for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. In addition, ECA will review the record of compliance with 22 CFR 62 *et seq.* of applicant organizations designated as Exchange Visitor Program Sponsors by ECA's Office of Private Sector Exchange. If it is determined that an applicant organization submitting a proposal has a record of not being in compliance, their proposal will be deemed technically ineligible and receive no further consideration in the review process. If in compliance, the applicant organization's record of compliance will be used as one factor in evaluating the record/ability of organizations to carry out successful exchange programs.

All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards grants resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. *Quality of the program idea and planning:* Proposals should exhibit originality, substance, precision, and relevance to the Bureau's mission and the purposes outlined in the solicitation. Detailed agenda and relevant work plan should demonstrate the ability to ensure that the proposed project accomplishes the stated objectives in the desired time frame. Proposals should demonstrate how students will be recruited, selected, monitored, trained and prepared for their role as YES alumni. The level of creativity, resources, and effectiveness will be primary factors for review. Proposals should be clearly and accurately written, with sufficient, relevant detail. The Narrative should address all of the items in the Statement of Work and Guidelines described above.

2. *Support of Diversity:* Proposals should demonstrate substantive support of the Bureau's policy on diversity in all program aspects including participants (exchange students and hosts), sending and hosting communities, as well as content of orientation, program activities, resource materials, and follow-up activities. Proposals should articulate a diversity plan, not just a statement of compliance.

3. *Organization's Record/Institutional Capacity:* Proposed personnel and institutional resources should be adequate and appropriate to achieve the program's goals. Reviewers will assess the applicant and its partners to determine if they offer adequate resources, expertise, and experience to fulfill program objectives. Partner activities should be clearly defined. Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting and J–1 Visa requirements for past Bureau grants as determined by Bureau Grant Staff. ECA will consider the past performance of prior recipients and the demonstrated potential of new applicants. In addition, organizations designated as Exchange Visitor Program Sponsors must include a discussion of their record of compliance with 22 CFR 62 *et seq.,* including the oversight of their Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, record-keeping, reporting and other requirements. Proposals that fail to include the above information in their narrative will be deemed less or not competitive under this review criterion. ECA will review the record of compliance with 22 CFR 62 *et seq.* of organizations designated as Exchange Visitor Program Sponsors as one factor in evaluating the record/ ability of organizations to carry out successful exchange programs.

4. *Multiplier effect/Follow-on activities:* Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual ties both during the exchange and after the participants return home. Proposals should provide a plan for continued contact with alumni to ensure that they are tracked over time, utilized and/or organized as alumni, and provided opportunities to reinforce the knowledge and skills they acquired on the exchange and share them with others.

5. *Participant Monitoring:* Proposals must include a detailed monitoring plan for YES Abroad students. Given the importance the Department places on this criterion, you should dedicate a significant percentage of the narrative to explaining how you will achieve the Department's goals in regard to monitoring. You may use the appendices to house additional details and supporting documentation.

6. *Project Evaluation:* The proposal narrative must demonstrate how the applicant plans to assess the program's success in achieving program objectives and efficient operations, and what instruments will be employed to evaluate the program, including pre-departure orientations. Applicants may describe any experience conducting results-oriented evaluations. Successful applicants will demonstrate clear program goals and objectives as well as strategies for monitoring YES Abroad student and alumni progress, for both YES Abroad and YES inbound students. The grantee is also expected to submit quarterly reports that include YES Abroad student and alumni activities and progress.

7. *Cost-effectiveness/Cost-Sharing:* Reviewers will analyze the budget for clarity and cost-effectiveness. They will also assess the rationale of the proposed budget and whether the allocation of

funds is appropriate to complete tasks outlined in the project narrative. The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions. Preference will be given to organizations whose proposals demonstrate a quality, cost-effective program.

8. *Value to U.S.-Partner Country Relations:* Proposals should indicate how the program is of value to US and partner countries' interests, and receive positive assessments by the U.S. Department of State's geographic area desks and overseas officers of program need, potential impact, and significance in the partner countries.

VI. Award Administration Information

VI.1a. Award Notices

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures. Successful applicants will receive a Federal Assistance Award (FAA) from the Bureau's Grants Office. The FAA and the original proposal with subsequent modifications (if applicable) shall be the only binding authorizing document between the recipient and the U.S. Government. The FAA will be signed by an authorized Grants Officer, and mailed to the recipient's responsible officer identified in the application. Unsuccessful applicants will receive notification of the results of the application review from the ECA program office coordinating this competition.

VI.1b. The following additional requirements apply to this project:

All awards made under this competition must be executed according to all relevant U.S. laws and policies regarding assistance to the Palestinian Authority, and to the West Bank and Gaza. Organizations must consult with relevant Public Affairs Offices before entering into any formal arrangements or agreements with Palestinian organizations or institutions.

Note: To assure that planning for the inclusion of the Palestinian Authority complies with requirements, please contact Kevin Baker, Program Officer, telephone (202) 632–6073 or *BakerKM1@state.gov* for additional information.

Special Provision for Performance in a Designated Combat Area (Currently Iraq and Afghanistan) (December 2008)

All Recipient personnel deploying to areas of combat operations, as designated by the Secretary of Defense (currently Iraq and Afghanistan), under assistance awards over $100,000 or performance over 14 days must register in the Department of Defense maintained Synchronized Pre-deployment and Operational Tracker (SPOT) system. Recipients of Federal assistance awards shall register in SPOT before deployment, or if already in the designated operational area, register upon becoming an employee under the assistance award, and maintain current data in SPOT. Information on how to register in SPOT will be available from your Grants Officer or Grants Officer Representative during the final negotiation and approval stages in the Federal assistance awards process. Recipients of Federal assistance awards are advised that adherence to this policy and procedure will be a requirement of all final Federal assistance awards issued by ECA.

Recipient performance may require the use of armed private security personnel. To the extent that such private security contractors (PSCs) are required, grantees are required to ensure they adhere to Chief of Mission (COM) policies and procedures regarding the operation, oversight, and accountability of PSCs.

VI.2. Administrative and National Policy Requirements

Terms and Conditions for the Administration of ECA agreements include the following:

Office of Management and Budget Circular A–122, "Cost Principles for Nonprofit Organizations"

Office of Management and Budget Circular A–21, "Cost Principles for Educational Institution"

OMB Circular A–87, "Cost Principles for State, Local and Indian Governments"

OMB Circular No. A–110 (Revised), Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations

OMB Circular No. A–102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments

OMB Circular No. A–133, Audits of States, Local Government, and Non-profit Organizations

Please reference the following Web sites for additional information: *http://www.whitehouse.gov/omb/grants; http://fa.statebuy.state.gov*.

VI.3. Reporting Requirements

You must provide ECA with a hard copy original plus one copy of the following reports:

(1) A final program and financial report no more than 90 days after the expiration of the award;

(2) A concise, one-page final program report summarizing program outcomes no more than 90 days after the expiration of the award. This one-page report will be transmitted to OMB, and be made available to the public via OMB's *USAspending.gov* Web site—as part of ECA's Federal Funding Accountability and Transparency Act (FFATA) reporting requirements.

(3) A SF–PPR, "Performance Progress Report" Cover Sheet with all program reports.

(4) Quarterly program and financial reports which should include both quantitative and qualitative data you have available;

All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

Award recipients will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. (Please refer to IV. Application and Submission Instructions (IV.3.d.3) above for Program Monitoring and Evaluation information.)

All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

All reports must be sent to the ECA Grants Officer and ECA Program Officer listed in the final assistance award document.

Program Data Requirements:

Award recipients will be required to maintain specific data on program participants and activities in an electronically accessible database format that can be shared with the Bureau as required. As a minimum, the data must include the following:

(1) Name, address, contact information and biographic sketch of all persons who travel internationally on funds provided by the agreement or who benefit from the award funding but do not travel.

(2) Itineraries of international and domestic travel, providing dates of travel and cities in which any exchange experiences take place. Final schedules for in-country and U.S. activities must be received by the ECA Program Officer

at least three work days prior to the official opening of the activity.

VII. Agency Contacts

For questions about this announcement, contact: Kevin Baker, Program Officer, ECA/PE/C/PY, 3E14 Ref. Nr. ECA/PE/C/PY–10–06, U.S. Department of State, SA–5, 2200 C St., NW., Washington, DC 20522, tel. 202–632–6073 or e-mail: *BakerKM1@state.gov.*

All correspondence with the Bureau concerning this RFGP should reference the above title and number ECA/PE/C/PY–10–06. Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

VIII. Other Information

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: April 15, 2010.

Maura M. Pally,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 2010–9334 Filed 4–21–10; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 6968]

Bureau of Educational and Cultural Affairs (ECA) Request for Grant Proposals: Community College Faculty and Administrator Program With Indonesia

Announcement Type: New Cooperative Agreement.

Funding Opportunity Number: ECA/A/S/U–10–03.

Catalog of Federal Domestic Assistance Number: 19.408.

Application Deadline: June 1, 2010.

Executive Summary: The Office of Global Educational Programs of the U.S. Department of State's Bureau of Educational and Cultural Affairs (ECA) announces an open competition to administer the Community College Faculty and Administrator Program with Indonesia. Community college consortia and other associations of accredited U.S. community colleges meeting the provisions described in Internal Revenue Code section 501(c)3 may submit proposals to cooperate with the Bureau to administer and implement a four-month exchange program for participants from post-secondary vocational and technical institutions in Indonesia. Key components of the Program will include professional development, leadership training, and the experience of U.S. society and culture.

The four-month academic exchange program will take place from January 2011 onward. In addition, if needed, English instruction will be offered in the U.S. to selected participants during the fall prior to the start of the academic program. The total award for all program and administrative expenses covered under the agreement will be up to approximately $500,000. In order to maximize the number of participants under this program, it is the Bureau's expectation that significant institutional and private sector funding and cost-sharing will be made available by cooperating organizations. We anticipate that approximately 18 to 20 faculty and administrators will participate in the program with one faculty and one administrator participating from each one of nine or ten vocational or technical institutions in Indonesia.

I. Funding Opportunity Description

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." The funding authority for the program above is provided through legislation.

Purpose

The Community College Faculty and Administrator Program with Indonesia will provide professional development opportunities for educators from post-secondary vocational and technical institutions in Indonesia that serve economically disadvantaged and historically underserved populations, including women and ethnic minorities. Participants will share information about their own institutions with their host colleges; further develop administrative or pedagogical skills; and learn first-hand about U.S. society and culture. A key objective of the Program is to introduce participants to the U.S. higher education system and provide them with a better understanding of U.S. community colleges, their mission, their administration, and their role in the U.S. economy, especially in linking education to employment. The Program will include vocational skills acquisition, leadership skills development, and English language training. The Program will prepare participants to make enhanced contributions to Indonesia's development by encouraging a more dynamic relationship between their institutions and key sectors in Indonesia's economy and by improving administrative and instructional practices in vocational and technical education.

The Program also will provide participants and their U.S. colleagues with the opportunity to develop lasting ties as a basis for on-going cooperation. Participants will discuss and experience, in consultation with U.S. counterparts, strategies for increasing access to higher education among underserved sectors; for teaching in mixed-age, mixed-ability classrooms; for developing partnerships with business and industry; and other educational approaches with which U.S. community colleges have relevant expertise.

Guidelines

Applicants are requested to submit a narrative of no more than 20 double-spaced, single-sided pages outlining a comprehensive strategy for the administration and implementation of the Community College Faculty and Administrator Program with Indonesia.

Participants

The Fulbright Commission in Jakarta, Indonesia will recruit participants.

Faculty participants are expected to have a minimum of five years of teaching experience as well as hands-on work experience in their fields of teaching expertise; show a strong

commitment to teaching; and demonstrate an interest in innovative approaches to education. They will propose specific projects related to curriculum development or professional development. It is anticipated that faculty will be selected in the fields of business management and tourism and hospitality management. Faculty participants will be required to have English proficiency equivalent to that represented by a TOEFL score of 500.

Administrator participants are expected to have a minimum of three years of administrative experience, a record of leadership, and a commitment to educational reform. They will explore specific topics related to administrative practices, community relations, professional development or curriculum development. Preference will be given to administrators with previous teaching experience and/or some ongoing teaching responsibility. Because some administrator participants also have some teaching responsibilities at their institutions in Indonesia, administrator participants may have projects related to curriculum development as well as issues in educational reform. International administrator participants will be required to have English proficiency equivalent to that represented by a TOEFL score of 450.

Program Design

U.S. Host Colleges

Proposals should designate two primary U.S. host colleges—one for administrators and the other for faculty participants. Each primary host college should cooperate with additional colleges within a community college district, State system, consortium, to provide participants with a broad exposure to institutional missions and practices in the community college sector.

Host College Coordinators

Each primary host college should designate a coordinator with responsibility for providing guidance to participants on their projects and for working with each participant to develop a program of consultation, networking, and study that is relevant to the participant's interests. The coordinator should have knowledge of cross-cultural communication, group dynamics and organizational development and be able to assist the group in developing decision-making and problem-solving skills.

The coordinator at the primary host college for faculty participants should make arrangements for them to attend relevant courses in their fields of specialization to enable them both to acquire new vocational skills and to observe classroom practices. U.S. faculty should meet with program participants to share information about teaching approaches and may invite program participants to co-teach or assist in classes as appropriate.

The coordinator at the primary host college for administrator participants should arrange for each participant to have a U.S. mentor counterpart with responsibilities relevant to the interests of the administrator participant. The U.S. mentor administrators should provide participants with opportunities to "job shadow" or other appropriate opportunities to experience and understand relevant administrative practices firsthand. Administrator participants with curriculum development projects should also be assigned a faculty mentor. All administrator participants should be able to attend courses to enable them both to acquire new technical skills and to observe classroom practices.

The coordinator at each primary host college should also organize a program of seminars and workshops to enable participants to exchange ideas, experiences, and teaching and administrative best practices with U.S. community college faculty and administrators on a regular basis. The program of seminars and workshops should also introduce participants to the U.S. higher education system and provide them with a better understanding of U.S. community colleges, their mission, their administration, and their economic role. In addition, the seminars and workshops should provide opportunities for participants to discuss their observations, share their experiences, and identify possible lessons for adaptation in Indonesia. Sessions should encourage participants to reflect on their projects and to provide one another with feedback.

Program-Wide Mid-Semester Seminar

Proposals should also describe a three- to four-day, mid-semester seminar at a common location, bringing together administrator and faculty participants to consult with one another and develop plans for adaptation and implementation in Indonesia. The program-wide mid-semester seminar should emphasize leadership skills and feature key speakers with insights into the role and achievements of community colleges and best practices in teaching and administration.

English Language Study

Proposals should describe both a fall program of intensive English language study and the availability of on-going English language study during the semester-long academic program.

To enable the Program to accommodate qualified mid-career instructors from non-traditional and less privileged populations, proposals should designate a host college to offer four weeks of intensive English instruction in the U.S. to approximately half the participants during the fall prior to the academic program. The host college offering the intensive English program may be one of the primary host colleges or it may be another college.

Proposals should also describe on-going English as a Second Language programs and services at the primary host colleges, and include a plan to make additional, on-going language study available to all participants who need it at their host colleges as part of their academic program.

Involvement in Community Life

Proposals should describe activities that would enable participants to become involved in the social and cultural life of their local U.S. communities: For example, making presentations to local schools, businesses and civic groups or other community organizations; involvement with families; and attendance at educational and cultural events that demonstrate key features of U.S. society and culture.

Program Administration

Proposals also explain how pre-departure orientation materials will be developed and disseminated, participants registered in SEVIS under a program number to be provided by the Bureau, and post-arrival orientation programming sessions organized.

Proposals should outline procedures for supporting participants; for monitoring and evaluating their programs; and for follow-up with program alumni.

The budget should request funding for round-trip international travel from Indonesia to U.S. host institutions for all participants; round-trip domestic travel for the mid-program seminar if necessary; pre-academic intensive English language training; tuition if necessary; books; maintenance allowance; housing and costs for program administration. Applicant organizations should explain processes for providing maintenance, book, and other allowances to program participants and for paying tuition fees

directly to host colleges if necessary. If possible, to streamline administrative procedures and to maintain the flexibility to respond to program developments as they occur, organizations should propose processes to provide payments to participants and colleges directly without requiring formal sub-agreements with each participating college.

Cost-sharing is expected from organizations applying to cooperate with the Bureau on this program. Applicant organizations are encouraged to include third-party contributions in their proposals.

Proposals should demonstrate depth of experience in conducting and administering complex and multi-faceted international education and cultural exchange programs. Proposals should provide a plan for continued follow-on activity (without Bureau support), such as tracking and maintaining updated lists of all alumni and facilitating follow-up activities with alumni, including ongoing communication between alumni and U.S. community college faculty.

Programs and projects must conform with the requirements and guidelines outlined in the Solicitation Package, which includes the Request for Grant Proposals (RFGP), the Project Objectives, Goals and Implementation (POGI) and the Proposal Submission Instructions (PSI).

In a Cooperative Agreement, the Bureau is substantially involved in program activities above and beyond routine grant monitoring. Bureau activities and responsibilities for this program include:

(1) Participation in the design and direction of program activities;

(2) Approval of key personnel;

(3) Approval and input on program timelines and agendas;

(4) Guidance in execution of all program components;

(5) Review and approval of all program publicity and other materials;

(6) Approval of host colleges;

(7) Final selection of participants;

(8) Approval of changes to a participant's proposed host college;

(9) Approval of decisions related to special circumstances or problems throughout duration of program;

(10) Assistance with SEVIS-related issues;

(11) Assistance with participant emergencies;

(12) Liaison with the U.S. Embassy and Fulbright Commission in Jakarta and country desk officers at the State Department.

This Cooperative Agreement should begin on or about September 15, 2010 and will run through December 31, 2011. Cooperative Agreements will include both the administrative and program portions of the program.

II. Award Information

Type of Award: Cooperative Agreement. ECA's level of involvement in this program is listed under number I above.

Fiscal Year Funds: FY2010.

Approximate Total Funding: $500,000.

Approximate Number of Awards: One.

Approximate Average Award: $500,000.

Anticipated Award Date: September 15, 2010.

Anticipated Project Completion Date: December 31, 2011.

Additional Information

Pending successful implementation of this program and the availability of funds in subsequent fiscal years, it is ECA's intent to renew this Cooperative Agreement for two additional fiscal years, before openly competing it again. In subsequent years, other fields may be added such as: Agriculture; Allied Health Fields, including Nursing; Applied Engineering; Information Technology; and Media. In addition, participating countries may be adjusted.

III. Eligibility Information

III.1. Eligible Applicants

Applications may be submitted by public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3) that are consortia of accredited U.S. community colleges or other combinations of community colleges. Applications must designate a lead institution to receive and administer the award.

III.2. Cost-Sharing or Matching Funds

There is no minimum or maximum percentage required for this competition. However, the Bureau encourages applicants to provide maximum levels of cost-sharing and funding in support of its programs.

When cost-sharing is offered, it is understood and agreed that the applicant must provide the amount of cost-sharing as stipulated in its proposal and later included in an approved agreement. Cost-sharing may be in the form of allowable direct or indirect costs. For accountability, you must maintain written records to support all costs that are claimed as your contribution, as well as costs to be paid by the Federal government. Such records are subject to audit. The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A–110, (Revised), Subpart C.23—Cost-Sharing and Matching. In the event you do not provide the minimum amount of cost-sharing as stipulated in the approved budget, ECA's contribution will be reduced in like proportion.

III.3. Other Eligibility Requirements

(a) Bureau grant guidelines require that organizations with less than four years experience in conducting international exchanges be limited to $60,000 in Bureau funding. ECA anticipates making one award, in an amount up to $500,000 to support program and administrative costs required to implement this exchange program. Therefore, organizations with less than four years experience in conducting international exchanges are ineligible to apply under this competition. The Bureau encourages applicants to provide maximum levels of cost-sharing and funding in support of its programs.

IV. Application and Submission Information

Note: Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

IV.1 Contact Information To Request an Application Package

Please contact the Program Officer, Mary Lou Johnson-Pizarro, in the Office of Global Educational Programs, ECA/A/S/U, SA–05, Floor 4, Department of State, Washington, DC 20522–0504, (202) 632–9483, *Johnson-PizarroML@state.gov*, to request a Solicitation Package. Please refer to the Funding Opportunity Number ECA/A/S/U–10–03 located at the top of this announcement when making your request. Alternatively, an electronic application package may be obtained from grants.gov. Please *see* section IV.3f for further information.

The Solicitation Package contains the Proposal Submission Instruction (PSI) document which consists of required application forms, and standard guidelines for proposal preparation.

It also contains the Project Objectives, Goals and Implementation (POGI) document, which provides specific information, award criteria and budget instructions tailored to this competition.

IV.2. To Download a Solicitation Package via Internet

The entire Solicitation Package may be downloaded from the Bureau's Web site at *http://exchanges.state.gov/grants/open2.html,* or from the Grants.gov Web site at *http://www.grants.gov.*

Please read all information before downloading.

IV.3. Content and Form of Submission

Applicants must follow all instructions in the Solicitation Package. The application should be submitted per the instructions under IV.3f. "Application Deadline and Methods of Submission" section below.

IV.3a. You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or Cooperative Agreement from the U.S. Government. This number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy, and there is no charge. To obtain a DUNS number, access *http://www.dunandbradstreet.com* or call 1–866–705–5711. Please ensure that your DUNS number is included in the appropriate box of the SF–424 which is part of the formal application package.

IV.3b. All proposals must contain an executive summary, proposal narrative and budget.

Please refer to the Solicitation Package. It contains the mandatory Proposal Submission Instructions (PSI) document *and the Project Objectives, Goals and Implementation (POGI) document* for additional formatting and technical requirements.

IV.3c. You must have nonprofit status with the IRS at the time of application. **Please Note:** Effective January 7, 2009, all applicants for ECA Federal assistance awards must include in their application the names of directors and/or senior executives (current officers, trustees, and key employees, regardless of amount of compensation). In fulfilling this requirement, applicants must submit information in one of the following ways:

(1) Those who file Internal Revenue Service Form 990, "Return of Organization Exempt From Income Tax," must include a copy of relevant portions of this form.

(2) Those who do not file IRS Form 990 must submit information above in the format of their choice.

In addition to final program reporting requirements, award recipients will also be required to submit a one-page document, derived from their program reports, listing and describing their grant activities. For award recipients, the names of directors and/or senior executives (current officers, trustees, and key employees), as well as the one-page description of grant activities, will be transmitted by the State Department to OMB, along with other information required by the Federal Funding Accountability and Transparency Act (FFATA), and will be made available to the public by the Office of Management and Budget on its *USASpending.gov* Web site as part of ECA's FFATA reporting requirements.

If your organization is a private nonprofit which has not received a grant or Cooperative Agreement from ECA in the past three years, or if your organization received nonprofit status from the IRS within the past four years, you must submit the necessary documentation to verify nonprofit status as directed in the PSI document. Failure to do so will cause your proposal to be declared technically ineligible.

IV.3d. Please take into consideration the following information when preparing your proposal narrative:

IV.3d.1 Adherence to All Regulations Governing the J Visa

The Bureau of Educational and Cultural Affairs places critically important emphases on the security and proper administration of the Exchange Visitor (J visa) Programs and adherence by award recipients and sponsors to all regulations governing the J visa. Therefore, proposals should demonstrate the applicant's capacity to meet all requirements governing the administration of the Exchange Visitor Programs as set forth in 22 CFR 62, including the oversight of Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, record-keeping, reporting and other requirements. The award recipient will be responsible for issuing DS–2019 forms to participants in this program.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at *http://exchanges.state.gov* or from: United States Department of State, Office of Exchange Coordination and Designation, Office of Designation, ECA/EC/D, SA–5, Floor C2, Department of State, Washington, DC 20522–0582.

Please refer to Solicitation Package for further information.

IV.3d.2 Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and disabilities. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the "Support for Diversity" section for specific suggestions on incorporating diversity into your proposal. Public Law 104–319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy," the Bureau "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Public Law 106—113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

IV.3d.3. Program Monitoring and Evaluation

Proposals must include a plan to monitor and evaluate the project's success, both as the activities unfold and at the end of the program. The Bureau recommends that your proposal include a draft survey questionnaire or other technique plus a description of a methodology to use to link outcomes to original project objectives. The Bureau expects that the recipient organization will track participants or partners and be able to respond to key evaluation questions, including satisfaction with the program, learning as a result of the program, changes in behavior as a result of the program, and effects of the program on institutions (institutions in which participants work or partner institutions). The evaluation plan should include indicators that measure gains in mutual understanding as well as substantive knowledge.

Successful monitoring and evaluation depend heavily on setting clear goals and outcomes at the outset of a program. Your evaluation plan should include a description of your project's objectives, your anticipated project outcomes, and

how and when you intend to measure these outcomes (performance indicators). The more that outcomes are "smart" (specific, measurable, attainable, results-oriented, and placed in a reasonable time frame), the easier it will be to conduct the evaluation. You should also show how your project objectives link to the goals of the program described in this RFGP.

Your monitoring and evaluation plan should clearly distinguish between program *outputs* and *outcomes. Outputs* are products and services delivered, often stated as an amount. Output information is important to show the scope or size of project activities, but it cannot substitute for information about progress towards outcomes or the results achieved. Examples of outputs include the number of people trained or the number of seminars conducted. *Outcomes,* in contrast, represent specific results a project is intended to achieve and is usually measured as an extent of change. Findings on outputs and outcomes should both be reported, but the focus should be on outcomes.

We encourage you to assess the following four levels of outcomes, as they relate to the program goals set out in the RFGP (listed here in increasing order of importance):

1. *Participant satisfaction* with the program and exchange experience.
2. *Participant learning,* such as increased knowledge, aptitude, skills, and changed understanding and attitude. Learning includes both substantive (subject-specific) learning and mutual understanding.
3. *Participant behavior,* concrete actions to apply knowledge in work or community; greater participation and responsibility in civic organizations; interpretation and explanation of experiences and new knowledge gained; continued contacts between participants, community members, and others.
4. *Institutional changes,* such as increased collaboration and partnerships, policy reforms, new programming, and organizational improvements.

Please note: Consideration should be given to the appropriate timing of data collection for each level of outcome. For example, satisfaction is usually captured as a short-term outcome, whereas behavior and institutional changes are normally considered longer-term outcomes.

Overall, the quality of your monitoring and evaluation plan will be judged on how well it: (1) Specifies intended outcomes; (2) gives clear descriptions of how each outcome will be measured; (3) identifies when particular outcomes will be measured; and (4) provides a clear description of the data collection strategies for each outcome (*i.e.,* surveys, interviews, or focus groups). (**Please note** that evaluation plans that deal only with the first level of outcomes [satisfaction] will be deemed less competitive under the present evaluation criteria.)

Recipient organizations will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

IV.3e. Please take the following information into consideration when preparing your budget:

IV.3e.1. Applicants must submit SF–424A—"Budget Information—Non-Construction Programs" along with a comprehensive budget for the entire program. Budget requests may not exceed $500,000. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification.

IV.3e.2. Allowable costs for the program and additional budget guidance are outlined in detail in the POGI document.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

IV.3f. Application Deadline and Methods of Submission

Application Deadline Date: June 1, 2010.

Reference Number: ECA/A/S/U–10–03.

Methods of Submission:

Applications may be submitted in one of two ways:

(1) In hard-copy, via a nationally recognized overnight delivery service (*i.e.,* Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, *etc.*), or

(2) Electronically through *http://www.grants.gov.*

Please note: ECA strongly encourages organizations interested in applying for this competition to submit printed, hard copy applications as outlined in section IV.3f.1., below rather than submitting electronically through Grants.gov. This recommendation is being made as a result of the anticipated high volume of grant proposals that will be submitted via the Grants.gov Web portal as part of the Recovery Act stimulus package. As stated in this RFGP, ECA bears no responsibility for data errors resulting from transmission or conversion processes for proposals submitted via Grants.gov.

Along with the Project Title, all applicants must enter the above Reference Number in Box 11 on the SF–424 contained in the mandatory Proposal Submission Instructions (PSI) of the solicitation document.

IV.3f.1 Submitting Printed Applications

Applications must be shipped no later than the above deadline. Delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at ECA more than seven days after the deadline will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. ECA will *not* notify you upon receipt of application. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to ECA via the Internet. Delivery of proposal packages *may not* be made via local courier service or in person for this competition. Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered.

Important Note: When preparing your submission please make sure to include one extra copy of the completed SF–424 form and place it in an envelope addressed to "ECA/EX/PM".

The original and 7 copies of the application should be sent to: Program Management Division, ECA–IIP/EX/PM, Ref.: ECA/A/S/U–10–03, SA–5, Floor 4, Department of State, 2200 C Street, NW., Washington, DC 20522–0504.

Applicants submitting hard-copy applications must also submit the "Executive Summary" and "Proposal Narrative" sections of the proposal in text (.txt) or Microsoft Word format on a PC-formatted disk. The Bureau will provide these files electronically to the appropriate Public Affairs Section(s) at the U.S. embassies for their review.

IV.3f.2—Submitting Electronic Applications

Applicants have the option of submitting proposals electronically through Grants.gov (*http://www.grants.gov*). Complete solicitation

packages are available at Grants.gov in the "Find" portion of the system.

Please note: ECA strongly encourages organizations interested in applying for this competition to submit printed, hard copy applications as outlined in section IV.3f.1. above, rather than submitting electronically through Grants.gov. This recommendation is being made as a result of the anticipated high volume of grant proposals that will be submitted via the Grants.gov Web portal as part of the Recovery Act stimulus package. As stated in this RFGP, ECA bears no responsibility for data errors resulting from transmission or conversion processes for proposals submitted via Grants.gov.

Please follow the instructions available in the "Get Started" portion of the site (*http://www.grants.gov/GetStarted*).

Several of the steps in the Grants.gov registration process could take several weeks. Therefore, applicants should check with appropriate staff within their organizations immediately after reviewing this RFGP to confirm or determine their registration status with Grants.gov.

Once registered, the amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. In addition, validation of an electronic submission via Grants.gov can take up to two business days.

Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov.

The Grants.gov Web site includes extensive information on all phases/aspects of the Grants.gov process, including an extensive section on frequently asked questions, located under the "For Applicants" section of the Web site. ECA strongly recommends that all potential applicants review thoroughly the Grants.gov Web site, well in advance of submitting a proposal through the Grants.gov system. ECA bears no responsibility for data errors resulting from transmission or conversion processes.

Direct all questions regarding Grants.gov registration and submission to:

Grants.gov Customer Support.

Contact Center Phone: 800 -518–4726.

Business Hours: Monday—Friday, 7 a.m.—9 p.m. Eastern Time.

E-mail: support@grants.gov.

Applicants have until midnight (12 a.m.), Washington, DC time of the closing date to ensure that their entire application has been uploaded to the Grants.gov site. There are no exceptions to the above deadline. Applications uploaded to the site after midnight of the application deadline date will be automatically rejected by the grants.gov system, and will be technically ineligible.

Please refer to the Grants.gov Web site, for definitions of various "application statuses" and the difference between a submission receipt and a submission validation.

Applicants will receive a validation e-mail from grants.gov upon the successful submission of an application. Again, validation of an electronic submission via Grants.gov can take up to two business days. Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov. ECA will *not* notify you upon receipt of electronic applications.

It is the responsibility of all applicants submitting proposals via the Grants.gov Web portal to ensure that proposals have been received by Grants.gov in their entirety, and ECA bears no responsibility for data errors resulting from transmission or conversion processes.

IV.3g. Intergovernmental Review of Applications

Executive Order 12372 does not apply to this program.

V. Application Review Information

V.1. Review Process

The Bureau will review all proposals for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for cooperative agreements resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. *Quality of the program idea:* Proposals should exhibit originality, substance, precision, and relevance to the Bureau's mission.

2. *Program planning:* Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above.

3. *Ability to achieve program objectives:* Objectives should be reasonable, feasible, and flexible. Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.

4. *Multiplier effect/impact:* Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

5. *Support of Diversity:* Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (selection of participants, program venue and program evaluation) and program content (orientation and wrap-up sessions, program meetings, resource materials and follow-up activities).

6. *Institutional Capacity:* Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals.

7. *Institution's Record/Ability:* Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau awards (grants or cooperative agreements) as determined by Bureau Grants Staff. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants.

8. *Follow-on Activities:* Proposals should provide a plan for continued follow-on activity (without Bureau support) ensuring that Bureau supported programs are not isolated events.

9. *Project Evaluation:* Proposals should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. A draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives is recommended.

10. *Cost-effectiveness:* The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate.

11. *Cost-sharing:* Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

VI. Award Administration Information

VI.1a. Award Notices

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures. Successful applicants will receive a Federal Assistance Award (FAA) from the Bureau's Grants Office. The FAA and the original proposal with subsequent modifications (if applicable) shall be the only binding authorizing document between the recipient and the U.S. Government. The FAA will be signed by an authorized Grants Officer, and mailed to the recipient's responsible officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review from the ECA program office coordinating this competition.

VI.2. Administrative and National Policy Requirements

Terms and Conditions for the Administration of ECA agreements include the following:

Office of Management and Budget Circular A–122, "Cost Principles for Nonprofit Organizations."

Office of Management and Budget Circular A–21, "Cost Principles for Educational Institutions."

OMB Circular A–87, "Cost Principles for State, Local and Indian Governments".

OMB Circular No. A–110 (Revised), Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations.

OMB Circular No. A–102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.

OMB Circular No. A–133, Audits of States, Local Government, and Non-profit Organizations.

Please reference the following Web sites for additional information:

http://www.whitehouse.gov/omb/grants.
http://fa.statebuy.state.gov.

VI.3. Reporting Requirements

You must provide ECA with a hard copy original plus two copies of the following reports:

(1) A final program and financial report no more than 90 days after the expiration of the award;

(2) A concise, one-page final program report summarizing program outcomes no more than 90 days after the expiration of the award. This one-page report will will be transmitted to OMB, and be made available to the public via OMB's USAspending.gov Web site—as part of ECA's Federal Funding Accountability and Transparency Act (FFATA) reporting requirements.

(3) A SF–PPR, "Performance Progress Report" Cover Sheet with all program reports.

Award recipients will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. (Please refer to IV. Application and Submission Instructions (IV.3.d.3) above for Program Monitoring and Evaluation information.)

All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

All reports must be sent to the ECA Grants Officer and ECA Program Officer listed in the final assistance award document.

VI.4. Optional Program Data Requirements

Award recipients will be required to maintain specific data on program participants and activities in an electronically accessible database format that can be shared with the Bureau as required. As a minimum, the data must include the following:

(1) Name, address, contact information and biographic sketch of all persons who travel internationally on funds provided by the agreement or who benefit from the award funding but do not travel.

(2) Itineraries of international and domestic travel, providing dates of travel and cities in which any exchange experiences take place. Final schedules for in-country and U.S. activities must be received by the ECA Program Officer at least three work days prior to the official opening of the activity.

VII. Agency Contacts

For questions about this announcement, contact: Mary Lou Johnson-Pizarro, in the Office of Global Educational Programs, ECA/A/S/U, SA–05, Floor 4, Department of State, Washington, DC 20522–0504, (202) 632–9483 *Johnson-PizarroML@state.gov.*

All correspondence with the Bureau concerning this RFGP should reference the above title and number ECA/A/S/U–10–03.

Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

VIII. Other Information

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: April 15, 2010.

Maura M. Pally,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 2010–9323 Filed 4–21–10; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 6963]

Bureau of Educational and Cultural Affairs (ECA) Request for Grant Proposals: Cultural Visitors Program

Announcement Type: New Cooperative Agreement.

Funding Opportunity Number: ECA/PE/C/CU–10–54.

Catalog of Federal Domestic Assistance Number: 19.415.

Key Dates:

Application Deadline: May 20, 2010.

Executive Summary: The U.S. Department of State's Bureau of Educational and Cultural Affairs (ECA) seeks an organization with a strong Washington presence to assist the Office of Citizen Exchanges, Cultural Programs Division, in the implementation of short-term, high-visibility cultural exchanges taking place during calendar years 2010, 2011 and 2012. Approximately 60 visitors from countries around the world will participate in initiatives/projects in the United States designed to promote interaction between foreign participants and their American peers. Cultural Visitors will include artists and arts professionals as well as youth with a special interest in the arts.

I. Funding Opportunity Description

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." The funding authority for the program above is provided through legislation.

Purpose

The goal of the Cultural Visitors Program is to provide foreign artists, arts professionals and foreign youth (aged 15–18 at the time of the exchange) with a special interest in the arts, an opportunity to travel to the United States to participate in intensive thematic and professional exchanges that will strengthen their career potential and deepen their understanding of U.S. society and culture. Specifically, this program will enable participants to:

- Strengthen professional potential through training, workshops and meetings that also provide new contacts and build networks;
- Foster understanding and build relationships with others from different ethnic, religious, and national groups;
- Learn more about U.S. society and culture, thereby countering negative stereotypes;
- Present their own culture to Americans;
- Become part of a network of leaders who will share their knowledge and skills with their peers and the broader community.

The award recipient must provide overall programmatic, logistical, and administrative support for each of approximately 60 foreign visitors for U.S.-based exchanges of approximately 5–30 days. Participants will include foreign educators, social influencers, artists, arts managers, and foreign youth with special interest in the arts.

The Cultural Visitors Program will include participation in American cultural and historic projects developed in cooperation with the National Endowment for Humanities (NEH), as well as individually-designed programs focused on the visual arts, dance, music, drama, film, literature, and other artistic and humanistic genres.

The award recipient will work closely with Cultural Programs Division staff, who will guide them through programmatic, procedural, and budgetary issues for the full range of Cultural Visitor programs. Most projects will start and end in Washington, DC. Other activities will take place at other sites in the United States. The exchange format will be intensive and interactive, weaving together both formal and informal sessions to achieve the stated goals and objectives. Applicants must present program plans that allow the participants to thoroughly explore the themes in a creative, memorable, and practical way. Activities should be designed to be replicable and provide practical knowledge and skills that the participants can apply back in their home country. Staff from the selected organizations will be expected to be available and/or attend certain components of the visitor programs, when necessary and appropriate, and in coordination with ECA.

Programs must contain substantive educational sessions or meetings that focus on program objectives presented by experts. Orientation sessions, meetings, site visits, and other program activities should promote dialogue between participants and their U.S. professional counterparts. Some cultural programs for adult participants may include a home stay or community visit.

In a cooperative agreement, ECA/PE/C/CU is substantially involved in program activities above and beyond routine monitoring. ECA/PE/C/CU responsibilities for this program are as follows:

- Selection of participants, who can be from any country and any region in the world;
- Participation in the general design and direction of program activities;
- Approval and input on program timelines and agendas;
- Guidance in execution of all program components;
- Review and approval of all program publicity and recruitment materials;
- Approval of decisions related to special circumstances or problems throughout duration of program;
- Management of all SEVIS-related issues, including issuance of DS–2019s for travel to the U.S.;
- Assistance with participant emergencies;
- Liaison with relevant U.S. Embassies and country desk officers at the State Department.

In consultation with ECA, the recipient will:

- Plan and coordinate all aspects of the visits, including generating suggestions for visitors based on their specific area of expertise;
- Arrange and pay for all air travel (domestic and international) and local transportation;
- Enroll participants in USG sponsored health care coverage (ASPE) and issue insurance cards upon arrival;
- Oversee all logistical aspects for the arrival of the visitors to the United States, and their departure;
- Prepare briefing materials;
- Locate, reserve and pay for hotels and/or home stays as applicable;
- Locate, reserve and pay for meeting rooms and/or other facilities;
- Engage appropriate cultural figures and arrange for meetings/events with them;
- Design and plan substantive and well-organized activities;
- Coordinate and pay for escorts and interpreters;
- Provide adult supervision for youth (aged 15–18 at the time of the exchange), including for overnight stays. Minors shall not stay with host families;
- Arrange for orientation and de-briefing sessions.

For purposes of this proposal, please use the following Cultural Visitor program as a model: Two music teachers from Jakarta, Indonesia, working with at-risk youth, will participate in a five-day orientation in Washington, DC and a seven-day individually-designed professional study program in St. Louis, Missouri. Upon the conclusion of their workshop or study program, the two visitors will travel from St. Louis, Missouri to Atlanta, Georgia, where they will experience a three-day home stay, prior to returning to Indonesia. The total length of this program will be 15 days. Program theme is 'using the arts as a mechanism for dealing with at-risk-youth.'

Proposals must demonstrate how these activities and/or objectives will be met and provide detailed information on major program activities as well as a justification for programmatic choices.

Programs must comply with J–1 visa regulations. Please refer to the complete Solicitation Package—this RFGP, the Project Objectives, Goals, and Implementation (POGI), and the Proposal Submission Instructions (PSI)—for further information.

For projects involving participants under the age of 18 specifically, please note the following:

The grant recipient must have a clear and careful recruitment, screening, and

selection process for chaperones, and must also provide the chaperones with an orientation prior to the arrival of their exchange participants, emphasizing the goals of the program. The orientation will provide chaperones with detailed information on the exchange program, the parameters of their participation, duties, and obligations, and information on cultural differences and practices. Chaperone references should be checked.

Projects with minor participants will involve additional requirements, which will be determined and communicated by the program office prior to each individual project.

While exchange participants may share a hotel room with someone of a similar age and the same gender, each must have his or her own bed.

II. Award Information

Type of Award: Cooperative Agreement.

Fiscal Year Funds: 2010.

Approximate Total Funding: $500,000.

Approximate Number of Awards: One.

Approximate Average Award: $500,000.

Anticipated Award Date: August 25, 2010.

Anticipated Project Completion Date: June 30, 2012.

Additional Information

Pending successful implementation of this program and the availability of funds in subsequent fiscal years, it is ECA's intent to renew this grant or cooperative agreement for two additional fiscal years, before openly competing it again.

III. Eligibility Information

III.1. Eligible Applicants

Applications may be submitted by public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3).

III.2. Cost Sharing or Matching Funds

There is no minimum or maximum percentage required for this competition. However, the Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

When cost sharing is offered, it is understood and agreed that the applicant must provide the amount of cost sharing as stipulated in its proposal and later included in an approved agreement. Cost sharing may be in the form of allowable direct or indirect costs. For accountability, you must maintain written records to support all costs which are claimed as your contribution, as well as costs to be paid by the Federal government. Such records are subject to audit. The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A–110, (Revised), Subpart C.23—Cost Sharing and Matching. In the event you do not provide the minimum amount of cost sharing as stipulated in the approved budget, ECA's contribution will be reduced in like proportion.

III.3. Other Eligibility Requirements

(a) Bureau grant guidelines require that organizations with less than four years experience in conducting international exchanges be limited to $60,000 in Bureau funding. ECA anticipates making an award in an amount of $500,000 to support program and administrative costs required to implement theses exchange programs. Therefore, organizations with less than four years experience in conducting international exchanges are ineligible to apply under this competition. The Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

(b) Award recipients must have a Washington, DC presence. Applicants who do not currently have a Washington, DC presence must include a detailed plan in their proposal for establishing such a presence by October 1, 2010. The costs related to establishing such a presence must be borne by the award recipient. No such costs may be included in the budget submission in this proposal. The award recipient must have e-mail capability, access to Internet resources, and the ability to exchange data electronically with all partners involved in the Cultural Visitors Program.

(c) Proposals must demonstrate that an applicant has an established resource base of programming contacts and the ability to keep this resource base continuously updated. This resource base should include speakers, thematic specialists, or practitioners in a wide range of professional fields in both the private and public sectors.

(d) *Technical Eligibility:* In addition to the requirements outlined in the Proposal Submission Instructions (PSI) technical format and instructions document, all proposals must comply with the following or they will result in your proposal being declared technically ineligible and given no further consideration in the review process.

The Office does not support proposals limited to conferences or seminars (*i.e.,* one- to fourteen-day programs with plenary sessions, main speakers, panels, and a passive audience). It will support conferences only when they are a small part of a larger project in duration that is receiving Bureau funding from this competition.

No funding is available exclusively to send U.S. citizens to conferences or conference-type seminars overseas; nor is funding available for bringing foreign nationals to conferences or to routine professional association meetings in the United States.

The Office of Citizen Exchanges does not support academic research or faculty or student fellowships.

IV. Application and Submission Information

Note: Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

IV.1. Contact Information To Request an Application Package

Please contact the Office of Citizen Exchanges, ECA/PE/C/CU, SA–05, Third Floor, U.S. Department of State, 2200 C Street, NW., Washington, DC 20522–0503, telephone number: 202–632–6422, fax number: 202–632–9355 or e-mail: *ProctorLM@state.gov* to request a Solicitation Package. Please refer to the Funding Opportunity Number: ECA/PE/C/CU–10–54 located at the top of this announcement when making your request.

Alternatively, an electronic application package may be obtained from grants.gov. *Please see* section IV.3f for further information.

The Solicitation Package contains the Proposal Submission Instruction (PSI) document which consists of required application forms, and standard guidelines for proposal preparation. It also contains the Project Objectives, Goals and Implementation (POGI) document, which provides specific information, award criteria and budget instructions tailored to this competition.

Please specify LaFaye Proctor and refer to the Funding Opportunity Number ECA/PE/C/CU–10–54 located at the top of this announcement on all other inquiries and correspondence.

IV.2. To Download a Solicitation Package Via Internet

The entire Solicitation Package may be downloaded from the Bureau's Web site at *http://exchanges.state.gov/education/rfgps/menu.htm*, or from the

Grants.gov Web site at *http://www.grants.gov*.

Please read all information before downloading.

IV.3. Content and Form of Submission

Applicants must follow all instructions in the Solicitation Package. The application should be submitted per the instructions under IV.3f. Application Deadline and Methods of Submission" section below.

IV.3a. You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the U.S. Government. This number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access *http://www.dunandbradstreet.com* or call 1–866–705–5711. Please ensure that your DUNS number is included in the appropriate box of the SF–424 which is part of the formal application package.

IV.3b. All proposals must contain an executive summary, proposal narrative and budget.

Please refer to the Solicitation Package. It contains the mandatory Proposal Submission Instructions (PSI) document *and the Project Objectives, Goals and Implementation (POGI) document* for additional formatting and technical requirements.

IV.3c. You must have nonprofit status with the IRS at the time of application. **Please note:** Effective January 7, 2009, all applicants for ECA Federal assistance awards must include in their application the names of directors and/or senior executives (current officers, trustees, and key employees, regardless of amount of compensation). In fulfilling this requirement, applicants must submit information in one of the following ways:

(1) Those who file Internal Revenue Service Form 990, "Return of Organization Exempt From Income Tax," must include a copy of relevant portions of this form.

(2) Those who do not file IRS Form 990 must submit information above in the format of their choice.

In addition to final program reporting requirements, award recipients will also be required to submit a one-page document, derived from their program reports, listing and describing their grant activities. For award recipients, the names of directors and/or senior executives (current officers, trustees, and key employees), as well as the one-page description of grant activities, will be transmitted by the State Department to OMB, along with other information required by the Federal Funding Accountability and Transparency Act (FFATA), and will be made available to the public by the Office of Management and Budget on its USASpending.gov Web site as part of ECA's FFATA reporting requirements.

If your organization is a private nonprofit which has not received a grant or cooperative agreement from ECA in the past three years, or if your organization received nonprofit status from the IRS within the past four years, you must submit the necessary documentation to verify nonprofit status as directed in the PSI document. Failure to do so will cause your proposal to be declared technically ineligible.

IV.3d. Please take into consideration the following information when preparing your proposal narrative:

IV.3d.1 Adherence to All Regulations Governing the J Visa

The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs is the official program sponsor of the exchange program covered by this RFGP, and an employee of the Bureau will be the "Responsible Officer" for the program under the terms of 22 CFR 62, which covers the administration of the Exchange Visitor Program (J visa program). Under the terms of 22 CFR 62, organizations receiving awards (either a grant or cooperative agreement) under this RFGP will be third parties "cooperating with or assisting the sponsor in the conduct of the sponsor's program." The actions of recipient organizations shall be "imputed to the sponsor in evaluating the sponsor's compliance with" 22 CFR 62. Therefore, the Bureau expects that any organization receiving an award under this competition will render all assistance necessary to enable the Bureau to fully comply with 22 CFR 62 *et seq.*

The Bureau of Educational and Cultural Affairs places critically important emphases on the secure and proper administration of Exchange Visitor (J visa) Programs and adherence by recipient organizations and program participants to all regulations governing the J visa program status. Therefore, proposals should *explicitly state in writing* that the applicant is prepared to assist the Bureau in meeting all requirements governing the administration of Exchange Visitor Programs as set forth in 22 CFR 62. If your organization has experience as a designated Exchange Visitor Program Sponsor, the applicant should discuss their record of compliance with 22 CFR 62 *et. seq.,* including the oversight of their Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, record-keeping, reporting and other requirements.

The Office of Citizen Exchanges of ECA will be responsible for issuing DS–2019 forms to participants in this program.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at *http://exchanges.state.gov* or from: United States Department of State, Office of Exchange Coordination and Designation, ECA/EC/ECD, SA–05, Floor C2, 2200 C Street, NW., Washington, DC 20522–0582, *Telephone:* (202) 632–9298, *FAX:* (202) 632–2900.

IV.3d.2 Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and disabilities. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the "Support for Diversity" section for specific suggestions on incorporating diversity into your proposal. Public Law 104–319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy," the Bureau "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

IV.3d.3. Program Monitoring and Evaluation

Proposals must include a plan to monitor and evaluate the project's success, both as the activities unfold and at the end of the program. The Bureau recommends that your proposal

include a draft survey questionnaire or other technique plus a description of a methodology to use to link outcomes to original project objectives. The Bureau expects that the recipient organization will track participants or partners and be able to respond to key evaluation questions, including satisfaction with the program, learning as a result of the program, changes in behavior as a result of the program, and effects of the program on institutions (institutions in which participants work or partner institutions). The evaluation plan should include indicators that measure gains in mutual understanding as well as substantive knowledge.

Successful monitoring and evaluation depend heavily on setting clear goals and outcomes at the outset of a program. Your evaluation plan should include a description of your project's objectives, your anticipated project outcomes, and how and when you intend to measure these outcomes (performance indicators). The more that outcomes are "smart" (specific, measurable, attainable, results-oriented, and placed in a reasonable timeframe), the easier it will be to conduct the evaluation. You should also show how your project objectives link to the goals of the program described in this RFGP.

Your monitoring and evaluation plan should clearly distinguish between program *outputs* and *outcomes. Outputs* are products and services delivered, often stated as an amount. Output information is important to show the scope or size of project activities, but it cannot substitute for information about progress towards outcomes or the results achieved. Examples of outputs include the number of people trained or the number of seminars conducted. *Outcomes,* in contrast, represent specific results a project is intended to achieve and is usually measured as an extent of change. Findings on outputs and outcomes should both be reported, but the focus should be on outcomes.

We encourage you to assess the following four levels of outcomes, as they relate to the program goals set out in the RFGP (listed here in increasing order of importance):

1. *Participant satisfaction* with the program and exchange experience.
2. *Participant learning,* such as increased knowledge, aptitude, skills, and changed understanding and attitude. Learning includes both substantive (subject-specific) learning and mutual understanding.
3. *Participant behavior,* demonstrating concrete actions to apply knowledge in work or community; greater participation and responsibility in civic organizations; interpretation and explanation of experiences and new knowledge gained; continued contacts between participants, community members, and others.
4. *Institutional changes,* such as increased collaboration and partnerships, policy reforms, new programming, and organizational improvements.

Please note: Consideration should be given to the appropriate timing of data collection for each level of outcome. For example, satisfaction is usually captured as a short-term outcome, whereas behavior and institutional changes are normally considered longer-term outcomes.

Overall, the quality of your monitoring and evaluation plan will be judged on how well it (1) specifies intended outcomes; (2) gives clear descriptions of how each outcome will be measured; (3) identifies when particular outcomes will be measured; and (4) provides a clear description of the data collection strategies for each outcome (*i.e.,* surveys, interviews, or focus groups). (*Please note* that evaluation plans that deal only with the first level of outcomes [satisfaction] will be deemed less competitive under the present evaluation criteria.)

Recipient organizations will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

IV.3e. Please Take the Following Information Into Consideration When Preparing Your Budget

IV.3e.1. Applicants must submit SF–424A—"Budget Information—Non-Construction Programs" along with a comprehensive budget for the entire program. The award request may not exceed $500,000. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification.

IV.3e.2. Allowable costs for the program include the following:

1. Educational materials;
2. Participant travel (domestic, local, and in some cases, international, transportation);
3. Orientations and de-briefings;
4. Cultural and social activities;
5. Meeting costs;
6. Food and lodging;
7. Interpreters and translation, when necessary;
8. Follow-on activities;
9. Evaluation;
10. Stipends or allowances;
11. Other justifiable expenses directly related to supporting program activities.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

IV.3f. Application Deadline and Methods of Submission

Application Deadline Date: May 20, 2010.

Reference Number: ECA/PE/C/CU–10–54.

Methods of Submission: Applications may be submitted in one of two ways:

(1) In hard-copy, via a nationally recognized overnight delivery service (*i.e.,* Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, *etc.*), or

(2) Electronically through *http://www.grants.gov.*

Along with the Project Title, all applicants must enter the above Reference Number in Box 11 on the SF–424 contained in the mandatory Proposal Submission Instructions (PSI) of the solicitation document.

IV.3f.1 Submitting Printed Applications

Applications must be shipped no later than the above deadline. Delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at ECA more than seven days after the deadline will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. ECA will *not* notify you upon receipt of application. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to ECA via the Internet. Delivery of proposal packages *may not* be made via local courier service or in person for this competition. Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered.

Important note: When preparing your submission please make sure to include one extra copy of the completed SF–424 form and place it in an envelope addressed to "ECA/EX/PM".

The original and ten copies of the application should be sent to: Program

Management Division, ECA–IIP/EX/PM, Ref.: ECA/A/S/U–10–01, SA–05, Floor 4, Department of State, 2200 C Street, NW., Washington, DC 20522–0504.

Applicants submitting hard-copy applications must also submit the "Executive Summary" and "Proposal Narrative" sections of the proposal in text (.txt) or Microsoft Word/Excel format on CD–ROM. As appropriate, the Bureau will provide these files electronically to Public Affairs Section(s) at the U.S. embassy(ies) for its (their) review.

IV.3f.2 Submitting Electronic Applications

Applicants have the option of submitting proposals electronically through Grants.gov (*http://www.grants.gov*). Complete solicitation packages are available at Grants.gov in the "Find" portion of the system.

Please Note: ECA bears no responsibility for applicant timeliness of submission or data errors resulting from transmission or conversion processes for proposals submitted via Grants.gov.

Please follow the instructions available in the "Get Started" portion of the site (*http://www.grants.gov/GetStarted*).

Several of the steps in the Grants.gov registration process could take several weeks. Therefore, applicants should check with appropriate staff within their organizations immediately after reviewing this RFGP to confirm or determine their registration status with Grants.gov.

Once registered, the amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. In addition, validation of an electronic submission via Grants.gov can take up to two business days.

Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov.

The Grants.gov Web site includes extensive information on all phases/aspects of the Grants.gov process, including an extensive section on frequently asked questions, located under the "For Applicants" section of the Web site. ECA strongly recommends that all potential applicants review thoroughly the Grants.gov Web site, well in advance of submitting a proposal through the Grants.gov system. ECA bears no responsibility for data errors resulting from transmission or conversion processes.

Direct all questions regarding Grants.gov registration and submission to:

Grants.gov Customer Support.
Contact Center Phone: 800–518–4726.
Business Hours: Monday–Friday, 7 a.m.–9 p.m. Eastern Time.
E-mail: support@grants.gov.

Applicants have until midnight (12 a.m.), Washington, DC time of the closing date to ensure that their entire application has been uploaded to the Grants.gov site. There are no exceptions to the above deadline. Applications uploaded to the site after midnight of the application deadline date will be automatically rejected by the grants.gov system, and will be technically ineligible.

Please refer to the Grants.gov Web site for definitions of various "application statuses" and the difference between a submission receipt and a submission validation. Applicants will receive a validation e-mail from grants.gov upon the successful submission of an application. Again, validation of an electronic submission via Grants.gov can take up to two business days. Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov. ECA will *not* notify you upon receipt of electronic applications.

It is the responsibility of all applicants submitting proposals via the Grants.gov Web portal to ensure that proposals have been received by Grants.gov in their entirety, and ECA bears no responsibility for data errors resulting from transmission or conversion processes.

IV.3g. Intergovernmental Review of Applications

Executive Order 12372 does not apply to this program.

V. Application Review Information

V.1. Review Process

The Bureau will review all proposals for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards cooperative agreements resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. *Program Planning:* Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above. Program schedules should reflect innovative and relevant itineraries, and creative and dynamic meetings and site visits.

2. *Ability To Achieve Program Objectives:* Objectives should be reasonable, feasible, and flexible. Your proposal should clearly demonstrate how your organization will meet the program's objectives and plan.

3. *Multiplier Effect/Impact:* The proposed program should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

4. *Support of Diversity:* Your proposal should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (selection of participants, program venue and program evaluation) and program content (orientation and wrap-up sessions, program meetings, resource materials and follow-up activities).

5. *Project Evaluation:* Your proposal should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. The Bureau recommends that the proposal include a draft survey questionnaire or other technique, plus a description of a methodology to use to link outcomes to original project objectives.

6. *Institution's Record/Ability/Institutional Capacity:* Your proposal should demonstrate an institutional record of successful international exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by the Bureau's Grants Office. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants. Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project goals.

7. *Cost-effectiveness:* The applicant should demonstrate efficient use of Bureau funds. The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate.

VI. Award Administration Information

VI.1a. Award Notices

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures. Successful applicants will receive a Federal Assistance Award (FAA) from the Bureau's Grants Office. The FAA and the original proposal with subsequent modifications (if applicable) shall be the only binding authorizing document between the recipient and the U.S. Government. The FAA will be signed by an authorized Grants Officer, and mailed to the recipient's responsible officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review from the ECA program office coordinating this competition.

VI.1b The Following Additional Requirements Apply to This Project

A critical component of current U.S. Government Iran policy is the support for indigenous Iranian voices. The State Department has made the awarding of grants for this purpose a key component of its Iran policy. As a condition of licensing these activities, the Office of Foreign Assets Control (OFAC) has requested the Department of State to follow certain procedures to effectuate the goals of Sections 481(b), 531(a), 571, 582, and 635(b) of the Foreign Assistance Act of 1961 (as amended); 18 U.S.C. 2339A and 2339B; Executive Order 13224; and Homeland Security Presidential Directive 6. These licensing conditions mandate that the Department conduct a vetting of potential Iran grantees and sub-grantees for counter-terrorism purposes. To conduct this vetting the Department will collect information from grantees and sub-grantees regarding the identity and background of their key employees and Boards of Directors.

Note: To assure that planning for the inclusion of Iran complies with requirements, please contact LaFaye Proctor, telephone number 202–632–6422, e-mail *ProctorLM@state.gov* for additional information.

All awards made under this competition must be executed according to all relevant U.S. laws and policies regarding assistance to the Palestinian Authority, and to the West Bank and Gaza. Organizations must consult with relevant Public Affairs Offices before entering into any formal arrangements or agreements with Palestinian organizations or institutions.

Note: To assure that planning for the inclusion of the Palestinian Authority complies with requirements, please contact LaFaye Proctor, telephone number 202–632–6422, e-mail *ProctorLM@state.gov.*

VI.2. Administrative and National Policy Requirements

Terms and Conditions for the Administration of ECA agreements include the following:

Office of Management and Budget Circular A–122, "Cost Principles for Nonprofit Organizations"

Office of Management and Budget Circular A–21, "Cost Principles for Educational Institutions"

OMB Circular A–87, "Cost Principles for State, Local and Indian Governments"

OMB Circular No. A–110 (Revised), Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations

OMB Circular No. A–102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments

OMB Circular No. A–133, Audits of States, Local Government, and Non-profit Organizations

Please reference the following Web sites for additional information:

http://www.whitehouse.gov/omb/grants
http://fa.statebuy.state.gov

VI.3. Reporting Requirements

You must provide ECA with a hard copy original plus two copies of the following reports:

(1) A final program and financial report no more than 90 days after the expiration of the award;

(2) A concise, one-page final program report summarizing program outcomes no more than 90 days after the expiration of the award. This one-page report will be transmitted to OMB, and be made available to the public via OMB's USAspending.gov Web site—as part of ECA's Federal Funding Accountability and Transparency Act (FFATA) reporting requirements. A SF–PPR, "Performance Progress Report" Cover.

(3) Quarterly program and financial reports are required that provide concise information on all programs completed that quarter as well as a description of planning undertaken for programs taking place in the following quarter. Financial reports should describe funding allocated to each program completed as well as an estimated budget for programs to be undertaken in the next quarter.

Award recipients will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. (Please refer to IV. Application and Submission Instructions (IV.3.d.3) above for Program Monitoring and Evaluation information.

All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

All reports must be sent to the ECA Grants Officer and ECA Program Officer listed in the final assistance award document.

VII. Agency Contacts

For questions about this announcement, contact: LaFaye Proctor, Office of Citizen Exchanges, ECA/PE/C/CU, 3–D11, ECA/PE/C/CU–10–54, U.S. Department of State, SA–5, 2200 C Street, NW., Washington, DC 20522–0503, telephone number: 202–632–6422, fax number: 202–632–9355, e-mail *ProctorLM@state.gov.*

All correspondence with the Bureau concerning this RFGP should reference the above title and number: ECA/PE/C/CU–10–54.

Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

VIII. Other Information

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: April 15, 2010.

Maura M. Pally,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 2010–9328 Filed 4–21–10; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 6965]

Bureau of Educational and Cultural Affairs (ECA) Request for Grant Proposals: Study of the U.S. Institute for Pakistani Student Leaders on Comparative Public Policy

Announcement Type: New Cooperative Agreement.

Funding Opportunity Number: ECA/A/E/USS–10–28.

Catalog of Federal Domestic Assistance Number: 19.009.

Key Dates: July–August, 2011.

Application Deadline: Friday, May 21, 2010.

Executive Summary: The Branch for the Study of the United States, Office of Academic Exchange Programs, Bureau of Educational and Cultural Affairs, invites proposal submissions for the design and implementation of a six-week academic institute for up to 25 Pakistani student leaders focused on comparative public policy.

The Study of the U.S. Institute for Pakistani Student Leaders should include: A summer academic course at a U.S. university or college campus that includes up to 20 American undergraduate students at no cost to ECA; volunteer community service activities with peer mentors or other Americans; leadership development; and a one to two-week educational study tour to another part of the United States. In addition, Pakistani participants should have opportunities to make presentations about their country or university studies on campus or locally.

Pending availability of funds, support for this program is being provided from special FY–2009/FY–2010 supplemental funds that have been appropriated to the Department.

I. Funding Opportunity Description

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." The funding authority for the program above is provided through legislation.

Purpose

The Study of the U.S. Institute for Pakistani Student Leaders on Comparative Public Policy is a new program, created in response to the interest of the U.S. Embassy in Pakistan to provide opportunities for Pakistani undergraduates to study at a U.S. campus and to exchange ideas with their American peers. The Study of the U.S. Institutes for Student Leaders are intensive academic programs whose purpose is to provide groups of foreign undergraduate students with an introduction to a specific field of study, while also heightening the participants' general knowledge of U.S. society, culture, and values.

In addition to promoting a better understanding of the United States, an important objective of the Student Leader Institutes is to develop the participants' leadership skills. In this context, the leadership component should be experiential in nature and include group discussions, training, and exercises that focus on leadership theories, teambuilding, collective problem-solving skills, effective communication, and management skills for diverse organizational settings. Additionally, community service activities should allow participants to experience firsthand how not-for-profit organizations and volunteerism play a role in U.S. civil society.

The program should also include cultural activities, local site visits, and an educational travel component within the United States to illustrate the various topics explored in class and to gain an understanding of the regional differences within the country. Finally, the program should include opportunities for participants to meet U.S. citizens from a variety of backgrounds and to speak to appropriate student and civic groups about life in their home countries.

Solicitations should allow for pre-departure briefing and post-program debriefing sessions at the U.S. Embassy in Islamabad.

Overview

The Study of the U.S. Institute for Pakistani Student Leaders on Comparative Public Policy should provide Pakistani participants with an overview of U.S. history and government; the core of the course should engage American and Pakistani students in a comparative analysis of governments and policies in the two countries. Public policy discussions could include topics such as foreign policy, healthcare, agriculture, or education and how these policies are formulated and implemented, examining the role of citizens, media, lobbying groups, think-tanks, local, state, and federal governments. In addition, the institute should allow participants to gain practical skills used in the analysis of public policy. The class should be crafted to maximize interaction and cross-cultural study between Pakistani and American students in order to allow them to share experiences and viewpoints.

Recipient

ECA is seeking detailed proposals from U.S. colleges, universities, and other not-for-profit organizations that have an established reputation in one or more of the following fields: Political science, international relations, law, history, sociology, American studies, and/or other disciplines or sub-disciplines related to the study of the United States.

Program Design

The Study of the U.S. Institute for Pakistani Student Leaders on Comparative Public Policy should provide a group of up to 25 Pakistani students with a uniquely designed program that provides a comparative analysis of public policy. The academic component of the institute should include up to 20 U.S. students enrolled in the class work. The institute must not replicate existing or previous lectures, workshops, or group activities designed for American students but should be tailored for the particular group of students. The recipient should take into account that the Pakistani participants may have little or no prior knowledge of the United States and varying degrees of experience in expressing their opinions in a classroom setting and should tailor the curriculum and classroom activities accordingly. Every effort should be made to encourage active student participation in all aspects of the institute. The program should provide ample time and opportunity for discussion and interaction among students, lecturers, and guest speakers.

The program should incorporate a variety of classroom approaches such as panel presentations, seminar discussions, debates, individual and group activities, lectures, and reading assignments for the academic sessions.

The program should be six weeks in length; participants will spend four weeks at the host institution for the academic program, and approximately two weeks on a related educational study tour, including three or four days in Washington, DC at the conclusion of the Institute.

Program Administration

The recipient should designate an academic director, who will be present throughout the program to ensure the continuity, coherence, and integration of all aspects of the academic program, including the related educational study tour. In addition to the academic director, an administrative director should be assigned to oversee all student support services, including supervision of the program participants and budgetary, logistical, and other administrative arrangements. It is important that the recipient also retain approximately 5 peer mentors to work with institute directors to organize leadership, community, and cultural activities for participants. Peer mentors should be culturally sensitive, personally committed to the goals of the exchange, and participate in all aspects of the program.

Participants

Up to 25 participants will be selected from Pakistan. The students will be identified and nominated by the U.S. Embassy in Pakistan, with final selection made by ECA.

Participants in the Study of the U.S. Institutes for Pakistani Student Leaders on Comparative Public Policy will be highly motivated undergraduate students from colleges, universities, and other institutions of higher education in Pakistan who have demonstrated leadership through academic work, community involvement, and extracurricular activities. Their major fields of study will be varied, and will include the sciences, social sciences, humanities, education, and business.

Every effort will be made to select a balanced mix of male and female participants and to recruit participants from a variety of backgrounds who have had little or no prior experience in the United States or elsewhere outside of their home country.

Program Dates

The Institute should be six weeks in length beginning in July, 2011.

Program Guidelines

It is essential that the proposal provide a detailed and comprehensive narrative describing how the host institution will achieve the objectives of the institute; the title, scope and content of each session; planned site visits, the educational travel component; and how each session relates to the overall institute theme.

Overall, the proposal will be reviewed on the basis of its responsiveness to RFGP criteria, coherence, clarity, and attention to detail.

Please note: In a cooperative agreement, ECA is substantially involved in program activities above and beyond routine grant monitoring. The Public Affairs Section of the U.S. Embassy in Pakistan may also be involved in planning program activities. ECA will assume the following responsibilities for the institute: participate in the selection of participants; review and confirm syllabi and proposed speakers for the institute; monitor the institute through one or more site visits; meet with participants in Washington, DC at the conclusion of the institute; work with the recipient to publicize the program through various media outlets; and engage in follow-on communication with the participants after they return to their home countries.

ECA may request that the recipient make modifications to the academic residency and/or educational travel components of the program. The recipient will be required to obtain approval from ECA of any significant program changes in advance of their implementation.

Note: All materials, publicity, and correspondence related to the program must acknowledge this as a program of the Bureau of Educational and Cultural Affairs, U.S. Department of State. ECA will retain copyright use of and distribute materials related to this program as it sees fit.

II. Award Information

Type of Award: Cooperative Agreement ECA's level of involvement in this program is listed under number I above.

Fiscal Year Funds: 2009/2010.

Approximate Total Funding: $475,000 (pending availability of funds).

Approximate Number of Awards: 1.

Anticipated Award Date: Pending availability of funds, *September, 2010.*

Anticipated Project Completion Date: February, 2012.

III. Eligibility Information

III.1. Eligible Applicants

Applications may be submitted by public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3).

III.2. Cost Sharing or Matching Funds

There is no minimum or maximum percentage required for this competition. However, the Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

When cost sharing is offered, it is understood and agreed that the applicant must provide the amount of cost sharing as stipulated in its proposal and later included in an approved agreement. Cost sharing may be in the form of allowable direct or indirect costs. For accountability, you must maintain written records to support all costs which are claimed as your contribution, as well as costs to be paid by the Federal government. Such records are subject to audit. The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A–110, (Revised), Subpart C.23—Cost Sharing and Matching. In the event you do not provide the minimum amount of cost sharing as stipulated in the approved budget, ECA's contribution will be reduced in like proportion.

III.3. Other Eligibility Requirements

(a) Bureau grant guidelines require that organizations with less than four years experience in conducting international exchanges be limited to $60,000 in Bureau funding. ECA anticipates making one award, in an amount up to *$475,000* to support program and administrative costs required to implement this exchange program. Therefore, organizations with less than four years experience in conducting international exchanges are ineligible to apply under this competition. The Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

IV. Application and Submission Information

Note: Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

IV.1 Contact Information To Request an Application Package

Please contact the *Study of the U.S. Branch, ECA/A/E/USS,* SA–5, *4th Floor,* U.S. Department of State, 2200 C Street, NW, Washington, DC 20522–0504, *Telephone: (202) 632–3342, Fax (202) 632–9411, E-mail: BjornlundBS@state.gov* to request a Solicitation Package. Please refer to the Funding Opportunity Number ECA/A/E/USS–10–28 located at the top of this announcement when making your request. Alternatively, an electronic application package may be obtained from grants.gov. Please see section IV.3f for further information.

The Solicitation Package contains the Proposal Submission Instruction (PSI) document which consists of required application forms, and standard guidelines for proposal preparation.

It also contains the Project Objectives, Goals and Implementation (POGI) document, which provides specific information, award criteria and budget instructions tailored to this competition.

Please specify *Britta S. Bjornlund* and refer to the Funding Opportunity Number *ECA/A/E/USS–10–28* located at the top of this announcement on all other inquiries and correspondence.

IV.2. To Download a Solicitation Package Via Internet

The entire Solicitation Package may be downloaded from the Bureau's Web site at *http://exchanges.state.gov/grants/open2.html,* or from the Grants.gov Web site at *http://www.grants.gov.*

Please read all information before downloading.

IV.3. Content and Form of Submission

Applicants must follow all instructions in the Solicitation Package. The application should be submitted per the instructions under IV.3f. "Application Deadline and Methods of Submission" section below.

IV.3a. You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the U.S. Government. This number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access *http://www.dunandbradstreet.com* or call 1–866–705–5711. Please ensure that your DUNS number is included in the appropriate box of the SF–424 which is part of the formal application package.

IV.3b. All proposals must contain an executive summary, proposal narrative, and budget.

Please Refer to the Solicitation Package. It contains the mandatory *Proposal Submission Instructions (PSI) document and the Project Objectives, Goals, and Implementation (POGI) document* for additional formatting and technical requirements.

IV.3c. You must have nonprofit status with the IRS at the time of application. **Please note:** Effective January 7, 2009, all applicants for ECA federal assistance awards must include in their application the names of directors and/or senior executives (current officers, trustees, and key employees, regardless of amount of compensation). In fulfilling this requirement, applicants must submit information in one of the following ways:

(1) Those who file Internal Revenue Service Form 990, "Return of Organization Exempt From Income Tax," must include a copy of relevant portions of this form.

(2) Those who do not file IRS Form 990 must submit information above in the format of their choice.

In addition to final program reporting requirements, award recipients will also be required to submit a one-page document, derived from their program reports, listing and describing their grant activities. For award recipients, the names of directors and/or senior executives (current officers, trustees, and key employees), as well as the one-page description of grant activities, will be transmitted by the State Department to OMB, along with other information required by the Federal Funding Accountability and Transparency Act (FFATA), and will be made available to the public by the Office of Management and Budget on its USASpending.gov Web site as part of ECA's FFATA reporting requirements.

If your organization is a private nonprofit which has not received a grant or cooperative agreement from ECA in the past three years, or if your organization received nonprofit status from the IRS within the past four years, you must submit the necessary documentation to verify nonprofit status as directed in the PSI document. Failure to do so will cause your proposal to be declared technically ineligible.

IV.3d. Please take into consideration the following information when preparing your proposal narrative:

Iv.3d.1 Adherence to All Regulations Governing the J Visa

The Bureau of Educational and Cultural Affairs places critically important emphases on the security and proper administration of the Exchange Visitor (J visa) Programs and adherence by award recipients and sponsors to all regulations governing the J visa. Therefore, proposals should demonstrate the applicant's capacity to meet all requirements governing the administration of the Exchange Visitor Programs as set forth in 22 CFR 62, including the oversight of Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, record-keeping, reporting and other requirements. ECA will be responsible for issuing DS–2019 forms to participants in this program.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at *http://exchanges.state.gov* or from: United States Department of State, Office of Exchange Coordination and Designation, Office of Designation, ECA/EC/D, SA–5, Floor C2, Department of State, Washington, DC 20522–0582.

Please refer to Solicitation Package for further information.

IV.3d.2 Diversity, Freedom, and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and disabilities. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into your proposal. Public Law 104–319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy," the Bureau "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Public Law 106—113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

IV.3d.3. Program Monitoring and Evaluation

Proposals must include a plan to monitor and evaluate the project's success, both as the activities unfold and at the end of the program. The Bureau recommends that your proposal include a draft survey questionnaire or other technique plus a description of a methodology to use to link outcomes to original project objectives. The Bureau expects that the recipient will track participants or partners and be able to respond to key evaluation questions, including satisfaction with the program, learning as a result of the program, changes in behavior as a result of the program, and effects of the program on institutions (institutions in which participants work or partner institutions). The evaluation plan should include indicators that measure gains in mutual understanding as well as substantive knowledge.

Successful monitoring and evaluation depend heavily on setting clear goals and outcomes at the outset of a program. Your evaluation plan should include a description of your project's objectives, your anticipated project outcomes, and how and when you intend to measure these outcomes (performance indicators). The more that outcomes are "smart" (specific, measurable, attainable, results-oriented, and placed in a reasonable time frame), the easier it will be to conduct the evaluation. You should also show how your project objectives link to the goals of the program described in this RFGP.

Your monitoring and evaluation plan should clearly distinguish between program *outputs* and *outcomes. Outputs* are products and services delivered, often stated as an amount. Output information is important to show the scope or size of project activities, but it cannot substitute for information about progress towards outcomes or the results achieved. Examples of outputs include the number of people trained or the number of seminars conducted. *Outcomes,* in contrast, represent specific results a project is intended to achieve and is usually measured as an extent of change. Findings on outputs and outcomes should both be reported, but the focus should be on outcomes.

We encourage you to assess the following four levels of outcomes, as they relate to the program goals set out in the RFGP (listed here in increasing order of importance):

1. *Participant satisfaction* with the program and exchange experience.

2. *Participant learning,* such as increased knowledge, aptitude, skills, and changed understanding and attitude. Learning includes both substantive (subject-specific) learning and mutual understanding.

3. *Participant behavior,* concrete actions to apply knowledge in work or community; greater participation and responsibility in civic organizations; interpretation and explanation of experiences and new knowledge gained; continued contacts between participants, community members, and others.

4. *Institutional changes,* such as increased collaboration and partnerships, policy reforms, new programming, and organizational improvements.

Please note: Consideration should be given to the appropriate timing of data collection for each level of outcome. For example, satisfaction is usually captured as a short-term outcome, whereas behavior and institutional changes are normally considered longer-term outcomes.

Overall, the quality of your monitoring and evaluation plan will be judged on how well it (1) Specifies intended outcomes; (2) gives clear descriptions of how each outcome will be measured; (3) identifies when particular outcomes will be measured; and (4) provides a clear description of the data collection strategies for each outcome (*i.e.,* surveys, interviews, or focus groups). (Please note that evaluation plans that deal only with the first level of outcomes [satisfaction] will be deemed less competitive under the present evaluation criteria.)

Recipients will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

IV.3e. Please take the following information into consideration when preparing your budget:

IV.3e.1. Applicants must submit SF–424A—"Budget Information—Non-Construction Programs" along with a comprehensive budget for the entire program. *Budget requests may not exceed $475,000.* There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

IV.3f. Application Deadline and Methods of Submission

Application Deadline Date: Friday, May 21, 2010.

Reference Number: ECA/A/E/USS–10–28.

Methods of Submission: Applications may be submitted in one of two ways:

(1) In hard-copy, via a nationally recognized overnight delivery service (*i.e.,* Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, etc.), or

(2) Electronically through *http://www.grants.gov.*

Along with the Project Title, all applicants must enter the above Reference Number in Box 11 on the SF–424 contained in the mandatory Proposal Submission Instructions (PSI) of the solicitation document.

IV.3f.1 Submitting Printed Applications

Applications must be shipped no later than the above deadline. Delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at ECA more than seven days after the deadline will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. ECA will *not* notify you upon receipt of application. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to ECA via the Internet. Delivery of proposal packages *may not* be made via local courier service or in person for this competition. Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered.

Important note: When preparing your submission please make sure to include one extra copy of the completed SF–424 form and place it in an envelope addressed to "ECA/EX/PM".

The original and six (6) copies of the application should be sent to: Program Management Division, ECA–IIP/EX/PM, Ref.: ECA/A/E/USS–10–28, SA–5, Floor 4, Department of State, 2200 C Street, NW., Washington, DC 20522–0504.

(Include following language re: CD–ROM submission only if proposals will be forwarded to embassies. If post input is not necessary, delete language.)

Applicants submitting hard-copy applications must also submit the

"Executive Summary" and "Proposal Narrative" sections of the proposal in text (.txt) or Microsoft Word format on CD–ROM. As appropriate, the Bureau will provide these files electronically to Public Affairs Section at the U.S. embassy for its review.

IV.3f.2—Submitting Electronic Applications

Applicants have the option of submitting proposals electronically through Grants.gov (*http://www.grants.gov*). Complete solicitation packages are available at Grants.gov in the "Find" portion of the system.

Please Note: ECA bears no responsibility for applicant timeliness of submission or data errors resulting from transmission or conversion processes for proposals submitted via Grants.gov.

Please follow the instructions available in the 'Get Started' portion of the site (*http://www.grants.gov/GetStarted*).

Several of the steps in the Grants.gov registration process could take several weeks. Therefore, applicants should check with appropriate staff within their organizations immediately after reviewing this RFGP to confirm or determine their registration status with Grants.gov.

Once registered, the amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your internet connection. In addition, validation of an electronic submission via Grants.gov can take up to two business days.

Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov.

The Grants.gov Web site includes extensive information on all phases/aspects of the Grants.gov process, including an extensive section on frequently asked questions, located under the "For Applicants" section of the Web site. ECA strongly recommends that all potential applicants review thoroughly the Grants.gov Web site, well in advance of submitting a proposal through the Grants.gov system. ECA bears no responsibility for data errors resulting from transmission or conversion processes.

Direct all questions regarding Grants.gov registration and submission to:

Grants.gov Customer Support.

Contact Center Phone: 800–518–4726.

Business Hours: Monday–Friday, 7 a.m.–9 p.m. Eastern Time.

E-mail: support@grants.gov.

Applicants have until midnight (12 a.m.), Washington, DC time of the closing date to ensure that their entire application has been uploaded to the Grants.gov site. There are no exceptions to the above deadline. Applications uploaded to the site after midnight of the application deadline date will be automatically rejected by the grants.gov system, and will be technically ineligible.

Please refer to the Grants.gov Web site, for definitions of various "application statuses" and the difference between a submission receipt and a submission validation. Applicants will receive a validation e-mail from grants.gov upon the successful submission of an application. Again, validation of an electronic submission via Grants.gov can take up to two business days. Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov. ECA will not notify you upon receipt of electronic applications.

It is the responsibility of all applicants submitting proposals via the Grants.gov web portal to ensure that proposals have been received by Grants.gov in their entirety, and ECA bears no responsibility for data errors resulting from transmission or conversion processes.

Optional—IV.3f.3 You may also state here any limitations on the number of applications that an applicant may submit and make it clear whether the limitation is on the submitting organization, individual program director or both.

IV.3g. Intergovernmental Review of Applications: Executive Order 12372 does not apply to this program.

V. Application Review Information

V.1. Review Process

The Bureau will review all proposals for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for cooperative agreements resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. *Quality of Program Plan and Ability To Achieve Program Objectives:* Proposals should exhibit originality, substance, precision, and relevance to the ECA's mission. A detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Objectives should be reasonable, feasible, and flexible. Proposals should demonstrate clearly how the institution will meet the program's objectives and plan.

2. *Support for Diversity:* Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (program venue and program evaluation) and program content (orientation and wrap-up sessions, program meetings, presenters, and resource materials).

3. *Evaluation:* Proposals should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. The Bureau recommends that the proposal include a draft survey questionnaire or other technique plus a description of a methodology to use to link outcomes to original project objectives.

4. *Cost-effectiveness/Cost-sharing:* The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. Proposals should maximize cost-sharing through other private sector support, as well as institutional direct funding contributions.

5. *Institutional Track Record/Ability:* Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past ECA grants as determined by ECA Grants Staff. The ECA will consider the past performance of prior recipients and the demonstrated potential of new applicants. Proposed personnel and institutional resources should be fully qualified to achieve the project's goals.

6. *Follow-on Activities:* Proposals also should discuss provisions made for follow-up with returned participants as a means of establishing longer-term individual and institutional linkages and should provide a plan for continued follow-on activity (without Bureau

support) ensuring that Bureau supported programs are not isolated events.

VI. Award Administration Information

VI.1a. Award Notices

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures. Successful applicants will receive a Federal Assistance Award (FAA) from the Bureau's Grants Office. The FAA and the original proposal with subsequent modifications (if applicable) shall be the only binding authorizing document between the recipient and the U.S. Government. The FAA will be signed by an authorized Grants Officer, and mailed to the recipient's responsible officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review from the ECA program office coordinating this competition.

VI.2 Administrative and National Policy Requirements

Terms and Conditions for the Administration of ECA agreements include the following:

Office of Management and Budget Circular A–122, "Cost Principles for Nonprofit Organizations"

Office of Management and Budget Circular A–21, "Cost Principles for Educational Institutions"

OMB Circular A–87, "Cost Principles for State, Local and Indian Governments"

OMB Circular No. A–110 (Revised), Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations

OMB Circular No. A–102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments

OMB Circular No. A–133, Audits of States, Local Government, and Non-profit Organizations

Please reference the following Web sites for additional information:

http://www.whitehouse.gov/omb/grants.
http://fa.statebuy.state.gov.

VI.3. Reporting Requirements

You must provide ECA with a hard copy original plus one copy of the following reports:

(1) A final program and financial report no more than 90 days after the expiration of the award;

(2) A concise, one-page final program report summarizing program outcomes no more than 90 days after the expiration of the award. This one-page report will be transmitted to OMB, and be made available to the public via OMB's USAspending.gov Web site—as part of ECA's Federal Funding Accountability and Transparency Act (FFATA) reporting requirements.

(3) A SF–PPR, "Performance Progress Report" Cover Sheet with all program reports.

Award recipients will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. (Please refer to IV. Application and Submission Instructions (IV.3.d.3) above for Program Monitoring and Evaluation information).

All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

All reports must be sent to the ECA Grants Officer and ECA Program Officer listed in the final assistance award document.

VII. Agency Contacts

For questions about this announcement, contact: *Britta S. Bjornlund,* U.S. Department of State, *Study of the U.S. Branch, ECA/A/E/USS,* SA–5, *4th Floor, ECA/A/E/USS–10–28,* 2200 C Street, NW., Washington, DC 20522–0504, *Telephone: (202) 632–3339, Fax: (202) 632–9411, E-mail: BjornlundBS@state.gov.*

All correspondence with the Bureau concerning this RFGP should reference the above title and number *ECA/A/E/USS–10–28.*

Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

VIII. Other Information

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: April 15, 2010.

Maura M. Pally,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 2010–9326 Filed 4–21–10; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 6967]

Bureau of Educational and Cultural Affairs (ECA); Request for Grant Proposals: Kennedy-Lugar Youth Exchange and Study Program (YES): "US YES Inbound Placement and YES Abroad Recruitment Components"

Announcement Type: New Grant.

Funding Opportunity Number: ECA/PE/C/PY–10–07.

Catalog of Federal Domestic Assistance Number: 19.415.

Key Dates: September 1, 2010–September 30, 2013.

Application Deadline: June 3, 2010.

Executive Summary: The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs (ECA) announces an open competition for grants to support exchanges and relationship building between high school students from countries with significant Muslim populations and the people of the United States. Public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3) and public institutions may submit a proposal for the YES Inbound U.S. Placement and YES Abroad Recruitment Components.

The Kennedy-Lugar Youth Exchange and Study (YES) Program provides scholarships for reciprocal high school academic exchanges of approximately 1077 students from approximately 35 countries coming to the U.S. and approximately 50 American students traveling to approximately 10 of these countries.

To implement the entirety of the YES program, two Requests for Grant Proposals are being announced: One (this announcement) covers Kennedy-Lugar Youth Exchange and Study (YES) Program Inbound U.S. Placement and YES Abroad Recruitment Components. A second, separate announcement will solicit proposals for the Kennedy-Lugar Youth Exchange and Study Program (YES) Overseas Recruitment and YES Abroad Placement and Alumni Components to: Develop marketing materials and a handbook for U.S. and non-U.S. students, host families and host schools, recruit and select approximately 1077 YES Inbound participants, make a final selection of

approximately 50 American Outbound participants and place them in 10 eligible countries overseas, and organize all alumni programs for YES Abroad and YES Inbound participants.

This Inbound U.S. Placement and YES Abroad Recruitment Components announcement envisions 12 to 15 awards for the U.S. placement of 20–300 students each, and includes:

- U.S. host family and school selection for YES Inbound participants.
- Host family and student U.S.-based orientations.
- Student monitoring and support and enhancement activities for YES Inbound.
- American Student Recruitment and nomination for the YES Abroad Program.
- Where possible, engagement of YES Abroad alumni.

The YES Inbound program provides scholarships for high school students (15–18.5 years) from countries with significant Muslim populations to spend up to one academic year in the U.S. The program promotes mutual understanding and respect. Students live with host families, attend high school, engage in activities to learn about American society and values, acquire leadership skills, and help educate Americans about their countries and cultures.

Organizations are invited to submit proposals to recruit, screen and select U.S. host families; identify accredited U.S. high schools and secure school placements; conduct local student and host family orientations; provide cultural and educational enrichment activities; handle all counseling, programmatic and on-program participant monitoring issues; and evaluate program implementation for a portion of the students participating in the YES program during the 2011–12 academic year. Each applicant must propose to place a minimum of 20 YES inbound students, up to a maximum of 300 students, as it is the expectation that 12–15 awards will be made in order to place and support the approximate total of 1077 students.

In addition, organizations will recruit and nominate students from these same United States communities for the Kennedy-Lugar YES Abroad Program. This YES Abroad program will send approximately 50 U.S. citizen students from the United States to selected YES countries for the 2011–12 academic year. For YES Abroad, the eligible hosting countries at the time of publication of this RFGP are: Egypt, Ghana, India, Indonesia, Malaysia, Mali, Morocco, Oman, Thailand, and Turkey. However, the Bureau reserves the right to amend these lists at any time as conditions change. Under YES Inbound US Placement and YES Abroad Recruitment Components grants, organizations will be asked to market the YES Abroad program to U.S. students, identify potential qualified YES Abroad program participants, and submit nominations of qualified American students to the Overseas YES Inbound Recruitment and YES Abroad Placement and Alumni Components grantee for final selection and overseas placement.

I. Funding Opportunity Description

Authority: Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." The funding authority for the program above is provided through legislation.

Purpose: The Inbound Kennedy-Lugar Youth Exchange and Study (YES) Program is designed to foster a global community of shared interests and values developed through better mutual understanding via first-hand participation of high school students, preferably aged 15–18.5, from countries with significant Muslim populations in academic year or semester exchanges to the United States. Participants will reside with American host families and attend high school during the 2011–12 academic year. The YES Abroad program is designed to provide the same experience for high school students from the United States in some of the same YES countries. Both programs seek to select students with leadership potential, to develop their leadership skills while in the U.S. or abroad, and to support them in alumni activities after they return home.

Public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3) may submit proposals to recruit and select host families and schools for high school students between the ages of 15 and 18.5. This solicitation refers to YES students from the following countries: Afghanistan, Albania, Bahrain, Bangladesh, Bosnia and Herzegovina, Bulgaria, Cameroon, Egypt, Gaza, India, Indonesia, Israel (Arab Communities), Jordan, Kenya, Kosovo, Kuwait, Lebanon, Liberia, Macedonia, Malaysia, Mali, Morocco, Mozambique, Nigeria, Oman, Pakistan, Philippines, Qatar, Saudi Arabia, Senegal, Sierra Leone, South Africa, Suriname, Tanzania, Thailand, Tunisia, Turkey, West Bank, and Yemen.

In addition to identifying schools and screening host families in the United States for inbound YES student placements, grantee organizations will be responsible for: (1) Orienting all inbound students to local conditions, resources and opportunities; (2) providing support services for students; (3) arranging enhancement activities and skill-building opportunities; (4) monitoring student health, safety and welfare, host family and coordinator performance and student academic progress; (5) providing mid-year programming and re-entry training; (6) evaluating project success; (7) recruiting YES Abroad applicants from American high schools; (8) nominating candidates for YES Abroad to the grantee responsible for the "YES Overseas YES Inbound Recruitment, YES Abroad Placement, and Alumni Components" (selected under a separate competition) to be considered for selection.

Preference will be given to those organizations that offer participants opportunities to develop leadership skills and raise their awareness of tolerance and civic responsibility through community activities and networks.

During the year, YES participants will be engaged in a variety of activities, such as community and school-based programs, skill-building workshops, and cultural events. Academic year 2011–2012 will be the ninth year of the YES program, with more than 4,000 students having been awarded scholarships since the program's inception.

Goals: The overarching goals of the YES program are to:

- Promote better understanding by youth from selected countries about host country society, people, institutions, values and culture;
- Foster lasting personal ties;
- Engage the exchange participants in activities that advance mutual understanding, respect for diversity, leadership skills, and understanding of civil society during their exchange in the U.S.;
- Enhance Americans' understanding of other countries and cultures;

Considering the specific focus of the YES program, the following outcomes will indicate a successful project:

1. Inbound participants will develop an appreciation for American culture, an understanding of the underlying values and diversity of American society, and increased tolerance and respect for others with differing views and beliefs.

2. Participants will teach their hosts about the cultures of their home countries.

3. Inbound participants will interact with Americans and generate enduring ties. YES Abroad participants will learn about the cultures and underlying values of the countries in which they study, and help educate others about American culture while learning about their host country's culture.

4. Inbound participants will acquire an understanding of important elements of a civil society. This includes concepts such as volunteerism, the idea that American citizens can and do act at the grassroots level to deal with societal problems, and an awareness of and respect for the Rule of Law.

5. Participants will gain leadership skills that will enable them, as YES alumni, to initiate activities in their home countries that focus on development and community service.

Objectives: The objectives of the YES program are:

- To place up to 1,077 pre-selected inbound high school students from over 35 countries in safe, qualified, well-suited host families; and recruit approximately 50 American students who will travel to approximately 10 of these countries;
- To place students in accredited schools and safe, supportive and welcoming host family living environments;
- To expose inbound program participants to American culture and enable them to obtain a broad view of U.S. society and history;
- To provide appropriate venues for program participants to share their culture, lifestyles, and traditions with host country citizens;
- To provide participants with development opportunities that foster skills they can take back with them and use in their home countries; and
- To provide activities that will increase and enhance students' leadership capacity, enabling them—as YES alumni—to initiate activities in their home countries that focus on development and community service.

Other Components: Under a separate grant, one organization will administer the "Overseas YES Inbound Recruitment, YES Abroad Placement, and Alumni Components" of the YES program, both Inbound and Abroad, and perform the following functions: recruitment and selection of the international students; assistance in documentation and preparation of DS–2019 visa forms; preparation of cross-cultural materials; pre-departure orientation; international travel from home to host community and return; facilitation of ongoing communication between the natural parents and the placement organization, as needed; maintenance of a student database and provision of data to the U.S. Department of State; placement of 50 American YES Abroad students and ongoing follow-up with alumni after their return to their home countries.

Another organization will be responsible for supporting students with disabilities. This involves a post-arrival orientation and a year-end reentry training, as well as ongoing supplemental support throughout the year in order to help the students cope with challenges specific to their circumstances.

This same grantee organization will assess students with disabilities at the start of the academic year. Placement organizations may find the students' assessments useful in helping the students adjust to their new communities. Placement organizations will be in direct communication with both of these organizations.

Guidelines: Applicants are requested to submit a narrative outlining a comprehensive strategy for the administration and implementation of the placement component of the YES program to include the following responsibilities:

(1) Recruitment, screening, selection, and YES-specific orientation of local coordinators and host families;

(2) Enrollment in an accredited school;

(3) Post-arrival orientation for participants;

(4) Placement of a small number of students with disabilities;

(5) In Spring 2011, on a date given by the Organizational Component grantee, prepare and convey to the organization administering the Organizational Components grant the materials pertaining to each Inbound student's placement, including information on the hosting community, host family information, and school. These materials will be distributed to the students at the Pre-Departure Orientation;

(6) Troubleshooting;

(7) Monitoring the health, safety and welfare of students, and the performance of host families and local coordinators;

(8) Quarterly evaluation of the organization's success in achieving program goals;

(9) Mid-year orientations to assess progress; and further explore cultural observations;

(10) Re-entry training to assist students with closure in the U.S. and readjustment to their home environments.

(11) Recruitment of prospective YES Abroad students in American high schools and other youth organizations.

(12) To follow a nomination strategy developed by the grantee responsible for the "Overseas YES Inbound Recruitment, YES Abroad Placement, and Alumni Components" to submit names of potential YES Abroad students.

Applicants must request a grant for placement and monitoring of at least 20 and no more than 300 inbound students. Placements may be in any region of the United States. Strong preference will be given to organizations that choose to place participants in clusters of at least three students (these students should be from different countries) in a particular Local Coordinator's area of responsibility. Please refer to the Solicitation Package for details on essential program elements, permissible costs, and criteria used to select and place students. We anticipate grants beginning no later than September 2010, subject to the availability of funds.

Inbound participants begin to arrive in their host communities in August 2011 and remain for 10 or 11 months until their departure mid-May to early July 2012.

Administration of the program must be in compliance with reporting and withholding regulations for federal, state, and local taxes as applicable. Recipient organizations should demonstrate regulation adherence in the proposal narrative and budget.

Applicants should submit the health and accident insurance plans they intend to use for students on this program. If use of a private plan is proposed, the State Department will compare that plan with the Bureau plan and make a determination as to which will be applicable.

II. Award Information

Type of Award: New Grant Agreement.

Fiscal Year Funds: FY 2010.

Approximate Total Funding: $9,000,000.

Approximate Number of Awards: 12–15 grants.

Approximate Average Award: Funding level is dependent on the number of proposed students, monitoring, the quality of support, and volume of activities.

Anticipated Award Date: September 2010.

Anticipated Project Completion Date: August 2012.

Additional Information: Pending successful implementation of this program, awardees' ability to comply with Federal Regulations and ECA guidelines, and the availability of funds in subsequent fiscal years, it is ECA's intent to renew this grant or cooperative agreement for two additional fiscal years, before openly competing it again.

III. Eligibility Information

III.1. Eligible Applicants

Applications may be submitted by public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3).

III.2. Cost Sharing or Matching Funds

There is no minimum or maximum percentage required for this competition. However, the Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

When cost sharing is offered, it is understood and agreed that the applicant must provide the amount of cost sharing as stipulated in its proposal and later included in an approved agreement. Cost sharing may be in the form of allowable direct or indirect costs. For accountability, you must maintain written records to support all costs which are claimed as your contribution, as well as costs to be paid by the Federal government. Such records are subject to audit. The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A–110, (Revised), Subpart C.23—Cost Sharing and Matching. In the event you do not provide the minimum amount of cost sharing as stipulated in the approved budget, ECA's contribution will be reduced in like proportion.

III.3. Other Eligibility Requirements

Bureau grant guidelines require that organizations with fewer than four years experience in conducting international exchanges be limited to $60,000 in Bureau funding. Since an award to support program and administrative costs required to implement this exchange program for a minimum of 20 students will exceed $60,000, *organizations with less than four years experience in conducting international exchanges are ineligible to apply under this competition.* The Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

IV. Application and Submission Information

Note: Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

IV.1. Contact Information To Request an Application Package

Please contact The Office of Youth Programs, ECA/PE/C/PY, SA–5, Floor 3, U.S. Department of State, 2200 C St., NW., Washington, DC 20522–0503, telephone (202) 632–6065, and fax (202) 632–9355, e-mail Matt O'Rourke at *ORourkeMM@state.gov* to request a Solicitation Package. Please refer to the Funding Opportunity Number ECA/PE/C/PY–10–07 located at the top of this announcement when making your request.

Alternatively, an electronic application package may be obtained from *http://www.grants.gov. Please see* section IV.3f for further information.

The Solicitation Package contains the Proposal Submission Instruction (PSI) document, which consists of required application forms and standard guidelines for proposal preparation. It also contains the Project Objectives, Goals and Implementation (POGI) document, which provides specific information, award criteria and budget instructions tailored to this competition.

Please specify the Funding Opportunity Number (ECA/PE/C/PY–10–07) at the top of this announcement on all other inquiries and correspondence.

IV.2. To Download a Solicitation Package Via the Internet

The entire Solicitation Package may be downloaded from the Bureau's Web site at *http://exchanges.state.gov/grants/open2.html* or from the Grants.gov Web site at *http://www.grants.gov.*

Please read all information before downloading.

IV.3. Content and Form of Submission

Applicants must follow all instructions in the Solicitation Package. The application should be submitted per the instructions under IV.3f. "Application Deadline and Methods of Submission" section below.

IV.3a. You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the U.S. Government. This number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access *http://www.dunandbradstreet.com* or call 1–866–705–5711. Please ensure that your DUNS number is included in the appropriate box of the SF–424 which is part of the formal application package.

IV.3b. All proposals must contain an executive summary, proposal narrative and budget.

Please Refer to the Solicitation Package. It contains the mandatory Proposal Submission Instructions (PSI) document and the Project Objectives, Goals and Implementation (POGI) for additional formatting and technical requirements.

IV.3c. You must have nonprofit status with the IRS at the time of application. **Please note:** Effective January 7, 2009, all applicants for ECA federal assistance awards must include in their application the names of directors and/or senior executives (current officers, trustees, and key employees, regardless of amount of compensation). In fulfilling this requirement, applicants must submit information in one of the following ways:

(1) Those who file Internal Revenue Service Form 990, "Return of Organization Exempt From Income Tax," must include a copy of relevant portions of this form.

(2) Those who do not file IRS Form 990 must submit information above in the format of their choice.

In addition to final program reporting requirements, award recipients will also be required to submit a one-page document, derived from their program reports, listing and describing their grant activities. For award recipients, the names of directors and/or senior executives (current officers, trustees, and key employees), as well as the one-page description of grant activities, will be transmitted by the State Department to OMB, along with other information required by the Federal Funding Accountability and Transparency Act (FFATA), and will be made available to the public by the Office of Management and Budget on its *USASpending.gov* Web site as part of ECA's FFATA reporting requirements.

If your organization is a private nonprofit which has not received a grant or cooperative agreement from ECA in the past three years, or if your

organization received nonprofit status from the IRS within the past four years, you must submit the necessary documentation to verify nonprofit status as directed in the PSI document. Failure to do so will cause your proposal to be declared technically ineligible.

IV.3d. Please take into consideration the following information when preparing your proposal narrative:

IV.3d.1. Adherence to All Regulations Governing the J Visa

The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs is the official program sponsor of the exchange program covered by this RFGP, and an employee of the Bureau will be the "Responsible Officer" for the program under the terms of 22 CFR 62, which covers the administration of the Exchange Visitor Program (J visa program). Under the terms of 22 CFR 62, organizations receiving awards (either a grant or cooperative agreement) under this RFGP will be third parties "cooperating with or assisting the sponsor in the conduct of the sponsor's program." The actions of recipient organizations shall be "imputed to the sponsor in evaluating the sponsor's compliance with" 22 CFR 62. Therefore, the Bureau expects that any organization receiving an award under this competition will render all assistance necessary to enable the Bureau to fully comply with 22 CFR 62 *et seq.*

The Bureau of Educational and Cultural Affairs places critically important emphases on the secure and proper administration of Exchange Visitor (J visa) Programs and adherence by recipient organizations and program participants to all regulations governing the J visa program status. Therefore, proposals should *explicitly state in writing* that the applicant is prepared to assist the Bureau in meeting all requirements governing the administration of Exchange Visitor Programs as set forth in 22 CFR 62.

If your organization has experience as a designated Exchange Visitor Program Sponsor, you should discuss your record of compliance with 22 CFR 62 *et seq.,* including the oversight of Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, record-keeping, reporting and other requirements.

ECA will review the record of compliance with 22 CFR 62 *et seq.* of applicant organizations designated as Exchange Visitor Program Sponsors by ECA's Office of Private Sector Exchange as one factor in evaluating the record/ability of organizations to carry out successful exchange programs.

The Office of Citizen Exchanges of ECA will be responsible for issuing DS–2019 forms to participants in this program.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at *http://exchanges.state.gov* or from: Office of Designation, ECA/EC/D, SA–5, Floor C2, Department of State, Washington, DC 20522–0582.

IV.3d.2. Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and disabilities. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into your proposal. Public Law 104–319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy," the Bureau "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

Funds provided through this award may not be used to promote participation in, or to purchase equipment or supplies intended for, activities related to religious worship or proselytization. Host families, school officials, and grantee organizations shall not require program participants to attend religious services. However, as part of their exchange experience, participants may be offered the opportunity to take part voluntarily in this facet of their host culture, at their own discretion. Volunteer host families (who receive no financial benefit from grant funds) are encouraged to enable participants living with them to attend services of the participant's religion, if the participant so desires and the services are available within a reasonable distance of the host family's residence.

IV.3d.3. Program Monitoring and Evaluation

Proposals must include a plan to monitor and evaluate the project's success, both as the activities unfold and at the end of the program. The Bureau recommends that your proposal include a draft survey questionnaire or other technique plus a description of a methodology to use to link outcomes to original project objectives. The Bureau expects that the recipient organization will track participants or partners and be able to respond to key evaluation questions, including satisfaction with the program, learning as a result of the program, changes in behavior as a result of the program, and effects of the program on institutions (institutions in which participants work or partner institutions). The evaluation plan should include indicators that measure gains in mutual understanding as well as substantive knowledge.

Successful monitoring and evaluation depend heavily on setting clear goals and outcomes at the outset of a program. Your evaluation plan should include a description of your project's objectives, your anticipated project outcomes, and how and when you intend to measure these outcomes (performance indicators). The more that outcomes are "smart" (specific, measurable, attainable, results-oriented, and placed in a reasonable time frame), the easier it will be to conduct the evaluation. You should also show how your project objectives link to the goals of the program described in this RFGP.

Your monitoring and evaluation plan should clearly distinguish between program *outputs* and *outcomes. Outputs* are products and services delivered, often stated as an amount. Output information is important to show the scope or size of project activities, but it cannot substitute for information about progress towards outcomes or the results achieved. Examples of outputs include the number of people trained or the number of seminars conducted. *Outcomes,* in contrast, represent specific results a project is intended to achieve and is usually measured as an extent of change. Findings on outputs and outcomes should both be reported, but the focus should be on outcomes.

We encourage you to assess the following four levels of outcomes, as they relate to the program goals set out

in the RFGP (listed here in increasing order of importance):

1. *Participant satisfaction* with the program and exchange experience.

2. *Participant learning,* such as increased knowledge, aptitude, skills, and changed understanding and attitude. Learning includes both substantive (subject-specific) learning and mutual understanding.

3. *Participant behavior,* concrete actions to apply knowledge in work or community; greater participation and responsibility in civic organizations; interpretation and explanation of experiences and new knowledge gained; continued contacts between participants, community members, and others.

4. *Institutional changes,* such as increased collaboration and partnerships, policy reforms, new programming, and organizational improvements.

Please note: Consideration should be given to the appropriate timing of data collection for each level of outcome. For example, satisfaction is usually captured as a short-term outcome, whereas behavior and institutional changes are normally considered longer-term outcomes.

Overall, the quality of your monitoring and evaluation plan will be judged on how well it (1) specifies intended outcomes; (2) gives clear descriptions of how each outcome will be measured; (3) identifies when particular outcomes will be measured; and (4) provides a clear description of the data collection strategies for each outcome (*i.e.,* surveys, interviews, or focus groups). (**Please note** that evaluation plans that deal only with the first level of outcomes [satisfaction] will be deemed less competitive under the present evaluation criteria.)

Recipient organizations will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

IV.3e. Please take the following information into consideration when preparing your budget:

IV.3e.1. Applicants must submit SF–424A—"Budget Information—Non-Construction Programs" along with a comprehensive budget for the entire program. The budget must reflect costs for a minimum of 20 and no more than 300 YES Inbound participants. Please indicate clearly the number of students funded. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification.

IV.3e.2. Any/all sub-awards/agreements including accompanying budgets required to accomplish overall program objectives described herein, shall be submitted with the proposal package and must be approved by the Grants Officer, prior to commencement.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

IV.3f. Application Deadline and Methods of Submission

Application Deadline Date: June 3, 2010.

Reference Number: ECA/PE/C/PY–10–07.

Methods of Submission:

Applications may be submitted in one of two ways:

(1) In hard-copy, via a nationally recognized overnight delivery service (*i.e.,* Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, etc.), or

(2) Electronically through *http://www.grants.gov.*

Along with the Project Title, all applicants must enter the above Reference Number in Box 11 on the SF–424 contained in the mandatory Proposal Submission Instructions (PSI) of the solicitation document.

IV.3f.1. Submitting Printed Applications

Applications must be shipped no later than the above deadline. Delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at ECA more than seven days after the deadline will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. ECA will *not* notify you upon receipt of application. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to ECA via the Internet. Delivery of proposal packages *may not* be made via local courier service or in person for this competition. Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered.

Important note: When preparing your submission please make sure to include one extra copy of the completed SF–424 form and place it in an envelope addressed to "ECA/EX/PM".

The original and ten (10) copies of the application should be sent to: Program Management Division, ECA–IIP/EX/PM, *Ref.:* ECA/PE/C/PY–10–07, SA–5, Floor 4, Department of State, 2200 C Street, NW., Washington, DC 20522–0504.

Applicants submitting hard-copy applications must also submit the "Executive Summary" and "Proposal Narrative" sections of the proposal in text (.txt) or Microsoft Word format on CD–ROM to the program officer at *BakerKM1@state.gov.* As appropriate, the Bureau will provide these files electronically to Public Affairs Section(s) at the U.S. embassies for their review.

IV.3f.2—Submitting Electronic Applications

Applicants have the option of submitting proposals electronically through Grants.gov (*http://www.grants.gov*). Complete solicitation packages are available at Grants.gov in the "Find" portion of the system.

Please note: ECA bears no responsibility for applicant timeliness of submission or data errors resulting from transmission or conversion processes for proposals submitted via Grants.gov.

Please follow the instructions available in the 'Get Started' portion of the site (*http://www.grants.gov/GetStarted*).

Several of the steps in the Grants.gov registration process could take several weeks. Therefore, applicants should check with appropriate staff within their organizations immediately after reviewing this RFGP to confirm or determine their registration status with Grants.gov.

Once registered, the amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your internet connection. In addition, validation of an electronic submission via Grants.gov can take up to two business days.

Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov.

The Grants.gov Web site includes extensive information on all phases/aspects of the Grants.gov process, including an extensive section on frequently asked questions, located under the "For Applicants" section of the Web site. ECA strongly recommends that all potential applicants review thoroughly the Grants.gov Web site,

well in advance of submitting a proposal through the Grants.gov system. ECA bears no responsibility for data errors resulting from transmission or conversion processes.

Direct all questions regarding Grants.gov registration and submission to:

Grants.gov Customer Support.

Contact Center Phone: 800 -518–4726.

Business Hours: Monday–Friday, 7 a.m.–9 p.m. Eastern Time.

E-mail: support@grants.gov.

Applicants have until midnight (12 a.m.), Washington, DC time of the closing date to ensure that their entire application has been uploaded to the Grants.gov site. *There are no exceptions to the above deadline. Applications uploaded to the site after midnight of the application deadline date will be automatically rejected by the grants.gov system, and will be technically ineligible.*

Please refer to the Grants.gov Web site, for definitions of various "application statuses" and the difference between a submission receipt and a submission validation. Applicants will receive a validation e-mail from grants.gov upon the successful submission of an application. Again, validation of an electronic submission via Grants.gov can take up to two business days. *Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov.* ECA will *not* notify you upon receipt of electronic applications.

It is the responsibility of all applicants submitting proposals via the Grants.gov web portal to ensure that proposals have been received by Grants.gov in their entirety, and ECA bears no responsibility for data errors resulting from transmission or conversion processes.

IV.3g. Intergovernmental Review of Applications: Executive Order 12372 does not apply to this program.

V. Application Review Information

V.1. Review Process

The Bureau will review all proposals for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. In addition, ECA will review the record of compliance with 22 CFR 62 *et seq.* of applicant organizations designated as Exchange Visitor Program Sponsors by ECA's Office of Private Sector Exchange. If it is determined that an applicant organization submitting a proposal has a record of not being in compliance, their proposal will be deemed technically ineligible and receive no further consideration in the review process. If in compliance, the applicant organization's record of compliance will be used as one factor in evaluating the record/ability of organizations to carry out successful exchange programs.

All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards grants resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. *Program Planning/Ability To Achieve Program Objectives:*

Your proposal narrative should exhibit originality, substance, and relevance to the Bureau's mission. Reviewers will assess the degree to which proposals engage participants in community activities that involve skills development and leadership training. A detailed agenda and work plan should adhere to the program overview and guidelines described in the solicitation package. Reviewers will also assess the degree to which the proposed outcomes of the project are realistic and measurable. Strategies should creatively utilize resources at the local level to ensure an efficient use of program funds.

2. *Support of Diversity:* Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (selection of participants, host families, schools, program venue, and program evaluation) and program content (orientations, program meetings, resource materials and follow-up activities).

3. *Organization's Record/Institutional Capacity:* Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals. Reviewers will assess the applicant and its partners to determine if they offer adequate resources, expertise, and experience to fulfill program objectives. Partner activities should be clearly defined. Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting and J–1 Visa requirements for past Bureau grants as determined by Bureau Grant Staff. In addition, organizations designated as Exchange Visitor Program Sponsors must include a discussion of their record of compliance with 22 CFR 62 *et seq.,* including the oversight of their Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, record-keeping, reporting and other requirements. Proposals that fail to include the above information in their narrative will be deemed less or not competitive under this review criterion. ECA will review the record of compliance with 22 CFR 62 *et seq.* of organizations designated as Exchange Visitor Program Sponsors as one factor in evaluating the record/ability of organizations to carry out successful exchange programs.

4. *Multiplier Effect:* Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages. Reviewers will assess ways in which proposals include innovative ideas to expose U.S. communities to YES-related goals and activities that involve students, host families and schools. This includes media outreach, visits to local and national government representatives, Internet-based applications and other interactions. Reviewers will also evaluate substantive plans to prepare YES students for their role as active, effective YES alumni.

5. *Participant Monitoring:* Proposals must include a detailed monitoring plan, which addresses Student, Local Coordinator (LC) and Host Family (HF) monitoring. Given the importance the Department places on this criterion, you should dedicate a significant percentage of the narrative to explaining how you will achieve the Department's goals in regard to monitoring the health, safety and welfare of program participants. You may use the appendices to house additional details and supporting documentation. *Please see* the Project Objectives, Goals, and Implementation (POGI) for additional details regarding this review criterion.

6. *Project Evaluation:* Proposals should include a plan to monitor and

evaluate the activity's success, both as the activities unfold and at the end of the program. Reviewers will assess your plans to monitor student progress and program activities, particularly in regard to intended outcomes indicated in your proposal. Grantees will be expected to submit quarterly reports, which should be included as an inherent component of the work plan.

7. *Cost-effectiveness/Cost sharing:* Reviewers will analyze the budget for clarity and cost-effectiveness. They will also assess the rationale of the proposed budget and whether the allocation of funds is appropriate to complete tasks outlined in the project narrative. The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions. Preference will be given to organizations whose proposals demonstrate a quality, cost-effective program.

VI. Award Administration Information

VI.1. Award Notices

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures. Successful applicants will receive a Federal Assistance Award (FAA) from the Bureau's Grants Office. The FAA and the original proposal with subsequent modifications (if applicable) shall be the only binding authorizing document between the recipient and the U.S. Government. The FAA will be signed by an authorized Grants Officer, and mailed to the recipient's responsible officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review from the ECA program office coordinating this competition.

VI.2. Administrative and National Policy Requirements

Terms and Conditions for the Administration of ECA agreements include the following:

Office of Management and Budget Circular A–122, "Cost Principles for Nonprofit Organizations."

Office of Management and Budget Circular A–21, "Cost Principles for Educational Institutions."

OMB Circular A–87, "Cost Principles for State, Local and Indian Governments."

OMB Circular No. A–110 (Revised), Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations.

OMB Circular No. A–102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.

OMB Circular No. A–133, Audits of States, Local Government, and Non-profit Organizations.

Please reference the following Web sites for additional information:

http://www.whitehouse.gov/omb/grants
http://fa.statebuy.state.gov

VI.3. Reporting Requirements

You must provide ECA with a hard copy original plus *one* copy of the following reports:

(1) A final program and financial report no more than 90 days after the expiration of the award.

(2) A concise, one-page final program report summarizing program outcomes no more than 90 days after the expiration of the award. This one-page report will will be transmitted to OMB, and be made available to the public via OMB's *USAspending.gov* Web site—as part of ECA's Federal Funding Accountability and Transparency Act (FFATA) reporting requirements.

(3) A SF–PPR, "Performance Progress Report" Cover Sheet with all program reports.

(4) Quarterly program and financial reports which should include both quantitative and qualitative data you have available.

Award recipients will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. (Please refer to IV. Application and Submission Instructions (IV.3.d.3) above for Program Monitoring and Evaluation information.)

All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

All reports must be sent to the ECA Grants Officer and ECA Program Officer listed in the final assistance award document.

VII. Agency Contacts

For questions about this announcement, contact: Kevin Baker, Office of Citizen Exchanges, ECA/PE/C/PY, SA–5, Floor 3, Department of State, 2200 C St., NW., Washington, DC 20522–0503. *Telephone:* (202) 632–6073;*E-mail: BakerKM1@state.gov.*

All correspondence with the Bureau concerning this RFGP should reference the above contact and ECA/PE/C/PY–10–07.

Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: April 15, 2010.

Maura M. Pally,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

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DEPARTMENT OF STATE

[Public Notice 6966]

Bureau of Educational and Cultural Affairs (ECA); Request for Grant Proposals: DanceMotion USA

Announcement Type: New Cooperative Agreement.

Funding Opportunity Number: ECA/PE/C/CU–10–24.

Catalog of Federal Domestic Assistance Number: 19.415.

Key Dates:

Application Deadline: May 27, 2010.

Executive Summary

The Cultural Programs Division, within the Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs, announces an open competition for a cooperative agreement to administer the 2010–2012 cycle of the DanceMotion USA Program. The program's goal is to showcase the best of American dance and provide an opportunity to directly engage priority audiences in foreign countries. The program will consist of approximately four to six tours by approximately the same number of U.S. dance companies,

whose repertoires are representative of American culture (*e.g.* contemporary, jazz, hip hop, tap.) In addition to public performances, overseas tours will include public workshops, master classes, lecture-demonstrations, outreach activities and interaction with local youth in a wide variety of venues and settings. Priority audiences are those who do not have regular access to American culture, including underserved and younger populations.

Funding Opportunity Description

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." The funding authority for the program above is provided through legislation.

Purpose

Because many countries around the world have strong and honored dance traditions, dance provides an ideal avenue for engagement. The FY 2008 pilot DanceMotion USA program demonstrated the effectiveness of dance in communicating American ideals and values despite language and other cultural barriers. Based on the positive results of the pilot program, and the enthusiastic demand for DanceMotion USA, the Bureau has developed an expanded program for the 2010–2012 cycle that will result in greater outreach potential. Of particular interest to the Bureau is engaging youth and underserved populations through programs in American dance.

U.S. public and non-profit organizations meeting the provisions described in Internal Revenue code section 26 USC 501(c)(3) may submit proposals that support the goals of the DanceMotion USA Program. Additionally, applicant organizations must provide cost-sharing and demonstrate a capacity to work closely with the Bureau and U.S. Embassies overseas on the administration of the program.

Under this cooperative agreement, the award recipient will work with the Cultural Programs staff to: Develop a transparent and competitive process for selecting U.S. dance companies; plan, implement and manage the tour schedules; develop and organize pre-departure briefings and a public launch event in Washington, DC; develop educational materials to provide historical and artistic context for foreign audiences (including the general public); evaluate the tours and overall program effectiveness; and plan and coordinate marketing and public relations initiatives that will brand and promote the program in the U.S. and abroad.

Requirements of the Award Recipient

The DanceMotion USA program requires the award recipient to oversee planning details and facilitate communication among the various stakeholders in the program effectively and efficiently. Proposals should reflect a practical understanding of global issues, and demonstrate sensitivity to cultural, political, economic and social differences in regions where tour groups may perform.

Applicants must identify all partner organizations and/or venues with whom they are proposing to collaborate, and describe previous cooperative projects in the section on "Institutional Capacity." **Please note** that all sub-grantee considerations and arrangements for all aspects of the tours are subject to review and approval by the ECA Bureau.

Under this cooperative agreement, and in consultation with ECA, the successful awardee will be required to:

1. Design, organize, and implement a transparent open competition process to select approximately four to six U.S. dance groups. Dance genres should be representative of the diversity of U.S. society and culture and should include, among others, contemporary, hip-hop, tap, and jazz.

The search, adjudication and selection process for the dance companies must consist of an open call to U.S. dance companies with clear and transparent selection criteria geared to final competitive selection by an independent panel that includes an ECA representative, and culminating in a diverse cadre of artists meeting the description in the following paragraph. Final approval of the selection process and selected dance companies will be given by ECA.

The selected companies (up to 10 dancers) must be able to work with choreography, music and visual artistic expression to convey to international audiences and workshop students ideas about American culture, history and society.

Participating dancers must be U.S. citizens who are at least 21 years old; demonstrate the highest artistic, performance and teaching abilities; be conversant with broader aspects of contemporary American society and culture; and be adaptable to rigorous touring through regions of the world where travel and performance situations may be difficult. In addition to performances, DanceMotion USA participants will be expected to conduct or participate in master classes, lectures, workshops, impromptu choreography sessions, radio and TV appearances, and other activities with local cultural institutions, dancers, media and students.

2. Plan and develop, through close collaboration with ECA and our American Missions abroad, approximately four to six tours to countries in regions that may include the Middle East, East Asia and the Pacific, Africa, South and Central Asia, Europe and/or South/Central American regions.

For each overseas location, the award recipient will need to actively work with our Embassies and Consulates abroad to find and secure appropriate venues for performances and workshops. The award recipient may find that a pre-tour trip to one or two overseas locations might be a desirable planning aid.

Special attention should be given to describing the applicant organization's experience with planning and implementing complex and unpredictable logistical scenarios overseas. Applicants should also outline their project team's capacity for successfully coordinating projects of this nature and provide a detailed sample program (to include itineraries) to illustrate planning capacity and ability to achieve program objectives.

For purposes of this competition, please use the following program as a model: One dance company consisting of six dancers and one choreographer travels to Turkey, Egypt, Lebanon and Syria for one week each.

3. Manage the full array of tour logistics including:

—Organizing a pre-departure orientation that provides participants media training, cultural briefing about the countries on the tour, and a general context for their mission as cultural ambassadors;

—Outreach to international and U.S. media as part of a comprehensive

media and public relations strategy developed by the awardee and approved by ECA;
—Making all international travel arrangements and coordinating with posts on all in-country overseas travel;
—Making all arrangements for visas, immunizations and health insurance for participants;
—Developing educational materials appropriate for foreign audiences who may not be familiar with the U.S. and/or dance (including, as needed, translation of materials);
—Shipping performance and education materials;
—Making all hotel arrangements for company members;
—Making all financial and administrative arrangements with the dancers;
—Providing on-going and detailed information to the Cultural Programs Division regarding tour schedules, venues and program activities, performance and workshop results, tour highlights and media coverage;
—Arranging a de-briefing session for each dance company/group for purposes of evaluation and to summarize the project activities at the conclusion of each tour.

4. Design and implement, in consultation with ECA, a media strategy that will highlight the program to both international and U.S. public. The awardee will be responsible for developing press kits for each company, as well as preparing dancers and company managers for radio, television, newspaper and other electronic media interviews and feature articles. The award recipient will work closely with U.S. Embassy and Consulate public relations staff members to arrange interviews and ensure that dancers and company managers are briefed on current political and social issues in each overseas country.

5. Design and implement, in consultation with ECA, a public relations strategy that maximizes the 'DanceMotion USA' brand, including via development of promotional materials such as t-shirts, pencils, etc.

As part of this public relations strategy, the award recipient will organize a pre-tour public event in Washington DC to roll-out the 2010–2012 cycle of the program and present the selected dance companies. Event elements will include securing a venue, working with the companies to develop a program of demonstrations, selecting key audiences such as students and members of the diplomatic community, arranging travel to Washington for the dancers, and developing a media plan to ensure appropriate coverage.

Note: The U.S. Department of State maintains exclusive rights in *DanceMotion USA* SM for and relating to the production, sponsorship, advertising, and distribution of musical and choreographic performances and similar educational and cultural services. For the purpose of performing the terms of the grant program the Government will authorize to the award recipient a non-exclusive license to use the mark to carry out the terms and conditions of this grant agreement, and the award recipient will need to use the service mark symbol (SM) following the mark in all literature, promotional materials and other products produced and/or distributed under the terms and conditions of this grant agreement.

ECA Bureau Responsibilities

In a cooperative agreement, ECA is substantially involved in program activities above and beyond routine monitoring. ECA's activities and responsibilities for this program are as follows:

(1) Determination of the tour countries. Countries will be those of greatest importance to the Department of State's public diplomacy mission to build mutual understanding in the following world regions: Middle East, East Asia and the Pacific, Africa, South and Central Asia, Europe and/or South/Central America.

(2) Review and final approval of selected dance companies.

(3) Approval of all tour arrangements, including daily program schedules.

(4) Arrangement of participation by Department of State officers in pre-tour briefings, de-briefings, and the Washington DC roll-out event.

(5) Approval of media and public relations strategies and of arrangements for the Washington D.C. showcase event.

II. Award Information

Type of Award: Cooperative Agreement. ECA's level of involvement in this program is listed under number I above.

Fiscal Year Funds: FY–2010.

Approximate Total Funding: $1,500,000.

Approximate Number of Awards: 1.

Approximate Average Award: $1,500,000.

Anticipated Award Date: August 2, 2010.

Anticipated Project Completion Date: August 2012.

Additional Information: Pending successful implementation of this program and the availability of funds in subsequent fiscal years, it is ECA's intent to renew this cooperative agreement for two additional fiscal years, before openly competing it again.

III. Eligibility Information

III.1. Eligible Applicants

Applications may be submitted by public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3).

III.2. Cost Sharing or Matching Funds

Applicants must provide cost-sharing. Proposals that contain a minimum percentage of 20% cost sharing of the total project budget required for this project, will be deemed more competitive under the "Cost-Effectiveness and Cost-Sharing" review criteria (number 6). It is understood and agreed that the applicant must provide cost sharing as stipulated in its proposal and later included in an approved agreement. Proposals providing for private sector cost-sharing will be deemed more competitive under this competition.

Cost sharing may be in the form of allowable direct or indirect costs. For accountability, you must maintain written records to support all costs which are claimed as your contribution, as well as costs to be paid by the Federal government. Such records are subject to audit. The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A–110, (Revised), Subpart C.23—Cost Sharing and Matching. In the event you do not provide the minimum amount of cost sharing as stipulated in the approved budget ECA's contribution will be reduced in like proportion.

III.3. Other Eligibility Requirements

(a) Bureau grant guidelines require that organizations with less than four years experience in conducting international exchanges be limited to $60,000 in Bureau funding. ECA anticipates making one award, in an amount up to $1,500,000 to support program and administrative costs required to implement this exchange program. Therefore, organizations with less than four years experience in conducting international exchanges are ineligible to apply under this competition.

For this competition applicants must include in their proposals supporting materials or documents that demonstrate a minimum of five years experience in conducting international performing arts exchanges. Proposals must include references with contact names, e-mail addresses and phone numbers for organizations from which the applicant has received other assistance awards.

(b) Technical Eligibility: All proposals must comply with the cost sharing requirement listed above or your proposal will be declared technically ineligible and given no further consideration in the review process.

—Eligible applicants may not submit more than one proposal in this competition.

—If more than one proposal is received from the same applicant, all submissions will be declared technically ineligible and will receive no further consideration in the review process. **Please note:** Applicant organizations are defined by their legal name, EIN number as stated on their completed SF–424, and additional supporting documentation outlined in the Proposal Submission Instructions (PSI) document.

IV. Application and Submission Information

Note: Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

IV.1. Contact Information To Request an Application Package

Please contact the Office of Citizens Exchanges, Cultural Programs Division, ECA/PE/C/CU, SA–5, Third Floor, U.S. Department of State, 2200 C Street, NW., Washington, DC 20522–0504, *Phone:* (202) 632–9367, *Fax:* (202) 632–9355, *e-mail: ColeCA@state.gov* to request a Solicitation Package. Please refer to the Funding Opportunity Number: ECA/PE/C/CU–10–24 located at the top of this announcement when making your request. Alternatively, an electronic application package may be obtained from grants.gov. *Please see* section IV.3f for further information.

The Solicitation Package contains the Proposal Submission Instruction (PSI) document which consists of required application forms, and standard guidelines for proposal preparation.

Please specify Bureau Program Officer, Jill Staggs and refer to the Funding Opportunity Number ECA/PE/C/CU–10–24 located at the top of this announcement on all other inquiries and correspondence.

IV.2. To Download a Solicitation Package Via Internet

The entire Solicitation Package may be downloaded from the Bureau's Web site at *http://exchanges.state.gov/grants/open2.html,* or from the Grants.gov Web site at *http://www.grants.gov*.

Please read all information before downloading.

IV.3. Content and Form of Submission

Applicants must follow all instructions in the Solicitation Package. The application should be submitted per the instructions under IV.3f. "Application Deadline and Methods of Submission" section below.

IV.3a. You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the U.S. Government. This number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access *http://www.dunandbradstreet.com* or call 1–866–705–5711. Please ensure that your DUNS number is included in the appropriate box of the SF–424 which is part of the formal application package.

IV.3b. All proposals must contain an executive summary, proposal narrative and budget.

Please Refer to the Solicitation Package. It contains the mandatory PSI document for additional formatting and technical requirements.

IV.3c. You must have nonprofit status with the IRS at the time of application. **Please note:** Effective January 7, 2009, all applicants for ECA federal assistance awards must include in their application the names of directors and/or senior executives (current officers, trustees, and key employees, regardless of amount of compensation). In fulfilling this requirement, applicants must submit information in one of the following ways:

(1) Those who file Internal Revenue Service Form 990, "Return of Organization Exempt From Income Tax," must include a copy of relevant portions of this form.

(2) Those who do not file IRS Form 990 must submit information above in the format of their choice.

In addition to final program reporting requirements, award recipients will also be required to submit a one-page document, derived from their program reports, listing and describing their grant activities. For award recipients, the names of directors and/or senior executives (current officers, trustees, and key employees), as well as the one-page description of grant activities, will be transmitted by the State Department to OMB, along with other information required by the Federal Funding Accountability and Transparency Act (FFATA), and will be made available to the public by the Office of Management and Budget on its *USASpending.gov* Web site as part of ECA's FFATA reporting requirements.

If your organization is a private nonprofit which has not received a grant or cooperative agreement from ECA in the past three years, or if your organization received nonprofit status from the IRS within the past four years, you must submit the necessary documentation to verify nonprofit status as directed in the PSI document. Failure to do so will cause your proposal to be declared technically ineligible.

IV.3d. Please take into consideration the following information when preparing your proposal narrative:

IV.3d.1 Adherence to All Regulations Governing the J Visa

For informational purposes, grant applicant organizations should be aware of the following information:

The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs is the official program sponsor of the exchange program covered by this RFGP, and an employee of the Bureau will be the "Responsible Officer" for the program under the terms of 22 CFR 62, which covers the administration of the Exchange Visitor Program (J visa program). Under the terms of 22 CFR 62, organizations receiving awards (either a grant or cooperative agreement) under this RFGP will be third parties "cooperating with or assisting the sponsor in the conduct of the sponsor's program." The actions of recipient organizations shall be "imputed to the sponsor in evaluating the sponsor's compliance with" 22 CFR 62. Therefore, the Bureau expects that any organization receiving an award under this competition will render all assistance necessary to enable the Bureau to fully comply with 22 CFR 62 *et seq*.

The Bureau of Educational and Cultural Affairs places critically important emphases on the secure and proper administration of Exchange Visitor (J visa) Programs and adherence by recipient organizations and program participants to all regulations governing the J visa program status. Therefore, proposals should *explicitly state in writing* that the applicant is prepared to assist the Bureau in meeting all requirements governing the administration of Exchange Visitor Programs as set forth in 22 CFR 62. If your organization has experience as a designated Exchange Visitor Program Sponsor, the applicant should discuss their record of compliance with 22 CFR 62 *et. seq.,* including the oversight of their Responsible Officers and Alternate Responsible Officers, screening and

selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, record-keeping, reporting and other requirements.

The Office of Citizen Exchanges of ECA will be responsible for issuing DS–2019 forms to participants in this program.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at *http://exchanges.state.gov* or from: Office of Designation, ECA/EC/D, SA–5, Floor C2, Department of State, Washington, DC 20522–0582.

V.3d.2 Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and disabilities. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into your proposal. Public Law 104–319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy," the Bureau "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

IV.3d.3. Program Monitoring and Evaluation

Proposals must include a plan to monitor and evaluate the project's success, both as the activities unfold and at the end of the program. The Bureau recommends that your proposal include a draft survey questionnaire or other technique plus a description of a methodology to use to link outcomes to original project objectives. The Bureau expects that the recipient organization will track participants or partners and be able to respond to key evaluation questions, including satisfaction with the program, learning as a result of the program, changes in behavior as a result of the program, and effects of the program on institutions (institutions in which participants work or partner institutions). The evaluation plan should include indicators that measure gains in mutual understanding as well as substantive knowledge.

Successful monitoring and evaluation depend heavily on setting clear goals and outcomes at the outset of a program. Your evaluation plan should include a description of your project's objectives, your anticipated project outcomes, and how and when you intend to measure these outcomes (performance indicators). The more that outcomes are "smart" (specific, measurable, attainable, results-oriented, and placed in a reasonable time frame), the easier it will be to conduct the evaluation. You should also show how your project objectives link to the goals of the program described in this RFGP.

Your monitoring and evaluation plan should clearly distinguish between program *outputs* and *outcomes. Outputs* are products and services delivered, often stated as an amount. Output information is important to show the scope or size of project activities, but it cannot substitute for information about progress towards outcomes or the results achieved. Examples of outputs include the number of people trained or the number of seminars conducted. *Outcomes,* in contrast, represent specific results a project is intended to achieve and is usually measured as an extent of change. Findings on outputs and outcomes should both be reported, but the focus should be on outcomes.

We encourage you to assess the following four levels of outcomes, as they relate to the program goals set out in the RFGP (listed here in increasing order of importance):

1. Participant satisfaction with the program and exchange experience.
2. Participant learning, such as increased knowledge, aptitude, skills, and changed understanding and attitude. Learning includes both substantive (subject-specific) learning and mutual understanding.
3. Participant behavior, concrete actions to apply knowledge in work or community; greater participation and responsibility in civic organizations; interpretation and explanation of experiences and new knowledge gained; continued contacts between participants, community members, and others.
4. Institutional changes, such as increased collaboration and partnerships, policy reforms, new programming, and organizational improvements.

Please note: Consideration should be given to the appropriate timing of data collection for each level of outcome. For example, satisfaction is usually captured as a short-term outcome, whereas behavior and institutional changes are normally considered longer-term outcomes.

Overall, the quality of your monitoring and evaluation plan will be judged on how well it (1) specifies intended outcomes; (2) gives clear descriptions of how each outcome will be measured; (3) identifies when particular outcomes will be measured; and (4) provides a clear description of the data collection strategies for each outcome (*i.e.,* surveys, interviews, or focus groups). (Please note that evaluation plans that deal only with the first level of outcomes [satisfaction] will be deemed less competitive under the present evaluation criteria.)

Recipient organizations will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

IV.3e. Please take the following information into consideration when preparing your budget:

IV.3e.1. Applicants must submit SF–424A—"Budget Information—Non-Construction Programs" along with a comprehensive budget for the entire program. Budget requests may not exceed $1,500,000. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification.

IV.3e.2. Allowable costs for the program include the following:

(1) Participant travel (international and domestic).
(2) Food and lodging.
(3) Interpreters, if necessary.
(4) Cultural and outreach activities.
(5) Stipends or allowances.
(6) Orientations.
(7) Translation of outreach and/or educational materials.
(8) Evaluation.
(9) Other justifiable expenses directly related to supporting program activities.
(10) Administrative costs—While there is no rigid ratio of administrative to program costs, the Bureau urges applicants to keep administrative costs as low and reasonable as possible. Your

proposal should show strong administrative cost sharing contributions. Maximum limits on grant funding are as follows: books and educational materials allowance-$100 per participant per tour; conference room rental costs—$250 per day per room; consultant fees and participant honoraria—$200/day; cultural allowance—$150 per participant per tour; per diem—standard government rates; evaluation costs—5% of the grant. Organizations are encouraged to cost-share any rates that exceed these amounts.

Dance company members can be enrolled in the Bureau's Accident and Sickness Program for Exchanges (ASPE) with no charge to the cooperative agreement. Alternatively, you may use your own plan as long as it offers the same or better coverage and costs no more than $50 per person per month; premiums may be included in the agreement request. *Please see http://exchanges.state.gov/aspe* for more information on coverage.

Please refer to the PSI for allowable costs and complete budget guidelines and formatting instructions.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

IV.3f. Application Deadline and Methods of Submission

Application Deadline Date: May 27, 2010.

Reference Number: ECA/PE/C/CU–10–24.

Methods of Submission:

Applications may be submitted in one of two ways:

(1.) In hard-copy, via a nationally recognized overnight delivery service (*i.e.,* Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, etc.), or

(2.) electronically through *http://www.grants.gov.*

Along with the Project Title, all applicants must enter the above Reference Number in Box 11 on the SF–424 contained in the mandatory Proposal Submission Instructions (PSI) of the solicitation document.

IV.3f.1 Submitting Printed Applications

Applications must be shipped no later than the above deadline. Delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at ECA more than seven days after the deadline will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. ECA will *not* notify you upon receipt of application. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to ECA via the Internet. Delivery of proposal packages *may not* be made via local courier service or in person for this competition. Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered.

Important note: When preparing your submission please make sure to include one extra copy of the completed SF–424 form and place it in an envelope addressed to "ECA/EX/PM".

The original and 8 copies of the application should be sent to: Program Management Division, ECA–IIP/EX/PM, *Ref.:* ECA/A/S/U–10–24, SA–5, Floor 4, Department of State, 2200 C Street, NW., Washington, DC 20522–0504.

Applicants submitting hard-copy applications must also submit the "Executive Summary" and "Proposal Narrative" sections of the proposal in text (.txt) or Microsoft Word format on CD–ROM. As appropriate, the Bureau will provide these files electronically to Public Affairs Section(s) at the U.S. embassy(ies) for its (their) review.

IV.3f.2 Submitting Electronic Applications

Applicants have the option of submitting proposals electronically through Grants.gov (*http://www.grants.gov*). Complete solicitation packages are available at Grants.gov in the "Find" portion of the system.

Please Note: ECA bears no responsibility for applicant timeliness of submission or data errors resulting from transmission or conversion processes for proposals submitted via Grants.gov.

Please follow the instructions available in the 'Get Started' portion of the site (*http://www.grants.gov/GetStarted*).

Several of the steps in the Grants.gov registration process could take several weeks. Therefore, applicants should check with appropriate staff within their organizations immediately after reviewing this RFGP to confirm or determine their registration status with Grants.gov.

Once registered, the amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your internet connection. In addition, validation of an electronic submission via Grants.gov can take up to two business days.

Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov.

The Grants.gov Web site includes extensive information on all phases/aspects of the Grants.gov process, including an extensive section on frequently asked questions, located under the "For Applicants" section of the Web site. ECA strongly recommends that all potential applicants review thoroughly the Grants.gov Web site, well in advance of submitting a proposal through the Grants.gov system. ECA bears no responsibility for data errors resulting from transmission or conversion processes.

Direct all questions regarding Grants.gov registration and submission to:

Grants.gov Customer Support.

Contact Center Phone: 800–518–4726.

Business Hours: Monday–Friday, 7 a.m.–9 p.m. Eastern Time.

E-mail: support@grants.gov.

Applicants have until midnight (12 a.m.), Washington, DC time of the closing date to ensure that their entire application has been uploaded to the Grants.gov site. *There are no exceptions to the above deadline. Applications uploaded to the site after midnight of the application deadline date will be automatically rejected by the grants.gov system, and will be technically ineligible.*

Please refer to the Grants.gov Web site, for definitions of various "application statuses" and the difference between a submission receipt and a submission validation. Applicants will receive a validation e-mail from grants.gov upon the successful submission of an application. Again, validation of an electronic submission via Grants.gov can take up to two business days. *Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov.* ECA will *not* notify you upon receipt of electronic applications.

It is the responsibility of all applicants submitting proposals via the Grants.gov web portal to ensure that proposals have been received by Grants.gov in their entirety, and ECA bears no responsibility for data errors resulting from transmission or conversion processes.

IV.3g. Intergovernmental Review of Applications

Executive Order 12372 does not apply to this program.

V. Application Review Information

V.1. Review Process

The Bureau will review all proposals for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards/cooperative agreements resides with the Bureau's Grants Officer.

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. *Program Planning:* A detailed description of each program component and a relevant work plan should demonstrate substantive organizational and logistical capacity. Your agenda and plan should adhere to the program overview of DanceMotion USA and the guidelines described above.

2. *Ability to Achieve Program Objectives:* Your proposal should clearly demonstrate how your organization will meet DanceMotion USA's objectives and goals. The program implementation plan should be comprehensive and feasible. Your ability to recruit, select and tour the highest caliber of American dance groups should be clearly reflected in your proposal. Your proposal should describe how your previous experience with international dance tours will help you achieve the DanceMotion USA program objectives.

3. *Multiplier Effect/Impact:* Your proposal should demonstrate your understanding of DanceMotion USA's impact on cultural diplomacy. Your program plan should include strategies for strengthening long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages. Your proposal should describe your plans for furthering the multiplier effect of DanceMotion USA.

4. *Support of Diversity:* Your proposal should demonstrate your organization's commitment to promoting the awareness and understanding of diversity. Achievable and relevant features should be cited in both your administration of DanceMotion USA (program venue, study tour venue, and program evaluation) and the program content (orientation and wrap-up sessions, site visits, program meetings and resource materials).

5. *Project Evaluation:* Your proposal should include a plan to evaluate DanceMotion USA's success, both as the program activities and components unfold, and at the end of the program. The Bureau recommends that the proposal include a draft survey questionnaire or other technique, plus a description of a methodology to use to link outcomes to original project objectives.

6. *Cost-effectiveness/Cost-sharing:* The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions. Proposals containing a minimum cost-sharing of 20% of the total project cost will be deemed more competitive under this category.

7. *Institution's Record/Ability/Institutional Capacity:* Your institution's expert knowledge of the American performing arts and artistic community should be reflected in your proposal. Your proposal should demonstrate an institutional record of successful international exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by the Bureau's Office of Contracts. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants. Proposed personnel and institutional resources should be adequate and appropriate to achieve the goals of DanceMotion USA.

VI. Award Administration Information

VI.1a. Award Notices

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures. Successful applicants will receive an Federal Assistance Award (FAA) from the Bureau's Grants Office. The FAA and the original proposal with subsequent modifications (if applicable) shall be the only binding authorizing document between the recipient and the U.S. Government. The FAA will be signed by an authorized Grants Officer, and mailed to the recipient's responsible officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review from the ECA program office coordinating this competition.

In the event that the tour companies travel to the West Bank and Gaza, please be aware that all awards made under this competition must be executed according to all relevant U.S. laws and policies regarding assistance to the Palestinian Authority, and to the West Bank and Gaza. Organizations must consult with relevant Public Affairs Offices before entering into any formal arrangements or agreements with Palestinian organizations or institutions.

Note: To assure that planning for the inclusion of the Palestinian Authority complies with requirements, please contact Jill Staggs, (202) 632–6408, *staggsjj@state.gov,* for additional information.

VI.2 Administrative and National Policy Requirements

Terms and Conditions for the Administration of ECA agreements include the following:

Office of Management and Budget Circular A–122, "Cost Principles for Nonprofit Organizations"

Office of Management and Budget Circular A–21, "Cost Principles for Educational Institutions"

OMB Circular A–87, "Cost Principles for State, Local and Indian Governments"

OMB Circular No. A–110 (Revised), Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations

OMB Circular No. A–102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments

OMB Circular No. A–133, Audits of States, Local Government, and Non-profit Organizations

Please reference the following Web sites for additional information:

http://www.whitehouse.gov/omb/grants, http://fa.statebuy.state.gov.

VI.3. Reporting Requirements

You must provide ECA with a hard copy original plus one copy of the following reports:

(1) A final program and financial report no more than 90 days after the expiration of the award;

(2) A concise, one-page final program report summarizing program outcomes no more than 90 days after the expiration of the award. This one-page

report will be transmitted to OMB, and be made available to the public via OMB's *USAspending.gov* Web site—as part of ECA's Federal Funding Accountability and Transparency Act (FFATA) reporting requirements.

(3) A SF–PPR, "Performance Progress Report" Cover Sheet with all program reports.

(4) Quarterly program and financial reports which should include, updated project calendars, description of any program complications, and program accomplishments to date.

Award recipients will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. (*Please refer* to IV. Application and Submission Instructions (IV.3.d.3) above for Program Monitoring and Evaluation information.

All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

All reports must be sent to the ECA Grants Officer and ECA Program Officer listed in the final assistance award document.

Additional Program Data Requirements:

Award recipients will be required to maintain specific data on program participants and activities in an electronically accessible database format that can be shared with the Bureau as required. As a minimum, the data must include the following:

(1) Name, address, contact information and biographic sketch of all persons who travel internationally on funds provided by the agreement or who benefit from the award funding but do not travel.

(2) Itineraries of international and domestic travel, providing dates of travel and cities in which any exchange experiences take place. Final schedules for in-country and U.S. activities must be received by the ECA Program Officer at least three work days prior to the official opening of the activity.

VII. Agency Contacts

For questions about this announcement, contact: Jill Staggs, Program Officer, U.S. Department of State, Cultural Programs Division, Office of Citizen Exchanges, ECA/PE/C/CU, SA–5, Floor 3, Reference Number: ECA/PE/C/CU–10–24, 2200 C Street, NW., Washington, DC 20522–0503, (202) 632–6408, *staggsjj@state.gov.*

All correspondence with the Bureau concerning this RFGP should reference the above title and number ECA/PE/C/CU–10–24.

Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

VIII. Other Information

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: April 15, 2010.

Maura M. Pally,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 2010–9324 Filed 4–21–10; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Availability of the Draft Environmental Impact Statement

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of availability of the Draft Environmental Impact Statement.

SUMMARY: The FHWA, on behalf of the California Department of Transportation (Caltrans), announces the availability of the Draft Environmental Impact Statement (EIS) for a proposed highway project and route adoption study in San Benito and Santa Clara Counties, California.

DATES: Public circulation of this document will begin on April 26, 2010 and will end on June 10, 2010. An open forum public hearing will be held for this project on Tuesday, May 11, 2010 between 5 p.m. and 8 p.m. in Hollister. The location is R.O. Hardin Elementary School, 881 Line Street, Hollister, CA 95023 in the Multi-purpose Room.

ADDRESSES: This document will be available at the Caltrans District 5 office, 50 Higuera Street, San Luis Obispo, CA 93401 on weekdays from 8 a.m. to 5 p.m. (except for the first, second, and third Fridays of the month, when Caltrans offices are closed). Copies of the document can also be read at the San Benito County Free Library, 470 Fifth Street, Hollister, CA 95023 and at the Santa Clara County Library, 7562 Monterey Street, Gilroy, CA 95020. The Draft EIS is also available at *http://www.dot.ca.gov/dist05/paffairs/hwy25widening/.*

FOR FURTHER INFORMATION CONTACT: G. William 'Trais' Norris III, Sierra Pacific Environmental Analysis Branch, 2015 East Shields Avenue, Suite 100, Fresno, CA 93726. E-mail *trais_norris@dot.ca.gov.* Telephone (805) 542–4711.

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Caltrans as the delegated National Environmental Policy Act (NEPA) agency, has prepared a Draft Tier I Environmental Impact Statement that evaluates two proposed projects: (1) A route adoption of State Route 25 between Hollister in San Benito County and US 101 just south of Gilroy in Santa Clara County and (2) a proposed four-lane expressway construction project within the limits of the proposed route adoption in San Benito County. Caltrans approved the Draft EIS on April 13, 2010.

Alternatives 1 and 2, the route adoption alternatives, would share the same alignment from ½ mile south of Shore Road in San Benito County to US 101 in Santa Clara County. Between ½ mile south of Shore Road and the southern end of the proposed project at San Felipe Road, these alternatives separate. In this area Alternative 1 proposes to align the future four-lane expressway generally to the east of the existing highway, while Alternative 2 would be aligned mostly to the west of the existing two-lane highway.

The proposed widening project extends from San Felipe Road in Hollister to just west of Hudner Lane in San Benito County. A four-lane expressway would be built on a new alignment. Alternative A would be within the footprint of Alternative 1, and Alternative B would be within the footprint of Alternative 2. Because this project is really two projects, it would be possible for the No-Build Alternative to be selected instead of a construction project, and to also have an action: a route adoption. The No-Action Alternative would result in no action being taken.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning

and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: April 16, 2010.

Cindy Vigue,

Director, State Programs, Federal Highway Administration, Sacramento, California.

[FR Doc. 2010–9290 Filed 4–21–10; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35344]

Union Pacific Railroad Company—Trackage Rights Exemption—BNSF Railway Company

Pursuant to a written trackage rights agreement dated December 16, 2009, BNSF Railway Company (BNSF) has agreed to grant overhead trackage rights to Union Pacific Railroad Company (UP) over a BNSF line of railroad known as the Thayer Subdivision extending between BNSF milepost 483.8 (Kentucky Street) and BNSF milepost 486.0 (KC Junction) in Memphis, Tenn., a distance of approximately 2.2 miles.

The transaction is scheduled to be consummated on May 6, 2010, the effective date of the exemption (30 days after the exemption is filed). The purpose of the trackage rights agreement is to allow UP to interchange railcars with Canadian National Railway Company (CN) at CN's Johnson Yard in Memphis.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry.—Trackage Rights—Burlington N., Inc.,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry.—Lease and Operate—Cal. W. R.R.,* 360 I.C.C. 653 (1980), and any employees affected by the discontinuance of those trackage rights will be protected by the conditions set out in *Or. Short Line R.R.—Aban. Portion—Goshen Branch Between Firth and Ammon, in Bingham and Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979).

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed by April 29, 2010 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35344, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Mack H. Shumate, Jr., Senior General Attorney, Union Pacific Railroad Company, 101 North Wacker Drive, Room #1920, Chicago, IL 60606.

Board decisions and notices are available on our Web site at "*http://www.stb.dot.gov.*"

Decided: April 19, 2010.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Kulunie L. Cannon,

Clearance Clerk.

[FR Doc. 2010–9305 Filed 4–21–10; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[eDocket Number: TREAS–DO–2010–0001; eDocket Number: HUD–2010–0029]

Public Input on Reform of the Housing Finance System

AGENCIES: Office of the Undersecretary for Domestic Finance, Department of the Treasury; Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice and Request for Information.

SUMMARY: Consistent with the Obama Administration's commitment to openness and transparency and the President's Open Government Initiative, the Department of the Treasury (Treasury) and the Department of Housing and Urban Development (HUD) seek public input on establishing a more stable and sound housing finance system.

DATES: *Comment Due Date:* July 21, 2010.

ADDRESSES: Interested persons are invited to submit comments regarding this notice according to the instructions for "Electronic Submission of Comments" below. All submissions must refer to the document title and one of the above docket numbers. Treasury and HUD encourage the early submission of comments.

Electronic Submission of Comments. Interested persons must submit comments electronically through the Federal eRulemaking Portal at *http://www.regulations.gov.* Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt, and enables Treasury or HUD to make them available to the public. Comments submitted electronically through the *http://www.regulations.gov* Web site can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

Note: To receive consideration as public comments, comments must be submitted through the method specified above. Again, all submissions must refer to the docket number and title of the notice.

No Facsimile Comments. Facsimile (FAX) comments are not acceptable.

Public Inspection of Public Comments. All properly submitted comments will be available for inspection and downloading at *http://www.regulations.gov.*

Additional Instructions. Please note the number of the question to which you are responding at the top of each response. Though the responses will be screened for obscenities and appropriateness, in general comments received, including attachments and other supporting materials, are part of the public record and are immediately available to the public. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: For general inquiries, submission process questions or any additional information, please call 202–622–7653. All responses to this Notice and Request for Information should be submitted via *http://www.regulations.gov* to ensure consideration.

SUPPLEMENTARY INFORMATION: Treasury and HUD seek public comment on the following questions:

1. How should federal housing finance objectives be prioritized in the context of the broader objectives of housing policy? Commentary could address: Policy for sustainable homeownership; rental policy; balancing rental and ownership; how to account for regional differences; and affordability goals.

2. What role should the federal government play in supporting a stable, well-functioning housing finance system and what risks, if any, should the federal government bear in meeting its housing finance objectives? Commentary could address: Level of government involvement and type of support provided; role of government

agencies; role of private vs. public capital; role of any explicit government guarantees; role of direct subsidies and other fiscal support and mechanisms to convey such support; monitoring and management of risks including how to balance the retention and distribution of risk; incentives to encourage appropriate alignment of risk bearing in the private sector; mechanisms for dealing with episodes of market stress; and how to promote market discipline.

3. Should the government approach differ across different segments of the market, and if so, how? Commentary could address: Differentiation of approach based on mortgage size or other characteristics; rationale for integration or separation of functions related to the single-family and multi-family market; whether there should be an emphasis on supporting the production of subsidized multifamily housing; differentiation in mechanism to convey subsidies, if any.

4. How should the current organization of the housing finance system be improved? Commentary could address: What aspects should be preserved, changed, eliminated or added; regulatory considerations; optimal general organizational design and market structure; capital market functions; sources of funding; mortgage origination, distribution and servicing; the role of the existing government-sponsored enterprises; and the challenges of transitioning from the current system to a desired future system.

5. How should the housing finance system support sound market practices? Commentary could address: Underwriting standards; how best to balance risk and access; and extent to which housing finance systems that reference certain standards and mortgage products contribute to this objective.

6. What is the best way for the housing finance system to help ensure consumers are protected from unfair, abusive or deceptive practices? Commentary could address: Level of consumer protections and limitation; supervising agencies; specific restrictions; and role of consumer education.

7. Do housing finance systems in other countries offer insights that can help inform U.S. reform choices?

Dated: April 16, 2010.

Alastair Fitzpayne,

Acting Executive Secretary, Department of the Treasury.

James Parrott,

Counselor to the Secretary, Department of Housing and Urban Development.

[FR Doc. 2010–9309 Filed 4–21–10; 8:45 am]

BILLING CODE 4810–25–P; 4210–67–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2001–20

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 2001–20, Voluntary Compliance on Alien Withholding Program ("VCAP").

DATES: Written comments should be received on or before June 21, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Steve Bronson, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the revenue procedure should be directed to Allan Hopkins at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–6665, or through the internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Voluntary Compliance on Alien Withholding Program ("VCAP").

OMB Number: 1545–1735.

Revenue Procedure Number: Revenue Procedure 2001–20.

Abstract: The revenue procedure will improve voluntary compliance of colleges and universities in connection with their obligations to report, withhold and pay taxes due on compensation paid to foreign students and scholars (nonresident aliens). The revenue procedure provides an optional opportunity for colleges and universities which have not fully complied with their tax obligations concerning nonresident aliens to self-audit and come into compliance with applicable reporting and payment requirements.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Not-for-profit institutions, and state, local or tribal governments.

Estimated Number of Respondents: 495.

Estimated Time per Respondent: 700 hours.

Estimated Total Annual Burden Hours: 346,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 13, 2010.

Allan Hopkins,

Tax Analyst.

[FR Doc. 2010–9220 Filed 4–21–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 2004–11

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Notice 2004–11, Research Credit Record Retention Agreements 2006–97, Taxation and Reporting of REIT Excess Inclusion Income.

DATES: Written comments should be received on or before June 21, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Steve Bronson, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Allan Hopkins at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Research Credit Record Retention Agreements.

OMB Number: 1545–1859.

Notice Number: Notice 2004–11.

Abstract: Notice 2004–11 announces a pilot program in which the Internal Revenue Service and large and mid-size business taxpayers may enter into research credit recordkeeping agreements (RCRAs). If the taxpayer complies with the terms of the RCRA, the Service will deem the taxpayer to satisfy the recordkeeping requirements of section 6001 for purposes of the credit for increasing research activities under section 41 of the Internal Revenue Code.

Current Actions: There are no changes being made to the notice at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 65.

Estimated Average Time per Respondent: 18 hours.

Estimated Total Annual Burden Hours: 1,170.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 13, 2010.

Allan Hopkins,

Tax Analyst.

[FR Doc. 2010–9225 Filed 4–21–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 4506–T

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 4506–T Request for Transcript of Tax Return.

DATES: Written comments should be received on or before June 21, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Steve Bronson, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, at (202) 622–6665, or at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Request for Transcript of Tax Return.

OMB Number: 1545–1872.

Form Number: Form 4506–T.

Abstract: Internal Revenue Code section 7513 allows taxpayers to request a copy of a tax return or related products. Form 4506–T is used to request all products except copies of returns. The information provided will be used to search the taxpayers account and provide the requested information and to ensure that the requestor is the taxpayer or someone authorized by the taxpayer to obtain the documents requested.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals or households, farms, and Federal, State, local, or Tribal governments.

Estimated Number of Respondents: 720,000.

Estimated Time per Respondent: 1 hr., 2 min.

Estimated Total Annual Burden Hours: 555,600.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long

as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 15, 2010.

Allan Hopkins,

Tax Analyst.

[FR Doc. 2010–9228 Filed 4–21–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2006–54

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 2006–54, Procedures for Requesting Competent Authority Assistance Under Tax Treaties.

DATES: Written comments should be received on or before June 21, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Steve Bronson, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of revenue procedures should be directed to Allan Hopkins at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Procedures for Requesting Competent Authority Assistance Under Tax Treaties.

OMB Number: 1545–2044.

Revenue Procedure Number: Rev. Proc. 2006–54.

Abstract: Taxpayers who believe that the actions of the United States, a treaty country, or both, result or will result in taxation that is contrary to the provisions of an applicable tax treaty are required to submit the requested information in order to receive assistance from the IRS official acting as the U.S. competent authority. The information is used to assist the taxpayer in reaching a mutual agreement with the IRS and the appropriate foreign competent authority.

Current Actions: There are no changes being made to the revenue procedures at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations.

Estimated Number of Respondents: 300.

Estimated Time per Respondent: 30 hours.

Estimated Total Annual Burden Hours: 9,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 15, 2010.

Allan Hopkins,

Tax Analyst.

[FR Doc. 2010–9229 Filed 4–21–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 2006–107

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Notice 2006–107, Diversification Requirements for Qualified Defined Contribution Plans Holding Publicly Traded Employer Securities.

DATES: Written comments should be received on or before June 21, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Steve Bronson, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the revenue procedure should be directed to Allan Hopkins at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or

through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Diversification Requirements for Qualified Defined Contribution Plans Holding Publicly Traded Employer Securities.

OMB Number: 1545–2049.

Revenue Procedure Number: Notice 2006–107.

Abstract: This notice provides transitional guidance on § 401(a)(35) of the Internal Revenue Code, added by section 901 of the Pension Protection Act of 2006, Public Law 109–280, 120 Stat. 780 (PPA '06), which provides diversification rights with respect to publicly traded employer securities held by a defined contribution plan. This notice also states that Treasury and the Service expect to issue regulations under § 401(a)(35) that incorporate the transitional relief in this notice and requests comments on the transitional guidance in this notice and on the topics that need to be addressed in the regulations.

Current Actions: There are no changes being made to the Notice at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business and other for-profit.

Estimated Number of Respondents: 10,300.

Estimated Time per Respondent: 45 minutes.

Estimated Total Annual Burden Hours: 7,725.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 15, 2010.

Allan Hopkins,

Tax Analyst.

[FR Doc. 2010–9230 Filed 4–21–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2006–50

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 2006–50, Expenses Paid by Certain Whaling Captains in Support of Native Alaskan Subsistence Whaling.

DATES: Written comments should be received on or before June 21, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Steve Bronson, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the revenue procedure should be directed to Allan Hopkins at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–6665, or through the internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Expenses Paid by Certain Whaling Captains in Support of Native Alaskan Subsistence Whaling.

OMB Number: 1545–2041.

Revenue Procedure Number: Revenue Procedure 2006–50.

Abstract: This revenue procedure provides the procedures under which the whaling expenses of an individual recognized by the Alaska Eskimo Whaling Commission (AEWC) as a whaling captain charged with the responsibility of maintaining and carrying out sanctioned whaling activities are substantiated for purposes of Internal Revenue Code § 170(n), as enacted by the American Jobs Creation Act of 2004 and effective for whaling expenses incurred after December 31, 2004. Public Law No. 109–357, § 335.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 24.

Estimated Time per Respondent: 2 hours.

Estimated Total Annual Burden Hours: 48.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 13, 2010.

Allan Hopkins,

Tax Analyst,

[FR Doc. 2010–9233 Filed 4–21–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2004–18

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 2004–18, Average Area Purchase Price Safe Harbors and Nationwide Purchase Prices under section 143.

DATES: Written comments should be received on or before June 21, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Steve Bronson, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the revenue procedure should be directed to Allan Hopkins at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Average Area Purchase Price Safe Harbors and Nationwide Purchase Prices under section 143.

OMB Number: 1545–1877.

Revenue Procedure Number: Revenue Procedure 2004–18.

Abstract: Revenue Procedure 2004–18 provides issuers of qualified mortgage bonds, as defined in section 143(a) of the Internal Revenue Code, and issuers of mortgage credit certificates, as defined in section 25(c), with (1) nationwide average purchase prices for residences located in the United States, and (2) average area purchase price safe harbors for residences located in statistical areas in each State, the District of Columbia, Puerto Rico, the Northern Mariana Islands, American Samoa, the Virgin Islands, and Guam.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: State, local and Tribal governments.

Estimated Number of Recordkeepers: 60.

Estimated Time per Recordkeeper: 15 minutes.

Estimated Total Annual Burden Hours: 15.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 13, 2010.

Allan Hopkins,

Tax Analyst.

[FR Doc. 2010–9234 Filed 4–21–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Designation of Two Individuals Pursuant to Executive Order 13224

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control ("OFAC") is publishing the names of two newly-designated individuals whose property and interests in property are blocked pursuant to Executive Order 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism."

DATES: The designation by the Director of OFAC of the two individuals identified in this notice, pursuant to Executive Order 13224, is effective on April 15, 2010.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, *tel.:* 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treas.gov/ofac*) or via facsimile through a 24-hour fax-on-demand service, *tel.:* 202/622–0077.

Background

On September 23, 2001, the President issued Executive Order 13224 (the "Order") pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701–1706, and the United Nations Participation Act of 1945, 22 U.S.C. 287c. In the Order, the President declared a national emergency to address grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the September 11, 2001, terrorist attacks in New York, Pennsylvania, and at the Pentagon. The Order imposes economic sanctions on persons who have committed, pose a significant risk of committing, or support acts of terrorism. The President identified in the Annex to the Order, as amended by Executive Order 13268 of July 2, 2002, 13 individuals and 16 entities as subject to the economic sanctions. The Order was further amended by Executive Order 13284 of January 23, 2003, to reflect the creation of the Department of Homeland Security.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in or hereafter come within the United States or the possession or control of United States persons, of: (1) Foreign persons listed in the Annex to the Order; (2) foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of the Department of Homeland Security and the Attorney General, to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States; (3) persons determined by the Director of OFAC, in consultation with the Departments of State, Homeland Security and Justice, to be owned or controlled by, or to act for or on behalf of those persons listed in the Annex to the Order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of the Order; and (4) except as provided in section 5 of the Order and after such consultation, if any, with foreign authorities as the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of the Department of Homeland Security and the Attorney General, deems appropriate in the exercise of his discretion, persons determined by the Director of OFAC, in consultation with the Departments of State, Homeland Security and Justice, to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to the Order or determined to be subject to the Order or to be otherwise associated with those persons listed in the Annex to the Order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of the Order.

On April 15, 2010 the Director of OFAC, in consultation with the Departments of State, Homeland Security, Justice and other relevant agencies, designated, pursuant to one or more of the criteria set forth in subsections 1(b), 1(c) or 1(d) of the Order, two individuals whose property and interests in property are blocked pursuant to Executive Order 13224.

The list of designees is as follows:

1. MAZHAR, Mohammed (a.k.a. AZHAR, Mohammad; a.k.a. MAHAZAR, Maulawi Mohammad; a.k.a. MAZAR, Hakim Muhammed; a.k.a. MAZAR, Maulana; a.k.a. MAZHAR, Hakeem Mohammad; a.k.a. MAZHAR, Hakim; a.k.a. MAZHAR, Maulana Hakim Mohammad; a.k.a. MAZHAR, Mohammad; a.k.a. MAZHAR, Molana; a.k.a. MAZHAR, Molavi Muhammad), ST 1/A, Block 2, Gulshan-e-Iqbal, Karachi, Pakistan; DOB 5 Oct 1951; POB Azamgarh, Uttar Pradesh, India; nationality Pakistan; Passport KZ 550207 (Pakistan); alt. Passport G154297 (Pakistan); alt. Passport KC550207 (Pakistan) (individual) [SDGT].

2. RAHIM, Mufti Abdul (a.k.a. HALIM, Mufti Muabdul; a.k.a. RAHEEM, Mufti Abdul; a.k.a. RAHIM, Mufti Abdur; a.k.a. "USTAAD SHEHEB"), Karachi, Pakistan; DOB circa 1955; alt. DOB circa 1964; POB Sarghoda region, Punjab Province, Pakistan; nationality Pakistan (individual) [SDGT].

Dated: April 15, 2010.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2010–9250 Filed 4–21–10; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Internal Revenue Service Advisory Council (IRSAC); Nominations

AGENCY: Internal Revenue Service, Department of Treasury.

ACTION: Request for Applications.

SUMMARY: The Internal Revenue Service (IRS) requests applications of individuals to be considered for selection as Internal Revenue Service Advisory Council (IRSAC) members. Nominations should describe and document the proposed member's qualification for IRSAC membership, including the applicant's knowledge of Circular 230 regulations and the applicant's past or current affiliations and dealings with the particular tax segment or segments of the community that the applicant wishes to represent on the council. Applications will be accepted for current vacancies from qualified individuals and from professional and public interest groups that wish to have representatives on the IRSAC. The IRSAC is comprised of no more than thirty-five (35) appointed members; approximately twenty of these appointments will expire in December 2010. It is important that the IRSAC continue to represent a diverse taxpayer and stakeholder base. Accordingly, to maintain membership diversity, selection is based on the applicant's qualifications as well as areas of expertise.

The Internal Revenue Service Advisory Council (IRSAC) provides an organized public forum for IRS officials and representatives of the public to discuss relevant tax administration issues. The council advises the IRS on issues that have a substantive effect on federal tax administration. As an advisory body designed to focus on broad policy matters, the IRSAC reviews existing tax policy and/or recommends policies with respect to emerging tax administration issues. The IRSAC suggests operational improvements, offers constructive observations regarding current or proposed IRS policies, programs, and procedures, and advises the IRS with respect to issues having substantive effect on federal tax administration.

DATES: Written applications must be postmarked or faxed on or before June 18, 2010.

ADDRESSES: Applications should be sent to National Public Liaison, CL:NPL:P, Room 7559 IR, 1111 Constitution Avenue, NW., Washington, DC 20224, Attn: Lorenza Wilds; or by e-mail: **public_liaison@irs.gov.* Applications may be submitted by mail to the address above or faxed to 202–927–4123. Application packages are available on the Tax Professional's Page, which is located on the IRS Internet Web site at *http://www.irs.gov/taxpros/index.html.*

FOR FURTHER INFORMATION CONTACT: Ms. Lorenza Wilds, 202–622–6440 (not a toll-free number).

SUPPLEMENTARY INFORMATION: IRSAC was authorized under the Federal Advisory Committee Act, Public Law No. 92–463., the first Advisory Group to the Commissioner of Internal Revenue—or the Commissioner's Advisory Group ("CAG")—was established in 1953 as a "national policy and/or issue advisory committee." Renamed in 1998, the Internal Revenue Service Advisory Council (IRSAC) reflects the agency-wide scope of its focus as an advisory body to the entire agency. The IRSAC's primary purpose is to provide an organized public forum for senior IRS executives and representatives of the public to discuss relevant tax administration issues.

Conveying the public's perception of IRS activities, the IRSAC is comprised of individuals who bring substantial, disparate experience and diverse backgrounds on the Council's activities. Membership is balanced to include representation from the taxpaying public, the tax professional community, small and large businesses, state tax administration, and the payroll community.

IRSAC members are appointed by the Commissioner of the Internal Revenue Service and serve a term of three years. There are four subcommittees of IRSAC,

the (Small Business/Self Employed (SB/SE); Large Mid-Size Business (LMSB); Wage & Investment (W&I); and the Office of Professional Responsibility (OPR) subcommittee.

Members are not paid for their services. However, travel expenses for working sessions, public meetings and orientation sessions, such as airfare, per diem, and transportation to and from airports, train stations, etc., are reimbursed within prescribed federal travel limitations.

Receipt of applications will be acknowledged, these individuals contacted, and immediately thereafter, biographical information must be completed and returned to Ms. Lorenza Wilds in National Public Liaison within fifteen (15) days. In accordance with Department of Treasury Directive 21–03, a clearance process including annual tax checks, a Federal Bureau of Investigation (FBI) fingerprint check, and a practitioner check with the Office of Professional Responsibility will be conducted. "Federally-registered lobbyists cannot be members of the IRSAC."

Equal opportunity practices will be followed for all appointments to the IRSAC in accordance with the Department of Treasury and IRS policies. To ensure that the recommendations of the IRSAC have taken into account the needs of the diverse groups served by the IRS, membership shall include individuals who demonstrate the ability to represent minorities, women, and persons with disabilities.

Dated: April 19, 2010.

Candice Cromling,

Director, National Public Liaison.

[FR Doc. 2010–9341 Filed 4–21–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of Specially Designated Nationals and Blocked Persons Pursuant to Executive Order 12978

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control ("OFAC") is publishing the names of thirteen individuals whose property and interests in property have been unblocked pursuant to Executive Order 12978 of October 21, 1995, *Blocking Assets and Prohibiting Transactions With Significant Narcotics Traffickers.*

DATES: The unblocking and removal from the list of Specially Designated Nationals and Blocked Persons ("SDN List") of the individuals identified in this notice whose property and interests in property were blocked pursuant to Executive Order 12978 of October 21, 1995, is effective on April 16, 2010.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*http://www.treas.gov/ofac*) or via facsimile through a 24-hour fax-on demand service at (202) 622–0077.

Background

On October 21, 1995, the President, invoking the authority, *inter alia,* of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) ("IEEPA"), issued Executive Order 12978 (60 FR 54579, October 24, 1995) (the "Order"). In the Order, the President declared a national emergency to deal with the threat posed by significant foreign narcotics traffickers centered in Colombia and the harm that they cause in the United States and abroad.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The persons listed in an Annex to the Order; (2) any foreign person determined by the Secretary of Treasury, in consultation with the Attorney General and Secretary of State: (a) To play a significant role in international narcotics trafficking centered in Colombia; or (b) to materially assist in, or provide financial or technological support for or goods or services in support of, the narcotics trafficking activities of persons designated in or pursuant to the Order; and (3) persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to be owned or controlled by, or to act for or on behalf of, persons designated pursuant to the Order.

On April 16, 2010, OFAC removed from the SDN List the individuals listed below, whose property and interests in property were blocked pursuant to the Order:

1. FAVARONY URREA, Pedro F., c/o COPSERVIR LTDA., Bogota, Colombia; Cedula No. 167136671 (Colombia) (individual) [SDNT].

2. MOGOLLON RUEDA, Eduardo, c/o ALFA PHARMA S.A., Bogota, Colombia; c/o INVERSIONES RODRIGUEZ MORENO Y CIA. S. EN C., Cali, Colombia; c/o DEPOSITO POPULAR DE DROGAS S.A., Cali, Colombia; c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; DOB 5 Feb 1953; Cedula No. 19194691 (Colombia) (individual) [SDNT].

3. ALMANZA BARRAZA, Alfonso Rafael, c/o CAJA SOLIDARIA, Bogota, Colombia; c/o COPSERVIR LTDA., Bogota, Colombia; c/o LITOPHARMA, Barranquilla, Colombia; Carrera 35 No. 43–62, Barranquilla, Colombia; Cedula No. 72206138 (Colombia) (individual) [SDNT].

4. CALDERON ASCANIO, Reynaldo (a.k.a. CALDERON ASCANIO, Reinaldo), c/o COOPERATIVA DE TRABAJO ASOCIADO ACTIVAR, Bogota, Colombia; c/o COOPIFARMA, Bucaramanga, Colombia; c/o MEGAPHARMA LTDA., Bogota, Colombia; Calle 54 No. 23–10, Bucaramanga, Colombia; DOB 12 Jun 1978; Cedula No. 13541010 (Colombia) (individual) [SDNT].

5. DAVILA RAMIREZ, Oscar Julio, c/o COMERCIALIZADORA INTERTEL S.A., Cali, Colombia; c/o COPSERVIR LTDA., Bogota, Colombia; c/o CREDIREBAJA S.A., Cali, Colombia; c/o DISTRIBUIDORA MIGIL CALI S.A., Cali, Colombia; c/o PROSALUD Y BIENSTAR S.A., Cali, Colombia; Cedula No. 16677937 (Colombia) (individual) [SDNT].

6. GALVEZ RODRIGUEZ, Nancy, c/o CAJA SOLIDARIA, Bogota, Colombia; c/o COPSERVIR LTDA., Bogota, Colombia; c/o COSMEPOP, Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS CONDOR S.A., Bogota, Colombia; c/o COOPCREAR, Bogota, Colombia; DOB 2 Dec 1954; Cedula No. 41703406 (Colombia); Passport 41703406 (Colombia) (individual) [SDNT].

7. NAVARRO REYES, Fernando, c/o DROGAS LA REBAJA BARRANQUILLA S.A., Barranquilla, Colombia; c/o DROGAS LA REBAJA CALI S.A., Cali, Colombia; c/o DROGAS LA REBAJA BOGOTA S.A., Bogota, Colombia; c/o DROGAS LA REBAJA PEREIRA S.A., Pereira, Colombia; c/o DROGAS LA REBAJA PRINCIPAL S.A., Bogota, Colombia; c/o DEPOSITO POPULAR DE DROGAS S.A., Cali, Colombia; c/o DROGAS LA REBAJA NEIVA S.A., Neiva, Colombia; c/o SERVICIOS FARMACEUTICOS SERVIFAR S.A.,

Cali, Colombia; c/o DISTRIBUIDORA DEL VALLE E.U., Cali, Colombia; Cedula No. 16616177 (Colombia); Passport 16616177 (Colombia) (individual) [SDNT].

8. ARIAS RAMIREZ, Jhon Helmer, c/o IMPORTADORA Y COMERCIALIZADORA LTDA., Cali, Colombia; DOB 20 Jan 1972; Cedula No. 16796537 (Colombia) (individual) [SDNT].

9. VICTORIA CASTANO, Alvaro, Carrera 3A Norte No. 42A–43, Cali, Colombia; c/o CREDISA S.A., Cali, Colombia; Cedula No. 14933828 (Colombia); Passport 14933828 (Colombia) (individual) [SDNT].

10. GARCIA DUQUE, Gustavo, Carrera 4 No. 12–20 of. 206, Cartago, Valle, Colombia; c/o INMOBILIARIA EL ESCORIAL LTDA., Cartago, Valle, Colombia; c/o INMOBILIARIA LINARES LTDA., Cartago, Valle, Colombia; DOB 30 Jun 1961; Cedula No. 16213736 (Colombia); Passport 16213736 (Colombia) (individual) [SDNT].

11. CARDONA GARCIA, Diomiro, Carrera 1 No. 12–53, Cartago, Valle, Colombia; Carrera 4 No. 12–20 of. 206, Cartago, Valle, Colombia; c/o AGRICOLA DOIMA DEL NORTE DEL VALLE LTDA., Cartago, Valle, Colombia; c/o GANADERIA EL VERGEL LTDA., Cartago, Valle, Colombia; c/o GANADERIAS BILBAO LTDA., Cartago, Valle, Colombia; c/o INMOBILIARIA EL ESCORIAL LTDA., Cartago, Valle, Colombia; c/o INMOBILIARIA LINARES LTDA., Cartago, Valle, Colombia; c/o INMOBILIARIA PASADENA LTDA., Cartago, Valle, Colombia; c/o ORGANIZACION LUIS HERNANDO GOMEZ BUSTAMANTE Y CIA. S.C.S., Cartago, Valle, Colombia; c/o VISCAYA LTDA., Cartago, Valle, Colombia; Cedula No. 6233272 (Colombia); Passport 6233272 (Colombia) (individual) [SDNT].

12. GARCIA GARCIA, Gabriel Alfonso, Carrera 4 No. 12–20 of. 206, Cartago, Valle, Colombia; c/o AGRICOLA DOIMA DEL NORTE DEL VALLE LTDA., Cartago, Valle, Colombia; c/o GANADERIA EL VERGEL LTDA., Cartago, Valle, Colombia; c/o GANADERIAS BILBAO LTDA., Cartago, Valle, Colombia; DOB 7 Jun 1976; Cedula No. 16230989 (Colombia); Passport 16230989 (Colombia) (individual) [SDNT].

13. DURAN RAMIREZ, Pompilio, c/o VISCAYA LTDA., Cartago, Valle, Colombia; Carrera 4 No. 12–20 of. 206, Cartago, Valle, Colombia; c/o AGRICOLA DOIMA DEL NORTE DEL VALLE LTDA., Cartago, Valle, Colombia; c/o GANADERIA EL VERGEL LTDA., Cartago, Valle, Colombia; c/o GANADERIAS BILBAO LTDA., Cartago, Valle, Colombia; c/o INMOBILIARIA EL ESCORIAL LTDA., Cartago, Valle, Colombia; c/o INMOBILIARIA LINARES LTDA., Cartago, Valle, Colombia; c/o INMOBILIARIA PASADENA LTDA., Cartago, Valle, Colombia; c/o ORGANIZACION LUIS HERNANDO GOMEZ BUSTAMANTE Y CIA. S.C.S., Cartago, Valle, Colombia; Cedula No. 2534945 (Colombia); Passport 2534945 (Colombia) (individual) [SDNT].

Dated: April 16, 2010.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2010–9249 Filed 4–21–10; 8:45 am]

BILLING CODE 4810–AL–P

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H.R. 4851/P.L. 111–157

Continuing Extension Act of 2010 (Apr. 15, 2010; 124 Stat. 1116)

Last List April 15, 2010

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