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RESERVATIONS: (202) 741–6008

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF ENERGY

2 CFR Part 902

10 CFR Part 607

RIN 1991–AB93

Implementation of OMB Guidance on Drug-Free Workplace Requirements

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) is removing its regulation implementing the Governmentwide common rule on drug-free workplace requirements for financial assistance, currently located within Part 607 of Title 10 of the Code of Federal Regulations (CFR), and issuing a new regulation to adopt the Office of Management and Budget (OMB) guidance at 2 CFR part 182. This regulatory action implements the OMB's initiative to streamline and consolidate into one title of the CFR all federal regulations on drug-free workplace requirements for financial assistance. These changes constitute an administrative simplification that make no substantive change in DOE policy or procedures for drug-free workplace.

DATES: This final rule is effective on September 7, 2010 without further action. Submit comments by August 9, 2010 on any unintended changes this action makes in DOE policies and procedures for drug-free workplace. All comments on unintended changes will be considered and, if warranted, DOE will revise the rule.

ADDRESSES: Written comments should be sent to the following: Denise Clarke, Procurement Analyst, MA–612/L'Enfant Plaza Building, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–1615, *deniset.clarke@hq.doe.gov.*

E-Mail: Please include "Implementation of OMB Guidance on Drug-Free Workplace Requirements" in the subject line of your e-mail message. Please include your name, title, organization, postal address, telephone number, and e-mail address in the text of the message.

Mail: Due to potential delays in DOE's receipt and processing of mail sent through the U.S. Postal Service, we encourage respondents to submit comments electronically to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT: Denise Clarke at the above address, or by telephone at (202) 287–1748.

SUPPLEMENTARY INFORMATION:

Background

The Drug-Free Workplace Act of 1988 [Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 701, *et seq.*] was enacted as a part of omnibus drug legislation on November 18, 1988. Federal agencies issued an interim final common rule to implement the act as it applied to grants [54 FR 4946, January 31, 1989]. The rule was a subpart of the Governmentwide common rule on nonprocurement suspension and debarment. The agencies issued a final common rule after consideration of public comments [55 FR 21681, May 25, 1990].

The agencies proposed an update to the drug-free workplace common rule in 2002 [67 FR 3266, January 23, 2002] and finalized it in 2003 [68 FR 66534, November 26, 2003]. The updated common rule was redrafted in plain language and adopted as a separate part, independent from the common rule on nonprocurement suspension and debarment. Based on an amendment to the drug-free workplace requirements in 41 U.S.C. 702 [Pub. L. 105–85, div. A, title VIII, Section 809, Nov. 18, 1997, 111 Stat. 1838], the update also allowed multiple enforcement options from which agencies could select, rather than requiring use of a certification in all cases.

When it established Title 2 of the CFR as the new central location for OMB guidance and agency implementing regulations concerning grants and agreements [69 FR 26276, May 11, 2004], OMB announced its intention to replace common rules with OMB guidance that agencies could adopt in brief regulations. OMB began that process by proposing [70 FR 51863, August 31, 2005] and finalizing [71 FR 66431, November 15, 2006] Governmentwide guidance on nonprocurement suspension and debarment in 2 CFR part 180.

As the next step in that process, OMB proposed for comment [73 FR 55776, September 26, 2008] and finalized [74 FR 28149, June 15, 2009] Governmentwide guidance with policies and procedures to implement drug-free workplace requirements for financial assistance. The guidance requires each agency to replace the common rule on drug-free workplace requirements that the agency previously issued in its own CFR title with a brief regulation in 2 CFR adopting the Governmentwide policies and procedures. One advantage of this approach is that it reduces the total volume of drug-free workplace regulations. A second advantage is that it co-locates OMB's guidance and all of the agencies' implementing regulations in 2 CFR.

The Current Regulatory Actions

As the OMB guidance requires, DOE is taking two regulatory actions. First, we are removing the drug-free workplace common rule from 10 CFR part 607. Second, to replace the common rule, we are issuing a brief regulation in 2 CFR part 902 to adopt the Governmentwide policies and procedures in the OMB guidance.

Invitation to Comment

Taken together, these regulatory actions are solely an administrative simplification and are not intended to make any substantive change in policies or procedures. In soliciting comments on these actions, we therefore are not seeking to revisit substantive issues that were resolved during the development of the final common rule in 2003. We are inviting comments specifically on any unintended changes in substantive content that the new part in 2 CFR would make relative to the common rule at 10 CFR part 607.

Administrative Procedure Act

Under the Administrative Procedure Act (5 U.S.C. 553), agencies generally propose a regulation and offer interested parties the opportunity to comment before it becomes effective. However, as described in the "Background" section of this preamble, the policies and procedures in this regulation have been proposed for comment two times—one time by federal agencies as a common rule in 2002 and a second time by OMB

as guidance in 2008—and adopted each time after resolution of the comments received.

This direct final rule is solely an administrative simplification that would make no substantive change in DOE policy or procedures for drug-free workplace. We therefore believe that the rule is noncontroversial and do not expect to receive adverse comments, although we are inviting comments on any unintended substantive change this rule makes.

Accordingly, we find that the solicitation of public comments on this direct final rule is unnecessary and that "good cause" exists under 5 U.S.C. 553(b)(B) and 553(d) to make this rule effective on September 7, 2010 without further action, unless we receive adverse comment by August 9, 2010. If any comment on unintended changes is received, it will be considered and, if warranted, we will publish a timely revision of the rule.

Executive Order 12866

OMB has determined this rule to be not significant for purposes of E.O. 12866.

Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b))

This regulatory action will not have a significant adverse impact on a substantial number of small entities.

Unfunded Mandates Act of 1995 (Sec. 202, Pub. L. 104–4)

This regulatory action does not contain a Federal mandate that will result in the expenditure by State, local, and tribal governments, in aggregate, or by the private sector of $100 million or more in any one year.

Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35)

This regulatory action will not impose any additional reporting or recordkeeping requirements under the Paperwork Reduction Act.

Federalism (Executive Order 13132)

This regulatory action does not have Federalism implications, as set forth in Executive Order 13132. 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.

Approval of the Office of the Secretary of Energy

The Office of the Secretary has approved the issuance of this rule.

List of Subjects

2 CFR Part 902

Administrative practice and procedure, Drug abuse, Grant programs, Loan programs, Reporting and recordkeeping requirements.

10 CFR Part 607

Administrative practice and procedure, Drug abuse, Grant programs, Loan programs, Reporting and recordkeeping requirements.

Issued in Washington, DC on July 2, 2010.

Patrick M. Ferraro,

Acting Director, Office of Procurement and Assistance Management, Office of Management, Department of Energy.

Joseph F. Waddell,

Director, Office of Acquisition and Supply Management, National Nuclear Security Administration.

Accordingly, for the reasons set forth in the preamble, DOE amends the Code of Federal Regulations, Title 2, Subtitle B, chapter IX, and Title 10, chapter II, part 607, as follows:

Title 2—Grants and Agreements

■ 1. Add part 902 in Subtitle B, Chapter IX, to read as follows:

PART 902—REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)

Sec.
902.10 What does this part do?
902.20 Does this part apply to me?
902.30 What policies and procedures must I follow?

Subpart A—Purpose and Coverage [Reserved.]

Subpart B—Requirements for Recipients Other Than Individuals

902.225 Whom in the DOE does a recipient other than an individual notify about a criminal drug conviction?

Subpart C—Requirements for Recipients Who Are Individuals

902.300 Whom in the DOE does a recipient who is an individual notify about a criminal drug conviction?

Subpart D—Responsibilities of Agency Awarding Officials

902.400 What method do I use as an agency awarding official to obtain a recipient's agreement to comply with the OMB guidance?

Subpart E—Violations of this Part and Consequences

902.500 Who in the DOE determines that a recipient other than an individual violated the requirements of this part?
902.505 Who in the DOE determines that a recipient who is an individual violated the requirements of this part?

Subpart F—Definitions

902.605 Award (DOE supplement to Governmentwide definition at 2 CFR 182.605).
902.645 Federal agency or agency.

Authority: 41 U.S.C. 701; 42 U.S.C. 7101 *et seq.;* 50 U.S.C. 2401 *et seq.*

§ 902.10 What does this part do?

This part requires that the award and administration of DOE grants and cooperative agreements comply with Office of Management and Budget (OMB) guidance implementing the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701–707, as amended, hereafter referred to as "the Act") that applies to grants. It thereby—

(a) Gives regulatory effect to the OMB guidance (Subparts A through F of 2 CFR part 182) for the DOE's grants and cooperative agreements; and

(b) Establishes DOE policies and procedures for compliance with the Act that are the same as those of other Federal agencies, in conformance with the requirement in 41 U.S.C. 705 for Governmentwide implementing regulations.

§ 902.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB guidance in Subparts A through F of 2 CFR part 182 (see table at 2 CFR 182.115(b)) apply to you if you are a—

(a) Recipient of a DOE grant or cooperative agreement; or

(b) DOE awarding official.

§ 902.30 What policies and procedures must I follow?

(a) *General.* You must follow the policies and procedures specified in applicable sections of the OMB guidance in Subparts A through F of 2 CFR part 182, as implemented by this part.

(b) *Specific sections of OMB guidance that this part supplements.* In implementing the OMB guidance in 2 CFR part 182, this part supplements four sections of the guidance, as shown in the following table. For each of those sections, you must follow the policies and procedures in the OMB guidance, as supplemented by this part.

Section of OMB guidance	Section in this part where supplemented	What the supplementation clarifies
(1) 2 CFR 182.225(a)	§ 902.225	Whom in the DOE a recipient other than an individual must notify if an employee is convicted for a violation of a criminal drug statute in the workplace.
(2) 2 CFR 182.300(b)	§ 902.300	Whom in the DOE a recipient who is an individual must notify if he or she is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity.
(3) 2 CFR 182.500	§ 902.500	Who in the DOE is authorized to determine that a recipient other than an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.
(4) 2 CFR 182.505	§ 902.505	Who in the DOE is authorized to determine that a recipient who is an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.
(5) 2 CFR 182.605	§ 902.605	Definition of "Award".
(6) 2 CFR 182.645	§ 902.645	Definition of "Federal agency or agency".

(c) *Sections of the OMB guidance that this part does not supplement.* For any section of OMB guidance in Subparts A through F of 2 CFR part 182 that is not listed in paragraph (b) of this section, DOE policies and procedures are the same as those in the OMB guidance.

Subpart A—Purpose and Coverage [Reserved]

Subpart B—Requirements for Recipients Other Than Individuals

§ 902.225 Whom in the DOE does a recipient other than an individual notify about a criminal drug conviction?

A recipient other than an individual that is required under 2 CFR 182.225(a) to notify Federal agencies about an employee's conviction for a criminal drug offense must notify each DOE office from which it currently has an award.

Subpart C—Requirements for Recipients Who Are Individuals

§ 902.300 Whom in the DOE does a recipient who is an individual notify about a criminal drug conviction?

A recipient who is an individual and is required under 2 CFR 182.300(b) to notify Federal agencies about a conviction for a criminal drug offense must notify each DOE office from which it currently has an award.

Subpart D—Responsibilities of Agency Awarding Officials

§ 902.400 What method do I use as an agency awarding official to obtain a recipient's agreement to comply with the OMB guidance?

To obtain a recipient's agreement to comply with applicable requirements in the OMB guidance at 2 CFR part 182, you must include the following term or condition in the award:

Drug-free workplace. You as the recipient must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of Part 902, which adopts the Governmentwide implementation (2 CFR part 182) of sec. 5152–5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 701–707).

Subpart E—Violations of this Part and Consequences

§ 902.500 Who in the DOE determines that a recipient other than an individual violated the requirements of this part?

The Secretary of the Department of Energy and the Secretary's designee or designees are authorized to make the determinations under 2 CFR 182.500 for DOE, including NNSA.

§ 902.505 Who in the DOE determines that a recipient who is an individual violated the requirements of this part?

The Secretary of the Department of Energy and the Secretary's designee or designees are authorized to make the determinations under 2 CFR 182.500 for DOE, including NNSA.

Subpart F—Definitions

§ 902.605 Award (DOE supplement to Governmentwide definition at 2 CFR 182.605).

The term *award* also includes Technology Investment Agreements (TIA). A TIA is a special type of assistance instrument used to increase the involvement of commercial firms in the Department's RD&D programs. A TIA may be either a type of cooperative agreement or a type of assistance transaction other than a cooperative agreement, depending on the intellectual property provisions. A TIA may be either expenditure based or fixed support.

§ 902.645 Federal agency or agency.

Department of Energy means the U.S. Department of Energy (DOE), including the National Nuclear Security Administration (NNSA).

Title 10—Energy

CHAPTER II—DEPARTMENT OF ENERGY

PART 607—[REMOVED]

■ 2. Under the authority of 5 U.S.C. 301, remove part 607.

[FR Doc. 2010–16745 Filed 7–8–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2010–0279]

RIN 1625–AA08

Special Local Regulation; Harrison Township Grand Prix, Lake St. Clair, Harrison Township, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation in the Captain of the Port Detroit Zone on Lake St. Clair, Harrison Township, Michigan. This special local regulation is intended to restrict vessels from portions of Lake St. Clair during the Harrison Township Grand Prix. This special local regulation is necessary to protect spectators and vessels from the hazards associated with powerboat races.

DATES: This rule is effective on July 17, 2010 through July 18, 2010.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2010–0279 and are available online by going to *http://www.regulations.gov,* inserting USCG–2010–0279 in the "Keyword" box, and then clicking "Search." This material is

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 CDR Joseph Snowden, Prevention Department, Sector Detroit, Coast Guard; telephone (313) 568–9508, e-mail *Joseph.H.Snowden@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

On April 23, 2010, we published a notice of proposed rulemaking (NPRM) titled Special Local Regulation; Harrison Township Grand Prix, Lake St. Clair, Harrison Township, MI in the **Federal Register** (75 FR 21194). We received zero comments on the proposed rule. No public meeting was requested, and none was held. This rule is effective upon publication in the **Federal Register**, as the event is taking place within thirty days of publication. Delaying the effective date would negate the purpose of the rule.

Background and Purpose

This temporary special local regulation is necessary to ensure the safety of vessels and spectators from hazards associated with a powerboat race. The Captain of the Port Detroit has determined powerboat races in close proximity to watercraft and infrastructure pose significant risk to public safety and property. The likely combination of large numbers of recreation vessels, powerboats traveling at high speeds, and large numbers of spectators in close proximity to the water could easily result in serious injuries or fatalities. Establishing a special local regulation around the location of the race course will help ensure the safety of persons and property at these events and help minimize the associated risks.

Discussion of Comments and Changes

We received no comments with regard to this rule and no changes have been made to this rule as proposed in the NPRM.

Discussion of the Rule

This rule will be enforced between 10 a.m. and 4 p.m. each day of its effective period. In the event that this temporary special local regulation affects shipping, commercial vessels may request permission from the Captain of the Port Detroit to transit through the safety regulated area. The Coast Guard will give notice to the public via a Broadcast Notice to Mariners that the regulation is in effect. Additionally, the Captain of the Port will suspend enforcement of the regulated navigation area if the event for which the area is established ends earlier than the expected time.

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 rule to be so minimal that a full Regulatory Evaluation is unnecessary. This determination is based on the minimal time that vessels will be restricted from the area of the special local regulation, which is located in a portion of Lake St. Clair where the Coast Guard expects insignificant adverse impact to mariners from the special local regulation's enforcement.

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.

This rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in the portion of Lake St. Clair near Harrison Township, MI between 10 a.m. and 4 p.m. on July 17, 2010 through July 18, 2010.

This special local regulation will not have a significant economic impact on a substantial number of small entities, because of the minimal amount of time in which the special local regulation will be enforced. This special local regulation will be enforced for approximately six (6) hours each day for two days, twelve (12) hours total. In the event that this special local regulation affects shipping, commercial vessels may request permission from the Captain of the Port Detroit to transit through the regulated navigation area. The Coast Guard will give notice to the public via a Broadcast Notice to Mariners that the regulation is in effect. Additionally, the COTP will suspend enforcement of the regulated navigation area if the event for which the regulated navigation area is established ends earlier than the expected time.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), in the NPRM we offered to assist small entities in understanding the rule so that they could 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). We received no comments with regard to this rule and no changes have been made to this rule as proposed in the NPRM.

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. We received

no comments with regard to this rule and no changes have been made to this rule as proposed in the NPRM.

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 expenditure, we do discuss the effects of this rule elsewhere in this preamble. We received no comments with regard to this rule and no changes have been made to this rule as proposed in the NPRM.

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. We received no comments with regard to this rule and no changes have been made to this rule as proposed in the NPRM.

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. We received no comments with regard to this rule and no changes have been made to this rule as proposed in the NPRM.

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. We received no comments with regard to this rule and no changes have been made to this rule as proposed in the NPRM.

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. We received no comments with regard to this rule and no changes have been made to this rule as proposed in the NPRM.

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. We received no comments with regard to this rule and no changes have been made to this rule as proposed in the NPRM.

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. We received no comments with regard to this rule and no changes have been made to this rule as proposed in the NPRM.

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 that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction. This rule involves the establishment of a special local regulation issued in conjunction with a permitted powerboat race event. The environmental analysis conducted for the powerboat race event permit included an analysis of the impact of the special local regulation. Based on our preliminary determination, there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, we believe that this rule should be categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction, from further environmental documentation. Under figure 2–1, paragraph (34)(h), of the Instruction, an environmental checklist and categorical exclusion determination is not required for this rule.

List of Subjects in 33 CFR Part 100

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

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Add a new temporary § 100.T09–0279 as follows:

§ 100.T09–0279 Special Local Regulation; Harrison Township Grand Prix; Lake St. Clair; Harrison Township, MI.

(a) *Location.* The following is a temporary special local regulation area: All waters of Lake St. Clair, near Harrison Township, MI, bound by a line extending from a starting point in Lake St. Clair located at position 32′44″ N;, 082° 50′42″ W, 42° traveling southeast to position 42° 32′10″ N; 082° 47′50″ W, northeast to position 34′07″ N; 082° 47′30″ W, 42°, west to position 42° 34′05″ N; 082° 49′35″ W, and southwest to the point of origin at position 42° 32′44″ N; 082° 50′42″ W. This regulated navigation area encompasses the entire race course located in Lake St. Clair near Metro Beach, Harrison Township. (DATUM: NAD 83).

(b) *Effective Period.* This regulation is effective from 10 a.m. on July 17, 2010, to 4 p.m. on July 18, 2010. This regulation will be enforced daily from 10 a.m. until 4 p.m. on July 17, 2010 through July 18, 2010.

(c) *Regulations.*

(1) In accordance with the general regulations in Section 100.35 of this part, entry into, and transiting or anchoring within this special local regulation area is prohibited unless authorized by the Captain of the Port Detroit, or his on-scene representative.

(2) This special local regulation area is closed to all vessel traffic, except as may be permitted by the Captain of the Port Detroit or his on-scene representative.

(3) The "on-scene representative" of the Captain of the Port is any Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port to act on his behalf. The on-scene representative of the Captain of the Port will be aboard either a Coast Guard or Coast Guard Auxiliary vessel.

(4) Vessel operators desiring to enter or operate within the special local regulation area shall contact the Captain of the Port Detroit or his on-scene representative to obtain permission to do so. The Captain of the Port or his designated on scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the special local regulation area must comply with all directions given to them by the Captain of the Port or his on-scene representative.

Dated: June 14, 2010.

J.E. Ogden,

Captain, U.S. Coast Guard, Captain of the Port Detroit.

[FR Doc. 2010–16717 Filed 7–8–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2010–0238]

RIN 1625–AA08

Special Local Regulation; Detroit APBA Gold Cup, Detroit River, Detroit, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation in the Captain of the Port Detroit Zone on the Detroit River, Detroit, Michigan. This special local regulation is intended to restrict vessels from portions of the Detroit River during the Detroit APBA Gold Cup. This special local regulation is necessary to protect spectators and vessels from the hazards associated with powerboat races.

DATES: This rule is effective from 7 a.m. on July 7, 2010, to 7 p.m. on July 11, 2010.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2010–0238 and are available online by going to *http://www.regulations.gov,* inserting USCG–2010–0238 in the "Keyword" box, and then clicking "Search." This material is 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 CDR Joseph Snowden, Prevention Department, Sector Detroit, Coast Guard; telephone (313) 568–9508, e-mail *Joseph.H.Snowden@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

On April 23, 2010, we published a notice of proposed rulemaking (NPRM) entitled Special Local Regulation; Detroit APBA Gold Cup, Detroit River, Detroit, MI in the **Federal Register** (75 FR 21191). We received zero comments on the proposed rule. No public meeting was requested, and none was held. This regulation is effective on July 7–11 instead of after 30 days after publication in the **Federal Register** because the APBA moved up the date of the race with short notice. Allowing 30 days notice would render the regulation useless.

Background and Purpose

This temporary special local regulation is necessary to ensure the safety of vessels and spectators from hazards associated with a powerboat race. The Captain of the Port Detroit has determined powerboat races in close proximity to watercraft and infrastructure pose significant risk to public safety and property. The likely combination of large numbers of recreational vessels, powerboats traveling at high speeds, and large numbers of spectators in close proximity to the water could easily result in serious injuries or fatalities. Establishing a special local regulation around the location of the race course will help ensure the safety of persons and property at these events and help minimize the associated risks.

Discussion of Comments and Changes

We received no comments with regard to this rule and no changes have been made to this rule as proposed in the NPRM.

Discussion of Rule

This regulation is effective from 7 a.m. on July 7, 2010, to 7 p.m. on July 11, 2010 and will be enforced daily from 7 a.m. until 7 p.m. on July 7–11, 2010. Prior to the event, local sailing and yacht clubs will be provided with information by Coast Guard Station Belle Isle on what to expect during the event. Station Belle Isle will do this in order to minimize interruptions in the normal business practices of local sailing and yacht clubs. In the event that this temporary special local regulation affects shipping, commercial vessels may request permission from the Captain of the Port Detroit to transit through the safety regulated area. The Coast Guard will give notice to the public via a Broadcast Notice to Mariners that the regulation is in effect. Additionally, the COTP will suspend enforcement of the special local regulation if the event for which the special local regulation is established ends earlier than the expected time.

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 rule to be so minimal that a full Regulatory Evaluation is unnecessary. This determination is based on the minimal time that vessels will be restricted from the area of the special local regulation, which is located in a portion of the Detroit River where the Coast Guard expects insignificant adverse impact to mariners from the special local regulation's enforcement.

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.

This rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in the portion of the Detroit River near Detroit, MI between 7 a.m. and 7 p.m. from July 7, 2010 through July 11, 2010.

This regulated navigation area will not have a significant economic impact on a substantial number of small entities for the following reasons: This rule will be enforced for approximately twelve hours daily, between 7 a.m. and 7 p.m, from July 7, 2010 through July 11, 2010. Prior to the event, local sailing and yacht clubs will be provided with information by Coast Guard Station Belle Isle on what to expect during the event. Station Belle Isle will do this in order to minimize interruptions in the normal business practices of local sailing and yacht clubs. In the event that this special local regulation affects shipping, commercial vessels may request permission from the Captain of the Port Detroit to transit through the regulated navigation area. The Coast Guard will give notice to the public via a Broadcast Notice to Mariners that the regulation is in effect. Additionally, the Captain of the Port will suspend enforcement of the special local regulation if the event for which the special local regulation is established ends earlier than the expected time.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), in the NPRM we offered to assist small entities in understanding the rule so that they could 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). We received no comments with regard to this rule and no changes have been made to this rule as proposed in the NPRM.

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. We received no comments with regard to this rule and no changes have been made to this rule as proposed in the NPRM.

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 expenditure, we do discuss the effects of this rule elsewhere in this preamble. We received no comments with regard to this rule and no changes have been made to this rule as proposed in the NPRM.

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. We received no comments with regard to this rule and no changes have been made to this rule as proposed in the NPRM.

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. We received no comments with regard to this rule and no changes have been made to this rule as proposed in the NPRM.

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. We received no comments with regard to this rule and no changes have been made to this rule as proposed in the NPRM.

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. We received no comments with regard to this rule and no changes have been made to this rule as proposed in the NPRM.

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. We received no comments with regard to this rule and no changes have been made to this rule as proposed in the NPRM.

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. We received no comments with regard to this rule and no changes have been made to this rule as proposed in the NPRM.

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 that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction. This rule involves the establishment of a special local regulation issued in conjunction with a permitted powerboat race event. The environmental analysis conducted for the powerboat race event permit included an analysis of the impact of the special local regulation. Based on our preliminary determination, there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, we believe that this rule should be categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction, from further environmental documentation. Under figure 2–1, paragraph (34)(h), of the Instruction, an environmental checklist and categorical exclusion determination is not required for this rule.

List of Subjects in 33 CFR Part 100

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

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Add a new temporary § 100.T09–0238 as follows:

§ 100.T09–0238 Special Local Regulation; Detroit APBA Gold Cup; Detroit River; Detroit, MI.

(a) *Location.* The following is a temporary special local regulation area: All waters of the Detroit River, between Detroit, MI and Belle Isle, within an area bound on the west by a north-south line created by the Belle Isle Bridge, starting on land in Detroit at position 42°20′07″ N; 083°00′00″ W and extending south to a point on Belle Isle at position 42°20′04″ N; 082°59′08″ W, and bound on the east by a north-south line starting on land in Detroit at position 42°21′03″ N; 082°57′07″ W, and extending south to a point on Belle Isle at position 42°21′00″ N; 082°57′07″ W. (DATUM: NAD 83).

(b) *Effective Period.* This regulation is effective from 7 a.m. on July 7, 2010, to 7 p.m. on July 11, 2010. This regulation will be enforced daily from 7 a.m. until 7 p.m. on July 7–11, 2010.

(c) *Regulations.*

(1) In accordance with the general regulations in Section 100.35 of this part, entry into, and transiting or anchoring within this special local regulation area is prohibited unless authorized by the Captain of the Port Detroit, or his designated on-scene representative.

(2) This special local regulation area is closed to all vessel traffic, except as may be permitted by the Captain of the Port Detroit or his designated on-scene representative.

(3) The "on-scene representative" of the Captain of the Port is any Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port to act on his behalf. The on-scene representative of the Captain of the Port will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

(4) Vessel operators desiring to enter or operate within the special local regulation area shall contact the Captain of the Port Detroit or his on-scene representative to obtain permission to do so. Vessel operators given permission to enter or operate in the special local regulation area must comply with all directions given to them by the Captain of the Port or his on-scene representative.

Dated: June 14, 2010.

J.E. Ogden,

Captain, U.S. Coast Guard, Captain of the Port Detroit.

[FR Doc. 2010–16716 Filed 7–7–10; 11:15 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2009–0237; FRL–8831– 4]

Terpene Constituents of the Extract of Chenopodium *ambrosioides* near *ambrosioides* (α-Terpinene, d-Limonene and p-Cymene) as Synthetically Manufactured; Exemption from the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of Terpene Constituents of the Extract of Chenopodium *ambrosioides* near *ambrosioides* (α-terpinene, d-limonene and p-cymene) as Synthetically Manufactured in or on all food commodities when applied/used as a biochemical insecticide and acaricide. AgraQuest, Incorporated submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of Terpene Constituents of the Extract of Chenopodium *ambrosioides* near *ambrosioides* (α-terpinene, d-limonene and p-cymene) as Synthetically Manufactured under FFDCA.

DATES: This regulation is effective July 9, 2010. Objections and requests for hearings must be received on or before September 7, 2010, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2009–0237. All documents in the docket are listed in the docket index available at *http://www.regulations.gov*. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as

copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT:

Chris Pfeifer, Biopesticides and Pollution Prevention Division (7511P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–0031; e-mail address: *pfeifer.chris@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Electronic Access to Other Related Information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.gpoaccess.gov/ecfr*.

C. How Can I File an Objection or Hearing Request?

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2009–0237 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before September 7, 2010. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit a copy of your non-CBI objection or hearing request, identified by docket ID number EPA–HQ–OPP–2009–0237, by one of the following methods:

- *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of May 6, 2009 (74 FR 20946) (FRL–8411–2), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance petition (PP 9F7551) by AgraQuest, Incorporated, 1540 Drew Avenue, Davis, CA 95618–6320. The petition requested that 40 CFR part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of Terpene Constituents of the Extract of Chenopodium *ambrosioides* near *ambrosioides* (α-terpinene, d-limonene and p-cymene) as Synthetically Manufactured. The notice referenced a summary of the petition prepared by the petitioner, AgraQuest, Incorporated, which is available in the docket, *http://www.regulations.gov*. There were no comments received in response to the notice of filing.

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is "safe." Section 408(c)(2)(A)(ii) of FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Pursuant to section 408(c)(2)(B) of FFDCA, in establishing or maintaining in effect an exemption from the requirement of a tolerance, EPA must take into account the factors set forth in section 408(b)(2)(C) of FFDCA, which require EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . ." Additionally, section 408(b)(2)(D) of FFDCA requires that the Agency consider "available information concerning the cumulative effects of a particular pesticide's residues and other substances that have a common mechanism of toxicity."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides. Second, EPA examines exposure to the pesticide through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings.

III. Toxicological Profile

Consistent with section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness, and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

A. Overview

This active ingredient is a synthetic blend of the pesticidally active terpene constituents that are found in the Extract of Chenopodium *ambrosioides* near *ambrosioides*. Plant extracts are comprised of many constituents, some of which give the extract its pesticidal effects. The concentration of each of the terpene constituents is the same as that of the natural extract.

There are non-terpene constituents in this synthetically manufactured extract. These non-terpene constituents are pesticidally inactive and virtually non-toxic. Likewise, there are non-terpene constituents that are found in the natural extract. The non-terpene constituents found in both the natural extract and this synthetically manufactured extract have been assessed by EPA and determined not to be of toxicological concern when used in pesticide products applied to various food crops.

The terpene constituents of this synthetically manufactured extract and the natural extract are the same and therefore this tolerance exemption document focuses only on the terpene constituents. In addition, based on this determination, the toxicological information submitted in support of the tolerance exemption for Extract of Chenopodium *ambrosioides* near *ambrosioides* were used to bridge to satisfy the data requirements for this synthetically manufactured extract (74 FR 629, January 7, 2009).

B. Constituents of ECANA as Synthetically Manufactured

The three major terpene constituents of this synthetically manufactured extract are α-terpinene, p-cymene, and d-limonene. These terpene constituents occur naturally in fruits, vegetables, herbs, spices, and other foods and beverages. These three terpene constituents are found naturally in food, permitted as food and fragrance additives in the United States (U.S.) and Europe, and have been fully characterized by EPA and assessed for their uses in pesticide products applied to various food crops (Science Review in Support of the Registration of the Active Ingredient ECANA, February 2008; Science Review and Tolerance Exemption Petition Review in Support of the Registration of Requiem, October 2008). A summary description of the Agency's dietary exposure to the terpene constituents follows:

1. α-Terpinene is found in the essential oils of a variety of plants, including citrus, peppermint, thyme, basil, and papaya. Per 21 CFR 172.515, α-terpinene is permitted for direct addition to food for human consumption.

2. d-Limonene is a major terpene constituent of lemon oil, orange oil, and grapefruit oil; a minor terpene constituent of other fruits, vegetables, meats, and spices; widely used as a flavor and fragrance; and generally recognized as safe (GRAS) by the Food and Drug Administration (FDA) as a food additive or flavoring and as a fragrance additive (21 CFR 182.60). Furthermore, d-limonene is a federally registered active ingredient in 15 pesticide products with a tolerance per 40 CFR 180.539. It is also used as a solvent or fragrance in 14 other food use pesticide products, where it is exempt from the requirement of a tolerance as an inert ingredient (40 CFR 180.910 and 40 CFR 180.930).

3. Humans regularly consume p-cymene through such foods as butter, carrots, nutmeg, orange juice, oregano, raspberries, lemon oil, and spices. p-Cymene is permitted by FDA for direct addition to food as a flavoring substance (21 CFR 172.515).

The general public is exposed daily to low levels of these terpene constituents via ingestion, dermal contact, and inhalation through consumption of foods and beverages, as well as through dermal contact with cosmetics, in excess of any exposure expected to result from the pesticidal use of this synthetically manufactured extract, all without toxicological incident to humans. The per capita daily consumption of these terpene constituents as food additives alone amounts to 13.325 milligrams (mg) in the U.S. and 40.397 mg in Europe (Ref. 4), amounts far in excess of any potential dietary exposures resulting from exposure to residues from this pesticidal extract.

C. Biochemical Pesticide Human Health Assessment Data Requirements

Acute toxicity data were submitted for this synthetically manufactured extract; all other toxicity information submitted in support of the registration and food use of this synthetically manufactured extract were bridged from the natural extract summaries of the toxicological data supporting this exemption from the requirement of a tolerance are as follows:

1. *Acute toxicity*. Acute toxicity studies, submitted to support the registration of the end-use product (EP) containing this synthetically manufactured extract indicate a low toxicity profile and support the finding that this active ingredient poses no significant human health risk with regard to food use.

a. The acute oral median lethal dose (LD_{50}) in rats for this synthetically manufactured extract was greater than 2,000 milligrams per kilogram (mg/kg) and confirmed negligible toxicity through the oral route. There were no observed toxicological effects on the test subjects in the the acute oral. (Master Record Identification Number (MRID No.) 4762704). This synthetically manufactured extract is Toxicity Category III for acute oral toxicity.

b. The acute dermal LD_{50} in rats was greater than 2,000 mg/kg for this synthetically manufactured extract. No toxic endpoints were established. These data substantiated this synthetically manufactured extract's relative dermal nontoxicity to the general public (MRID No. 4762705). This synthetically manufactured extract is Toxicity Category III for acute dermal toxicity.

c. The acute inhalation median lethal concentration (LC_{50}) for this synthetically manufactured extract was greater than 2.03 milligrams per liter (mg/L) in rats and showed no significant inhalation toxicity. No toxic endpoints were established. This synthetically manufactured extract was tested to a limit dose of 5.14 mg/L (MRID No. 48064401). This synthetically manufactured extract is Toxicity Category IV for acute inhalation toxicity.

d. Skin irritation studies on rabbits indicated that this synthetically manufactured extract was an irritant to the skin (MRID No. 48064403). This synthetically manufactured extract is Toxicity Category IV for dermal irritation.

e. Data indicated this synthetically manufactured extract is not a dermal sensitizer (MRID No. 48064404).

Data indicate that this synthetically manufactured extract is not acutely toxic. No toxic endpoints were established, and no significant toxicological effects were observed in any of the acute toxicity studies.

2. *Mutagenicity*. Three mutagenicity studies, using the natural extract as the test substance, were bridged to support this synthetically manufactured extract. These studies are sufficient to confirm that there are no expected dietary or non-occupational risks of mutagenicity with regard to new food uses for this synthetically manufactured extract. Although the natural extract and this synthetically manufactured extract have non-terpene constituents that are different, none of the constituents have been shown to present any mutagenicity or any impact on mutagenicity and therefore, the data submitted to support the natural extract demonstrates the lack

of mutagenicity of this synthetically manufactured extract.

a. The Reverse Mutation Assay (MRID No. 46456301) showed that the natural extract did not induce mutant colonies relative to control groups.

b. The *In vitro* Mammalian Cells in Culture Assay (MRID No. 46396214) demonstrated that the natural extract did not damage chromosomes in human lymphocyte cells.

c. A Deoxyribonucleic Acid (DNA) Repair Assay (MRID No. 46396215) indicated no unscheduled DNA repair in rat hepatocytes exposed to the natural extract.

3. *Subchronic toxicity*. When used as a contact insecticide, residues of this synthetically manufactured extract are not expected to result in any repeated and/or long-term exposure by the oral, dermal, or inhalation routes. As a result, waiver requests for the subchronic toxicity studies were approved, for the most part, based upon three residue studies for the natural extract, which confirm the rapid degradation of the terpene constituents in this synthetically manufactured extract.

a. A residue decline study on primrose (MRID No. 47209101) demonstrated that, when an EP containing the natural extract was applied at four times the labeled application rate, the terpene constituents were not detectable 10 minutes after application.

b. In another study, an EP containing the natural extract was applied to tomatoes four times and at twice the labeled application rate (MRID No. 46858903); residues of the terpene constituents were below the limit of quantitation (LOQ) of 0.01 mg/kg when plant samples were collected and checked at 0, 3, 6, and 24–hour intervals.

c. In the final study (MRID No. 47548301), an EP containing the natural extract was applied to mustard greens three times and at twice the labeled application rate; residues of the terpene constituents had dissipated to below the LOQ of 0.05 parts per million (ppm) at 1–4 hours after the last application.

These residue decline studies on the natural extract support the finding that there is little potential for dermal or inhalation exposure to residues of this synthetically manufactured extract based on the rapid degradation of the terpene constituents that are the principal constituents in the natural extract and this synthetically manufactured extract. Therefore, no subchronic testing is needed.

4. *Developmental toxicity*. The Agency bridged from information on the natural extract to support this synthetically manufactured extract. The information from the open scientific literature characterizes the developmental toxicity of the terpene constituents and satisfies the data requirements for developmental and reproductive toxicity for this synthetically manufactured extract (Refs. 1, 2, 3, and 4). The information established that none of the terpene constituents in this synthetically manufactured extract are developmental or reproductive toxicants. The data submitted to support the natural extract appropriately demonstrates the lack of developmental toxicity of this synthetically manufactured extract.

The information established a conservative maternal no observable adverse effect level (NOAEL) of 60 mg/kg per day and a developmental NOAEL of 30 mg/kg per day. These levels greatly exceed any potential dietary exposure, as discussed above in Unit III.C.3., from the use of this synthetically manufactured extract and confirm the lack of risk for developmental toxicity, even in a worst-case scenario.

IV. Aggregate Exposures

In examining aggregate exposure, section 408 of FFDCA directs EPA to consider available information concerning exposures from the pesticide residue in food and all other non-occupational exposures, including drinking water from ground water or surface water and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

A. Dietary Exposure

Dietary exposure to the residues of this synthetically manufactured extract is expected to be virtually nonexistent. Even in the event of exposure, the information supporting this tolerance exemption demonstrates that any dietary risks would be negligible.

1. *Food*. The pesticidal use of this synthetically manufactured extract is not expected to result in any dietary exposure. Three residue decline studies on the natural extract show that rapid degradation of the terpene constituents of this synthetically manufactured extract. A detailed discussion of those studies can be found in Unit III.C.3. In sum, these data demonstrate that, by the time this synthetically manufactured extract has dried on the plant, there is no detectable residual product.

2. *Drinking water exposure*. Exposure of humans to this synthetically manufactured extract in drinking water is unlikely because associated pesticide products are labeled for applications directly to terrestrial plants and because any residues would have significantly degraded in the advance of any rainfall event. Low application rates and rapid biodegradation in water (an aqueous half life of 36.11 hours for the natural extract) further reduce the potential for drinking water exposure.

B. Other Non-Occupational Exposure

Non-occupational exposure is not expected because this synthetically manufactured extract is not approved for residential uses and the active ingredient is applied directly to food commodities and degrades rapidly.

1. *Dermal exposure*. Non-occupational dermal exposures to this synthetically manufactured extract are expected to be negligible because of its directed agricultural use. In the event of dermal exposure to residues, because of the non-toxic profile of this synthetically manufactured extract (as described in Unit III.), use of this synthetically manufactured extract is not expected to result in any risks through this route of exposure.

2. *Inhalation exposure*. Non-occupational inhalation exposures are not expected to result from the agricultural uses of this synthetically manufactured extract. Any inhalation exposure associated with this agricultural use pattern is expected to be occupational in nature.

V. Cumulative Effects from Substances with a Common Mechanism of Toxicity

Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA has not found this synthetically manufactured extract to share a common mechanism of toxicity with any other substances, and this synthetically manufactured extract does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that this synthetically manufactured extract does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *http://www.epa.gov/pesticides/cumulative*.

VI. Determination of Safety for the U.S. Population, Infants, and Children

FFDCA section 408(b)(2)(C) provides that EPA shall assess the available information about consumption patterns among infants and children, special susceptibility of infants and children to pesticide chemical residues, and the cumulative effects on infants and children of the residues and other substances with a common mechanism of toxicity. In addition, FFDCA section 408(b)(2)(C) provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database unless EPA determines that a different margin of safety will be safe for infants and children. Margins of exposure (safety), which are often referred to as uncertainty factors, are incorporated into EPA risk assessments either directly or through the use of a margin of exposure analysis, or by using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk.

Health risks to humans, including infants and children, are considered negligible with regard to the pesticidal use of this synthetically manufactured extract. Toxicity information submitted in support of the application for this synthetically manufactured extract demonstrates that the active ingredient has negligible toxicity. In addition, the terpene constituents of this synthetically manufactured extract are ubiquitous in nature and present in a multitude of fruits and vegetables and, to date, there is no history of toxicological incident involving their consumption. As discussed earlier, the terpene constituents of this synthetically manufactured extract are approved as direct food additives by the FDA. Most importantly, however, exposure to the residues of this synthetically manufactured extract are not expected. Pesticidal applications are applied directly to commercial crops, and data confirm that detectable residues do not persist beyond the time for this synthetically manufactured extract to dry on to foliar surfaces. As such, the Agency has determined that this food use of this synthetically manufactured extract poses no foreseeable risks to human health or the environment. There is a reasonable certainty that no harm will result to the general U.S. population, including infants and children, from aggregate exposure to residues of this synthetically manufactured extract.

VII. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint U.N. Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for Terpene Constituents (α-terpinene, d-limonene and p-cymene) of the Extract of Chenopodium *ambrosioides* near *ambrosioides* as Synthetically Manufactured.

VIII. Conclusions

The Agency concludes that there is a reasonable certainty that no harm will result to the United States population, including infants and children, from aggregate exposure to residues of this synthetically manufactured extract. Therefore, an exemption is established for residues of Terpene Constituents (α-terpinene, d-limonene and p-cymene) of the Extract Chenopodium *ambrosioides* near *ambrosioides* as Synthetically Manufactured in or on all food commodities.

IX. References

1. Araujo IB, Souza CAM, De-Carvalho RR, Kuriyama SN, Rodrigues RP, Vollmer RS, Alves EN, Paumgartten FJR. 1996. Study of the embryofoetotoxicity of α-terpinene in the rat. Food and Chemical Toxicology 34:477–482.

2. Cornell University. 2008. Medicinal Plants Website. Medicinal Plants for Livestock, Beneficial or Toxic? Available from *http://www.ansci.comell.edu/plants/medicinal/plants.html*.

3. Flavor and Fragrance High Production Volume Consortia (FFHPVC). 2002. The Terpene Consortium: Test Plan for Aromatic Terpene Hydrocarbons.

4. World Health Organization (WHO). 2005. Evaluation of Certain Food Additives. WHO Technical Report Series No. 928. Sixty-third Report of the Joint FAO/WHO Expert Committee on Food Additives.

X. Statutory and Executive Order Reviews

This final rule establishes a tolerance exemption under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001), or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as the tolerance exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between

the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999), and Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000), do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to 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).

XI. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule 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 this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 30, 2010.

Martha Monell,

Acting Director, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.1296 is added to subpart D to read as follows:

§ 180.1296 Terpene Constituents α-terpinene, d-limonene and p-cymene, of the Extract of Chenopodium *ambrosioides* near *ambrosioides* as Synthetically Manufactured; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for the residues of the biochemical pesticide Terpene Constituents α-terpinene, d-limonene and p-cymene, of the Extract of Chenopodium *ambrosioides* near *ambrosioides* as Synthetically Manufactured when used as an insecticide/acaricide in or on all food commodities.

[FR Doc. 2010–16765 Filed 7–8–10; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2007–1187; FRL–8831–2]

Homobrassinolide; Exemption from the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of homobrassinolide in or on all food commodities when applied/used as a plant growth regulator in accordance with good agricultural practices. Repar Corporation submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of homobrassinolide under the FFDCA.

DATES: This regulation is effective July 9, 2010. Objections and requests for hearings must be received on or before September 7, 2010, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2007–1187. All documents in the docket are listed in the docket index available at *http://www.regulations.gov*. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: John Fournier, Biopesticides and Pollution Prevention Division (7511P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–0169; e-mail address: *fournier.john@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Electronic Access to Other Related Information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.gpoaccess.gov/ecfr*.

C. How Can I File an Objection or Hearing Request?

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2007–1187 in the subject line on

the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before September 7, 2010. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit a copy of your non-CBI objection or hearing request, identified by docket ID number EPA–HQ–OPP–2007–1187, by one of the following methods:

- *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of February 13, 2008 (73 FR 8312) (FRL–8349–2), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance petition (PP 7F7296) by Repar Corporation, 8070 Georgia Avenue, Suite 209, Silver Spring, MD 20910. The petition requested that 40 CFR part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of homobrassinolide. This notice referenced a summary of the petition prepared by the petitioner, Repar Corporation, which is available in the docket, *http://www.regulations.gov*. Comments were received on the notice of filing. EPA's response to these comments is discussed in Unit VII.C.

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is "safe." Section 408(c)(2)(A)(ii) of FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Pursuant to section 408(c)(2)(B) of FFDCA, in establishing or maintaining in effect an exemption from the requirement of a tolerance, EPA must take into account the factors set forth in section 408(b)(2)(C) of FFDCA, which require EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...." Additionally, section 408(b)(2)(D) of FFDCA requires that EPA consider "available information concerning the cumulative effects of a particular pesticide's residues and other substances that have a common mechanism of toxicity."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides. Second, EPA examines exposure to the pesticide through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings.

III. Toxicological Profile

Consistent with section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness, and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

A. Overview of Homobrassinolide

The active ingredient, homobrassinolide, is a plant growth regulator that is a synthesized homologue of brassinolide, a naturally occurring brassinosteroid. Brassinosteroids are a group of steroidal plant hormones that were discovered in 1973, when it was shown that pollen from rapeseed (Brassica napus) could promote stem elongation and cell division and that the biologically active molecule was a steroid. Brassinosteroids are ubiquitously distributed in the plant kingdom. Since their discovery, over 70 brassinosteroids have been isolated from plants. The occurrence of these steroids has been demonstrated in various plant parts, such as pollen, flower buds, fruit seeds, vascular cambium, leaves, shoots, and roots. Studies on higher plants suggest that these steroids play a critical role in a range of developmental processes (i.e., stem elongation, root growth, floral initiation, etc.).

B. Biochemical Pesticide Human Health Assessment Data Requirements

1. *Acute Toxicity.* Tier I acute toxicity studies showed that homobrassinolide is a Toxicity Category IV (low toxicity) compound via oral and inhalation routes of exposure and a Toxicity Category III (slightly toxic) compound for dermal and eye exposures. Moreover, homobrassinolide is neither a skin irritant nor a dermal sensitizer. Given the results of these studies, no additional toxicity (i.e., Tiers II or III) or residue data are required to support food uses of this biochemical active ingredient.

i. The acute oral median lethal doses (LD_{50}s) for homobrassinolide in rats and mice were greater than 5,000 milligrams per kilogram (mg/kg) and confirmed negligible toxicity through oral exposure (Master Record Identification Numbers [MRID Nos.] 47185118 and 47208903). Homobrassinolide is classified as Toxicity Category IV for acute oral toxicity.

ii. The acute dermal median lethal dose (LD_{50}) for homobrassinolide in rats was over 2,000 mg/kg, which confirmed low dermal toxicity (Master Record Identification Number [MRID No.] 47185120). Homobrassinolide is classified as Toxicity Category III for acute dermal toxicity.

iii. The acute inhalation median lethal concentration (LC_{50}) was greater than 2.26 milligrams per liter (mg/L) in rats and showed practically no inhalation toxicity or irritation (MRID No. 47185121). Homobrassinolide is classified as Toxicity Category IV for acute inhalation toxicity.

iv. An acute eye study showed that exposure to homobrassinolide will cause temporary mild eye irritation (MRID No. 47185122). As such, EPA has determined that homobrassinolide is Toxicity Category III for acute eye irritation. Acute dermal irritation and skin sensitization studies showed that homobrassinolide is non-irritating and not a sensitizer to the skin (MRID Nos. 47185123 and 47185124). EPA has determined that homobrassinolide is Toxicity Category IV for both dermal irritation and dermal sensitization.

These acute toxicity studies, submitted to support the registration of one manufacturing-use product containing homobrassinolide, confirm a low toxicity profile.

2. *Subchronic Toxicity*. i. The submitted 90–day oral toxicity (MRID No. 47208906) study showed that test animals did not exhibit any clinical signs of toxicity that were statistically different from untreated controls. There were no significant changes in organ weights (e.g., thymus and spleen) or differential white blood cell counts of the treated animals during the 90–day study period, which would indicate potential interference with normal immune function. The 90–day oral feeding no observable effect level (NOEL) for Homobrassinolide Technical was 1,000 milligrams per kilogram per day. Based on the review of these data, EPA concluded that no subchronic oral toxicity is expected to occur when this compound is used in accordance with good agricultural practices.

ii. Submission of 90–day dermal toxicity data was waived by EPA (MRID No. 47185136) for primarily two reasons. First, dermal metabolism of homobrassinolide is not expected to differ from its oral metabolism. Acute guideline studies demonstrated that homobrassinolide has a low dermal toxicity (LD_{50} >2,000 mg/kg), was not a dermal irritant, and was not a dermal sensitizer. In addition, prolonged human dermal exposure is remote as brassinosteroids are readily metabolized by plants to inactive forms and, therefore, the application of homobrassinolide to crop plants as a plant growth stimulant is unlikely to increase levels of brassinosteroids in the treated plants. Brassinosteroids are present in all plants, resulting in ubiquitous exposure to humans and other organisms though the food chain without causing harm.

iii. Submission of 90–day inhalation data was also waived. The acute inhalation toxicity study demonstrates homobrassinolide's lack of toxicity (Toxicity Category IV) and there is no anticipated repeated inhalation exposure under the conditions of product use at a concentration that could be toxic (MRID No. 47185137).

3. *Developmental Toxicity and Mutagenicity*. Based on *in vivo* studies using oral applications of homobrassinolide, the active ingredient did not have the potential to induce chromosome aberrations in mice treated up to a single oral dose of 2,000 mg/kg body weight. The active ingredient did not have micronucleus induction potential in mice after two days of oral dosing up to a level of 2,000 mg/kg body weight. Thus, homobrassinolide is non-mutgenic to mice (MRID No. 47208905).

In vitro studies demonstrated that treatment with 100 and 1,000 mg/kg body weight of homobrassinolide did not result in mortality or overt signs of toxicity for pregnant rats during the observation period. Body weight changes in the groups of test substance treated dams were statistically similar to controls and no significant changes were observed in the weights of ovary and fetuses. The test further showed that there were no significant changes in the uterine weights, as well as, no test related recurrent visceral and skeletal malformations when compared to controls. Based on these findings it appears that homobrassinolide is non-teratogenic to Wistar rats at the dose levels of 100 and 1000 mg/kg of bodyweight (MRID No. 47185132).

As a result of the findings in these studies, EPA concludes that homobrassinolide is not mutagenic or genotoxic.

C. References

Bajguz, A., 2000. Effect of brassinosteroids on nuclear acids and protein content in cultured cells of chlorella vulgaris. Plant Physiol. Biochem. 38, 209-215.

Catterou, M., F. Dubois, H. Schaller, L. Aubanella, B. Vilcol, B. S. Sangwan-Norrel, R.S. Sangwan, 2001. Brassinosteroids microtubules and cell elongation in Arabidopsis thaliana. II. Effects of brassinosteroids on microtubules and cell elongation in the bull mutant. Planta, 212, 673-683.

IECVI.I – Individual Effects Chance Model Version 1.1. 2004. USEPA/OPP/EFEDSeeta S.R.R., B.V.Vardhini, E. Sujatha, S. Anuradha. 2002. Brassinosteroids-A new class of phytohormones. Current Science, 82:12391245.

IV. Aggregate Exposures

In examining aggregate exposure, section 408 of FFDCA directs EPA to consider available information concerning exposures from the pesticide residue in food and all other non-occupational exposures, including drinking water from ground water or surface water and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

A. Dietary Exposure

1. *Food*. The primary route of homobrassinolide exposure to the general population is expected to be through consumption of food. Dietary exposure to homobrassinolide from application/use as a plant growth regulator is expected to be minimal, assuming use consistent with the labeling and use of good agricultural practices. The approved label allows a maximum application rate of 20 grams of active ingredient per acre per application. In addition, homobrassinolide is present in all plants, resulting in ubiquitous exposure to humans and other organisms through the food chain without causing harm. The endogenous levels of brassinosteroids are in parts per million or parts per billion (e.g., brassinosteroid levels in pollen have been measured at 200 parts per billion). The 20 grams per acre of homobrassinolide from application/use as a plant growth regulator is not expected to increase natural levels of brassinosteroids in treated plants. This is because the homobrassinolide applied/used as a crop plant will be metabolized as the plant grows.

2. *Drinking water exposure*. No significant drinking water exposure or residues are expected to result from the use of homobrassinolide as a plant growth regulator. The active ingredient is intended for use as a foliar application on food commodities and is not to be applied directly to water. If used in accordance with EPA-approved labeling and good agricultural practices, homobrassinolide is not likely to accumulate in drinking water. Furthermore, it is doubtful that homobrassinolide concentrations in water would exceed levels that are currently ubiquitous to plants. Although fate information is not available on homobrassinolide, the compound is not soluble in water (water solubility 3.18%), and the log Pow = 3.96 suggests both moderate binding to soil and a low probability of ground water contamination. Overall, drinking water exposure to residues of homobrassinolide is expected to be minimal.

B. Other Non-Occupational Exposure

The potential for non-dietary exposure of the general population, including infants and children, is limited based on the use patterns of homobrassinolide. Non-dietary exposures would not be expected to pose any quantifiable risk to the general population.

V. Cumulative Effects from Substances with a Common Mechanism of Toxicity

Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, EPA consider "available information concerning the cumulative effects of [a particular pesticide's]

residues and other substances that have a common mechanism of toxicity."

EPA has not found homobrassinolide to share a common mechanism of toxicity with any other substances, and homobrassinolide does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance exemption, therefore, EPA has assumed that homobrassinolide does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *http://www.epa.gov/pesticides/cumulative*.

VI. Determination of Safety for the United States Population, Infants, and Children

FFDCA section 408(b)(2)(C) provides that EPA shall assess the available information about consumption patterns among infants and children, special susceptibility of infants and children to pesticide chemical residues, and the cumulative effects on infants and children of the residues and other substances with a common mechanism of toxicity. In addition, FFDCA section 408(b)(2)(C) provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database unless EPA determines that a different margin of safety will be safe for infants and children. Margins of exposure (safety), which are often referred to as uncertainty factors, are incorporated into EPA risk assessments either directly or through the use of a margin of exposure analysis, or by using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk.

Based on the results of the toxicological data discussed in Unit III., as well as all other available information, EPA concludes that there is a reasonable certainty that no harm will result to the United States population, including infants and children, from aggregate exposure to the residues of homobrassinolide. This includes all anticipated dietary exposures and all other exposures for which there is reliable information. EPA has arrived at this conclusion based on the low level of toxicity of the compound, the minimal exposure from application/use of homobrassinolide as a plant growth regulator, the ubiquitous nature of brassinosteroids in the plant kingdom, and the already widespread exposure to these plant steroids without any reported adverse effects on human health. Thus, there are no threshold effects of concern and, as a result, the provision requiring an additional margin of safety does not apply in this instance.

VII. Other Considerations

A. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint U.N. Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for homobrassinolide.

B. Response to Comments

A notice of receipt of the application for registration of a pesticide product containing homobrassinolide (a new active ingredient) was published in the Federal Register and opened a 30–day comment period (73 FR 8312, February 13, 2008). Two comments were received following this publication, but neither comment was related to the registration of homobrassinolide as a new active ingredient (i.e., both referenced a pesticide product apparently associated with another active ingredient) nor provided any substantive basis, such as data or other available information, supporting their respective positions or calling into question any of EPA's risk assessments.

VIII. Conclusions

The Agency concludes that there is a reasonable certainty that no harm will result to the United States population, including infants and children, from aggregate exposure to residues of homobrassinolide applied/used as a plant growth regulator in accordance with good agricultural practices. Therefore, an exemption is established for residues of homobrassinolide in or on all food commodities when applied/used as a plant growth regulator in accordance with good agricultural practices.

IX. Statutory and Executive Order Reviews

This final rule establishes a tolerance exemption under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001), or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as the tolerance exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999), and Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000), do not apply to this final rule. In addition, this final

rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to 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).

X. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule 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 this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 14, 2010.

Steven Bradbury,

Director, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.1297 is added to subpart D to read as follows:

§180.1297 Homobrassinolide; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for the residues of homobrassinolide in or on all food commodities when applied/used as a plant growth regulator in accordance with good agricultural practices.

[FR Doc. 2010–16771 Filed 7–8–10; 8:45 am]

BILLING CODE 6560–50–S

Proposed Rules

Federal Register
Vol. 75, No. 131
Friday, July 9, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AM21

Prevailing Rate Systems; Redefinition of the Chicago, IL; Fort Wayne-Marion, IN; Indianapolis, IN; Cleveland, OH; and Pittsburgh, PA, Appropriated Fund Federal Wage System Wage Areas

AGENCY: U.S. Office of Personnel Management.

ACTION: Proposed rule with request for comments.

SUMMARY: The U.S. Office of Personnel Management is issuing a proposed rule that would redefine the geographic boundaries of the Chicago, IL; Fort Wayne-Marion, IN; Indianapolis, IN; Cleveland, OH; and Pittsburgh, PA, appropriated fund Federal Wage System (FWS) wage areas. The proposed rule would redefine Benton County, IN, from the Chicago wage area to the Indianapolis wage area; Carroll and Howard Counties, IN, from the Fort Wayne-Marion wage area to the Indianapolis wage area; and Carroll County, OH, from the Pittsburgh wage area to the Cleveland wage area. These changes are based on recent consensus recommendations of the Federal Prevailing Rate Advisory Committee to best match the counties proposed for redefinition to a nearby FWS survey area. No other changes are proposed for the Chicago, Fort Wayne-Marion, Indianapolis, Cleveland, and Pittsburgh FWS wage areas.

DATES: We must receive comments on or before August 9, 2010.

ADDRESSES: Send or deliver comments to Jerome D. Mikowicz, Deputy Associate Director for Pay and Leave, Employee Services, U.S. Office of Personnel Management, Room 7H31, 1900 E Street, NW., Washington, DC 20415–8200; email *pay-performance-policy@opm.gov*; or FAX: (202) 606–4264.

FOR FURTHER INFORMATION CONTACT: Madeline Gonzalez, (202) 606–2838; e-mail *pay-performance-policy@opm.gov*; or FAX: (202) 606–4264.

SUPPLEMENTARY INFORMATION: The U.S. Office of Personnel Management (OPM) is issuing a proposed rule to redefine the Chicago, IL; Fort Wayne-Marion, IN; Indianapolis, IN; Cleveland, OH; and Pittsburgh, PA, appropriated fund Federal Wage System (FWS) wage areas. This proposed rule would redefine Benton County, IN, from the Chicago wage area to the Indianapolis wage area; Carroll and Howard Counties, IN, from the Fort Wayne-Marion wage area to the Indianapolis wage area; and Carroll County, OH, from the Pittsburgh wage area to the Cleveland wage area.

OPM considers the following regulatory criteria under 5 CFR 532.211 when defining FWS wage area boundaries:

(i) Distance, transportation facilities, and geographic features;

(ii) Commuting patterns; and

(iii) Similarities in overall population, employment, and the kinds and sizes of private industrial establishments.

In addition, OPM regulations at 5 CFR 532.211 do not permit splitting Metropolitan Statistical Areas (MSAs) for the purpose of defining a wage area, except in very unusual circumstances (*e.g.,* organizational relationships among closely located Federal activities).

OPM recently completed reviews of the definitions of the Kokomo, IN; Lafayette, IN; and Canton-Massillon, OH MSAs and, based on analyses of the regulatory criteria for defining wage areas, is proposing the changes described below. The Federal Prevailing Rate Advisory Committee (FPRAC), the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, recommended these changes by consensus. These changes would be effective on the first day of the first applicable pay period beginning on or after 30 days following publication of the final regulations. FPRAC recommended no other changes in the geographic definitions of the Chicago, Fort Wayne-Marion, Indianapolis, Cleveland, and Pittsburgh wage areas.

Kokomo, IN Metropolitan Statistical Area

Howard and Tipton Counties, IN, comprise the Kokomo, IN MSA. The Kokomo MSA is currently split between the Fort Wayne-Marion and Indianapolis, IN, wage areas. Howard County is part of the area of application of the Fort Wayne-Marion wage area and Tipton County is part of the area of application of the Indianapolis wage area.

Based on an analysis of the regulatory criteria for Howard County, the core county in the Kokomo MSA, we recommend that the entire Kokomo MSA be defined to the Indianapolis area of application. The distance criterion for Howard County favors the Indianapolis wage area more than the Fort Wayne-Marion wage area. The commuting patterns criterion slightly favors the Indianapolis wage area. All other criteria are inconclusive. Based on this analysis, OPM proposes to redefine Howard County to the Indianapolis area of application so that the entire Kokomo MSA is in one wage area. There are currently no FWS employees working in Howard County.

Lafayette, IN Metropolitan Statistical Area

Benton, Carroll, and Tippecanoe Counties, IN, comprise the Lafayette, IN MSA. The Lafayette MSA is currently split between the Chicago, IL; Fort Wayne-Marion, IN; and Indianapolis, IN, wage areas. Benton County is part of the area of application of the Chicago wage area, Carroll County is part of the area of application of the Fort Wayne-Marion wage area, and Tippecanoe County is part of the area of application of the Indianapolis wage area.

Based on an analysis of the regulatory criteria for Tippecanoe County, the location of the main population center in the Lafayette MSA, we recommend that the entire Lafayette MSA be defined to the Indianapolis area of application. The distance criterion for Tippecanoe County favors the Indianapolis wage area more than the Chicago or Fort Wayne-Marion wage areas. All other criteria are inconclusive. However, more than twice as many people currently commute from Tippecanoe County into the Indianapolis survey area (2%) than into the Chicago survey area (0.11%) or the Fort Wayne-Marion survey area (0.14%). Based on this analysis, we believe Tippecanoe County is appropriately defined to the Indianapolis wage area. Since there appear to be no unusual circumstances

that would permit splitting the Lafayette MSA, OPM proposes to redefine Benton and Carroll Counties to the Indianapolis wage area so that the entire Lafayette MSA is in one wage area. There are currently no FWS employees working in Benton or Carroll Counties.

Canton-Massillon, OH Metropolitan Statistical Area

Carroll and Stark Counties, OH, comprise the Canton-Massillon, OH MSA. The Canton-Massillon MSA is currently split between the Cleveland, OH, and Pittsburgh, PA, wage areas. Carroll County is part of the area of application of the Pittsburgh wage area and Stark County is part of the area of application of the Cleveland wage area.

Based on an analysis of the regulatory criteria for Stark County, the core county in the Canton-Massillon MSA, we recommend that the entire Canton-Massillon MSA be defined to the Cleveland wage area. The distance criterion for Stark County favors the Cleveland wage area more than the Pittsburgh wage area. All other criteria are inconclusive. However, more than twice as many people currently commute from Stark County into the Cleveland survey area (2%) than into the Pittsburgh survey area (0.07%). Based on this analysis, we believe Stark County is appropriately defined to the Cleveland wage area. Since there appear to be no unusual circumstances that would permit splitting the Canton-Massillon MSA, OPM proposes to redefine Carroll County to the Cleveland wage area. There are two Army Corps of Engineers FWS employees currently working in Carroll County.

Regulatory Flexibility Act

I certify that these regulations would not have a significant economic impact on a substantial number of small entities because they would affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

U.S. Office of Personnel Management.

John Berry,

Director.

Accordingly, the U.S. Office of Personnel Management is proposing to amend 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

2. Appendix C to subpart B is amended by revising the wage area listings for the Chicago, IL; Fort Wayne-Marion, IN; Indianapolis, IN; Cleveland, OH; and Pittsburgh, PA, wage areas to read as follows:

Appendix C to Subpart B of Part 532—Appropriated Fund Wage and Survey Areas

* * * * *

ILLINOIS

* * * * *

Chicago

Survey Area

Illinois:
Cook
Du Page
Kane
Lake
McHenry
Will

Area of Application. Survey area plus:

Illinois:
Boone
De Kalb
Grundy
Iroquois
Kankakee
Kendall
La Salle
Lee
Livingston
Ogle
Stephenson
Winnebago

Indiana:
Jasper
Lake
La Porte
Newton
Porter
Pulaski
Starke

Wisconsin:
Kenosha

* * * * *

INDIANA

* * * * *

Fort Wayne-Marion

Survey Area

Indiana:
Adams
Allen
DeKalb
Grant
Huntington
Wells

Area of Application. Survey area plus:

Indiana:
Blackford
Cass
Elkhart
Fulton
Jay
Kosciusko
LaGrange
Marshall
Miami
Noble
St. Joseph
Steuben
Wabash
White
Whitley

Ohio:
Allen
Defiance
Fulton
Henry
Mercer
Paulding
Putnam
Van Wert
Williams

INDIANAPOLIS

Survey Area

Indiana:
Boone
Hamilton
Hancock
Hendricks
Johnson
Marion
Morgan
Shelby

Area of Application. Survey area plus:

Indiana:
Bartholomew
Benton
Brown
Carroll
Clay
Clinton
Decatur
Delaware
Fayette
Fountain
Henry
Howard
Madison
Montgomery
Parke
Putnam
Rush
Sullivan
Tippecanoe
Tipton
Vermillion
Vigo
Warren

* * * * *

OHIO

* * * * *

Cleveland

Survey Area

Ohio:
Cuyahoga
Geauga
Lake
Medina

Area of Application. Survey area plus:

Ohio:
Ashland
Ashtabula
Carroll
Columbiana
Erie

Huron
Lorain
Mahoning
Ottawa
Portage
Sandusky
Seneca
Stark
Summit
Trumbull
Wayne

* * * * *

PENNSYLVANIA

* * * * *

Pittsburgh

Survey Area

Pennsylvania:
Allegheny
Beaver
Butler
Washington
Westmoreland

Area of Application. Survey area plus:

Pennsylvania:
Armstrong
Bedford
Blair
Cambria
Cameron
Centre
Clarion
Clearfield
Clinton
Crawford
Elk (Does not include the Allegheny National Forest portion)
Erie
Fayette
Forest (Does not include the Allegheny National Forest portion)
Greene
Huntingdon
Indiana
Jefferson
Lawrence
Mercer
Potter
Somerset
Venango
Ohio:
Belmont
Harrison
Jefferson
Tuscarawas
West Virginia:
Brooke
Hancock
Marshall
Ohio

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[FR Doc. 2010–16780 Filed 7–8–10; 8:45 am]

BILLING CODE 6325–39–P

FEDERAL HOUSING FINANCE AGENCY

12 CFR Part 1237

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Federal Housing Enterprise Oversight

12 CFR Part 1777

RIN 2590–AA23

Conservatorship and Receivership

AGENCY: Federal Housing Finance Agency; Office of Federal Housing Enterprise Oversight.

ACTION: Notice of proposed rulemaking; request for comment.

SUMMARY: The Federal Housing Finance Agency (FHFA) is proposing a regulation to establish a framework for conservatorship and receivership operations for the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal Home Loan Banks, as contemplated by the Housing and Economic Recovery Act of 2008 (HERA). HERA amended the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (Safety and Soundness Act) by adding, among other provisions, section 1367, Authority Over Critically Undercapitalized Regulated Entities. The proposed rule will implement this provision, and is designed to ensure that these operations advance FHFA's critical safety and soundness and mission requirements. As proposed, the rule seeks to protect the public interest in the transparency of conservatorship and receivership operations for the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac) (collectively, the Enterprises), and the Federal Home Loan Banks (Banks) (collectively, the regulated entities).

DATES: Comments on the proposed rule must be received in writing on or before September 7, 2010.

ADDRESSES: You may submit your comments on the proposed regulation, identified by regulatory identifier number (RIN) 2590–AA23, by any one of the following methods:

- *E-mail:* Comments to Alfred M. Pollard, General Counsel, may be sent by e-mail at *RegComments@FHFA.gov*. Please include "RIN 2590–AA23" in the subject line of the message.
- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments. If you submit your comment to the *Federal eRulemaking Portal,* please also send it by e-mail to FHFA at *RegComments@fhfa.gov* to ensure timely receipt by the Agency. Please include "RIN 2590–AA23" in the subject line of the message.
- *Hand Delivered/Courier:* The hand delivery address is: Alfred M. Pollard, General Counsel, Attention: Comments/RIN 2590–AA23, Federal Housing Finance Agency, Fourth Floor, 1700 G Street, NW., Washington, DC 20552. The package should be logged at the Guard Desk, First Floor, on business days between 9 a.m. and 5 p.m.
- *U.S. Mail, United Parcel Service, Federal Express, or Other Mail Service:* The mailing address for comments is: Alfred M. Pollard, General Counsel, Attention: Comments/RIN 2590–AA23, Federal Housing Finance Agency, Fourth Floor, 1700 G Street, NW., Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: Frank Wright, Senior Counsel, Federal Housing Finance Agency, Fourth Floor, 1700 G Street, NW., Washington, DC 20552, (202) 414–6439 (not a toll-free number). The telephone number for the Telecommunications Device for the Deaf is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Comments

FHFA invites comments on all aspects of the proposed regulation and will take all comments into consideration before issuing a final regulation. Copies of all comments will be posted on the Internet Web site at *https://www.fhfa.gov*. In addition, copies of all comments received will be available for examination by the public on business days between the hours of 10 a.m. and 3 p.m., at the Federal Housing Finance Agency, Fourth Floor, 1700 G Street, NW., Washington, DC 20552. To make an appointment to inspect comments, please call the Office of General Counsel at (202) 414–6924.

II. Background

The Housing and Economic Recovery Act of 2008 (HERA), Public Law 110–289, 122 Stat. 2654, amended the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 *et seq.*) (Safety and Soundness Act), and the Federal Home Loan Bank Act (12 U.S.C. 1421–1449) to establish FHFA as an independent agency of the Federal Government.[1] FHFA was established as an

[1] *See* Division A, titled the "Federal Housing Finance Regulatory Reform Act of 2008," Title I, Section 1101 of HERA.

independent agency of the Federal Government with all of the authorities necessary to oversee vital components of our country's secondary mortgage markets—the regulated entities and the Office of Finance of the Federal Home Loan Bank System.

The Safety and Soundness Act provides that FHFA is headed by a Director with general supervisory and regulatory authority over the regulated entities and over the Office of Finance,[2] expressly to ensure that the regulated entities operate in a safe and sound manner, including maintaining adequate capital and internal controls; foster liquid, efficient, competitive, and resilient national housing finance markets; comply with the Safety and Soundness Act and rules, regulations, guidelines, and orders issued under the Safety and Soundness Act and the authorizing statutes (*i.e.,* the charter acts of the Enterprises and authorizing statutes of the Banks); and carry out their respective missions through activities and operations that are authorized and consistent with the Safety and Soundness Act, their respective charter acts, authorizing statutes, and the public interest.[3]

In addition, this law combined the staffs of the now abolished Office of Federal Housing Enterprise Oversight (OFHEO), the now abolished Federal Housing Finance Board (FHFB), and the Government-Sponsored Enterprise (GSE) mission office at the Department of Housing and Urban Development (HUD). By pooling the expertise of the staffs of OFHEO, FHFB, and the GSE mission staff at HUD, Congress intended to strengthen the regulatory and supervisory oversight of the 14 housing-related GSEs.

The Enterprises, combined, own or guarantee nearly $5.5 trillion of residential mortgages in the United States (U.S.), and play a key role in housing finance and the U.S. economy. The Banks, with combined assets of $965.7 billion, support the housing market by making advances (*i.e.,* loans secured by acceptable collateral) to their member commercial banks, thrifts, and credit unions, assuring a ready flow of mortgage funding.

Because the Agency's mission is to promote housing and a strong national housing finance system by ensuring the safety and soundness of the Enterprises and the Banks, HERA amended the Safety and Soundness Act to make explicit FHFA's general regulatory and supervisory authority. To this end, section 1311(b)(1) of the Safety and Soundness Act expressly makes each regulated entity "subject to the supervision and regulation of the Agency," thus amplifying the broad supervisory authority of the Director. *See* 12 U.S.C. 4511(b)(1). Moreover, the Safety and Soundness Act underscores the breadth of this authority by expressly conveying "general regulatory authority" over the regulated entities to the Director. *See* 12 U.S.C. 4511(b)(2); *see also* 12 U.S.C. 4513(a)(1)(B).[4] In addition, the Safety and Soundness Act, as amended by HERA, provides that "[t]he Agency may prescribe such regulations as the Agency determines to be appropriate regarding the conduct of conservatorships or receiverships." 12 U.S.C. 4617(b)(1).

The Enterprises are currently in conservatorship. FHFA as Conservator has been responsible for the conduct and administration of all aspects of the operations, business, and affairs of both Enterprises since September 6, 2008, the date on which the Director placed Fannie Mae and Freddie Mac in conservatorship. As Conservator, FHFA is charged with taking such action as may be "necessary to put the regulated entity in a sound and solvent condition" and "appropriate to carry on the business of the regulated entity and preserve and conserve the assets and property of the regulated entity." 12 U.S.C. 4617(b)(2)(D). Similarly, FHFA, as Conservator, may "transfer or sell any asset or liability of the regulated entity in default, and may do so without any approval, assignment, or consent with respect to such transfer or sale." *Id.* 4617(b)(2)(G).

The United States Department of the Treasury ("Treasury") facilitated FHFA's decision to utilize its statutory conservatorship powers in an effort to restore the Enterprises' financial health by agreeing to make available hundreds of billions of taxpayers' dollars to be used by the Enterprises pursuant to Senior Preferred Stock Purchase Agreements ("Treasury Agreements").[5] Pursuant to these Agreements, as subsequently amended, Treasury has made available, through the Conservator, capital ("Treasury Commitments") to each of the Enterprises in return for senior preferred stock carrying a preference with regard to dividends and the distribution of assets of the Enterprise in liquidation. As Conservator, FHFA has already drawn on the Treasury Commitments several times to prevent a negative net worth position that would trigger mandatory receivership of each Enterprise.

Congress authorized the Treasury Agreements in section 1117 of HERA, which amended each of the Enterprises' authorizing statutes (Fannie Mae, 12 U.S.C. 1716 *et seq.;* Freddie Mac, 12 U.S.C. 1451 *et seq.*) to empower Treasury to purchase securities of the Enterprises subject to certain conditions. These conditions include that Treasury "protect the taxpayers" by taking into consideration, among other things, "[t]he need for preferences or priorities regarding payments to the Government" and "[r]estrictions on the use of corporate resources." Pursuant to this statutory mandate, the Treasury Agreements imposed several such preferences, priorities, and restrictions. For instance, while the Treasury Agreements authorize the Conservator to draw on the Treasury Commitment for funds equal to the amount by which an Enterprise's liabilities exceed its assets, excluded from this calculation are liabilities that the Conservator determines shall be subordinated, including "a claim against [an Enterprise] arising from rescission of a purchase or sale of a security issued by [an Enterprise] * * * or for damages arising from the purchase, sale, or retention of such a security." Treasury Agreements § 1, definition of "Deficiency Amount," subparagraph (iii). In other words, the Conservator may determine to subordinate such a liability, with the effect that funds could not be drawn under the Treasury Agreements to satisfy it. The Treasury Agreements also contain restrictions on the declaration or payment of dividends or other distributions with respect to the Enterprises' equity interests; redeeming, purchasing, retiring, or otherwise acquiring for value any of the Enterprises' equity interests; or selling, transferring, or otherwise disposing of

[2] *See* sections 1101 and 1102 of HERA, amending sections 1311 and 1312 of the Safety and Soundness Act, codified at 12 U.S.C. 4511 and 4512.

[3] *See* 12 U.S.C. 4513(a)(1)(B).

[4] Moreover, other provisions in the Safety and Soundness Act recognize the independence and general regulatory authority of the Director. Section 1311(c) of the Safety and Soundness Act provides that the authority of the Director "to take actions under subtitles B and C [of Title I of HERA] shall not in any way limit the general supervisory and regulatory authority granted to the Director under subsection (b)." *See* 12 U.S.C. 4511(c). Similarly, section 1319G(a) of the Safety and Soundness Act provides ample, independent authority for the issuance of "any regulations, guidelines, or orders necessary to carry out the duties of the Director under this title or the authorizing statutes, and to ensure that the purposes of this title and the authorizing statutes are accomplished." *See* 12 U.S.C. 4519G(a).

[5] The Treasury Agreements and their amendments are available to the public for review at *http://www.fhfa.gov/webfiles/1099/conservatorship21709.pdf and http://www.financialstability.gov/roadtostability/homeowner.html.*

all or any portion of the Enterprises' assets other than in the ordinary course of business or under other limited exceptions. Treasury Agreements §§ 5.1 and 5.4. In promulgating these regulations, the Agency is required to "ensure that the purposes of * * * the authorizing statutes," including the authorizing statutes' provisions for stock purchases by Treasury and the preferences, priorities, and restrictions attendant to such purchases, "are accomplished." 12 U.S.C. 4526(a).

III. Synopsis of the Proposed Regulation

Comments are requested on whether the proposed conservatorship and receivership regulation will provide clarity to the regulated entities, creditors, and the markets regarding the processes of conservatorship and receivership, and the relationship among various classes of creditors and equity-holders in the event of the appointment of a conservator or receiver. This proposed regulation is designed to describe, codify, and implement the changes to the statutory regime enacted by HERA, the authorities granted to FHFA, and to eliminate ambiguities regarding those changes. The proposed regulation is part of FHFA's implementation of the powers provided by HERA, and does not seek to anticipate or predict future conservatorships or receiverships.

The proposed regulation includes provisions that describe the basic authorities of FHFA when acting as conservator or receiver, including the enforcement and repudiation of contracts. Reflecting the approach in HERA, the proposed regulation parallels many of the provisions in the Federal Deposit Insurance Corporation (FDIC) rules for receiverships and conservatorships. The proposed regulation necessarily differs in some respects, however, from the FDIC regulations, because the GSEs are not depository institutions, and their important public missions differ from those of banks and thrifts.

The proposed regulation establishes procedures for conservators and receivers and priorities of claims for contract parties and other claimants. These priorities set forth the order in which various classes of claimants would be paid, partially or in full, in the event that a regulated entity would be unable to pay all valid claims. Conservatorship and receivership also raise complex issues regarding the types of contracts that should be repudiated or enforced and the circumstances under which such decisions are made, and these issues are addressed in the proposed regulation. The proposed regulation also recognizes and addresses the differences between the Banks and the Enterprises, where appropriate.

Additionally, FHFA seeks comment on several provisions in the regulation that would address whether and to what extent claims against the regulated entities by current or former holders of their equity interests for rescission or damages arising from the purchase, sale, or retention of such equity interests will be paid while those entities are in conservatorship or receivership. The potential impact of such claims is significant and may jeopardize FHFA's ability to fulfill its statutory mission to restore soundness and solvency to insolvent regulated entities and to preserve and conserve their assets and property.

The regulation would clarify that for purposes of priority determinations, claims arising from rescission of a purchase or sale of an equity security of a regulated entity, or for damages arising from the purchase, sale or retention of such a security, will be treated as would the underlying security to which the claim relates. In addition, the proposed regulation would classify a payment of these types of claims as a capital distribution, which would be prohibited during conservatorship, absent the express approval of the Director. Moreover, the regulation will provide that payment of Securities Litigation Claims will be held in abeyance during conservatorship, except as otherwise ordered by the Director. In the event of receivership, such claims will be treated according to the process established by statute and, if adopted, this proposed regulation.

IV. Summary of Conservatorship and Receivership Provisions of the Safety and Soundness Act

The Safety and Soundness Act, as amended, provides the general circumstances for the discretionary appointment of a conservator or receiver. 12 U.S.C. 4617(a)(3). The Director has grounds for discretionary appointment of FHFA as a conservator or receiver if: (1) The assets of the regulated entity are less than the entity's obligations to its creditors and others; (2) the regulated entity has suffered substantial dissipation of its assets or earnings due to a violation of a provision of federal or state law or an unsafe or unsound practice; (3) the regulated entity is in an unsafe or unsound condition to transact business; (4) the regulated entity has committed a willful violation of a cease-and-desist order that has become final; (5) the regulated entity has concealed the books, papers, records, or assets of the regulated entity; (6) the regulated entity is unlikely to be able to pay its obligations or meet the demands of its creditors in the normal course of business; (7) the regulated entity has incurred or is likely to incur losses that will deplete all or substantially all of its capital; (8) a violation of law or unsafe or unsound practice by the regulated entity that is likely to cause insolvency, substantial dissipation of assets, earnings, or to weaken the condition of the regulated entity has occurred; or (9) the regulated entity consents to the appointment by resolution of its board of directors, its shareholders, or members. The Director may appoint FHFA as conservator or receiver if the regulated entity is critically undercapitalized, significantly undercapitalized, or undercapitalized and has no reasonable prospect of becoming adequately capitalized.

The Safety and Soundness Act provides FHFA, as conservator or receiver, with all the rights, titles, powers, and privileges of the shareholders, directors, and officers of a regulated entity under conservatorship or receivership. 12 U.S.C. 4617(b)(2)(A). In addition, the conservator or receiver is provided a number of additional powers, including authority to: (1) Take over the assets of and operate the regulated entity; (2) collect all obligations and money due the regulated entity; (3) perform functions of the regulated entity consistent with appointment as conservator or receiver; and (4) preserve and conserve the assets and property of the regulated entity. *id.* 4617(b)(2)(B). The Safety and Soundness Act also provides FHFA with the power to avoid a fraudulent transfer of an interest to an entity-affiliated party or debtor of the regulated entity that was made within five years of the date on which FHFA was appointed conservator or receiver. *id.* 4617(b)(15).

Furthermore, the Safety and Soundness Act also provides the conservator with the power to take such action as may be necessary to put the regulated entity in a sound and solvent condition, appropriate to carry on the business of the regulated entity, and to preserve and conserve its assets and property. The Safety and Soundness Act also provides a receiver with the power to place a regulated entity in liquidation in such manner as FHFA deems appropriate. *id.* 4617(b)(2)(E). As amended, the Safety and Soundness Act bestows upon a receiver the power to determine claims in the process of liquidation or winding up the affairs of a regulated entity, including the

allowance and disallowance of claims (12 U.S.C. 4617(b)(3)) and establishes the process and treatment for certain qualified financial contracts (12 U.S.C. 4617(d)(8)).

V. Section-by-Section Analysis of the Proposed Regulation

Section 1237.1 Purpose and Applicability

This section explains that the provisions of this regulation would provide rules for the conduct of a conservator or receiver of a regulated entity.

Section 1237.2 Definitions

This section would provide definitions of certain terms used in the regulation.

Section 1237.3 Powers of the Agency as Conservator or Receiver

This section enumerates the powers of FHFA while acting as conservator or receiver for a regulated entity. This section states the powers of FHFA to continue the mission of a regulated entity in conservatorship or receivership as described by section 1313(a)(1)(B)(ii) of the Safety and Soundness Act, and ensure that the operations of such regulated entity foster liquid, efficient, competitive, and resilient national housing finance markets.

While in conservatorship, the Enterprises continue to operate under their charters, which provide that their purpose is to "provide stability in the secondary market for residential mortgages," "respond appropriately to the private capital market," "provide ongoing assistance to the secondary market for residential mortgages * * *," and "promote access to mortgage credit throughout the Nation * * *" (Fannie Mae Charter Act, section 301; Freddie Mac Corporation Act, section 301(b).) FHFA is obligated to regulate the Enterprises in conservatorship, as well as any Bank that should be placed into conservatorship, pursuant to FHFA's mandate that "the operations of each regulated entity foster liquid, efficient, competitive, and resilient national housing finance markets (including activities relating to mortgages on housing for low- and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities)." Section 1313(a)(1)(B)(ii) of the Safety and Soundness Act. The proposed regulation carries forward those statutory mandates.

A focus on mission is especially appropriate for the Enterprises, currently in conservatorship, for several reasons. First, they are supported by the Treasury, funded by the American taxpayer, with ongoing capital infusions that would not be available to the Enterprises in the private capital market on similar terms, or probably on any terms. Second, the Enterprises were supported for many years by the implicit federal guarantee, which enabled them to operate with thinner capital cushions than their risk profiles merited and hence to generate larger returns for private investors than would have been possible at more appropriate capital levels. Inseparable from that implicit guarantee is the public mission of the Enterprises, which they must continue to pursue now that the government has made good on that guarantee by sustaining the Enterprises with the financial support of the Treasury. And finally, the Enterprises' mission activity is necessary to preserve the value of their own businesses.

The Enterprises are not only participants in the national mortgage market; they are significant drivers of its performance. As purchasers of roughly three out of four residential mortgages currently being originated, the Enterprises' mission activities, such as their participation in the administration's loan modification and refinancing program that may help stabilize the nation's home mortgage market, are critical to the Enterprises' own recovery of financial health.

This section also states that FHFA, as conservator, has the broad power to take necessary action to put the regulated entity in sound and solvent condition and to take appropriate action to preserve and conserve the assets and property of a regulated entity.

Section 1237.4 Receivership Following Conservatorship; Administrative Expenses

This section provides that the administrative expenses of a conservatorship shall also be deemed administrative expenses of a subsequent receivership if the receiver immediately succeeds the conservator.

Section 1237.5 Contracts Entered Into Before Appointment of a Conservator or Receiver

The section provides that the conservator or receiver shall have 18 months following its appointment to determine whether to exercise the rights of repudiation under 12 U.S.C. 4617(d). By statute, the determination of whether to exercise such rights should be made within a reasonable time following the appointment of the conservator and receiver. 12 U.S.C. 4617(d)(2). The experiences of FHFA during the conservatorships of Fannie Mae and Freddie Mac have shown that at least 18 months is required for the conservator to obtain all facts needed to make accurate determinations about its rights of repudiation.

Section 1237.6 Authority To Enforce Contracts

This section states the authority of a conservator or receiver to enforce contracts that the regulated entity has entered, even if such contracts contain provisions for termination or default upon the appointment of a conservator or receiver.

Section 1237.7 Period for Determination of Claims

This section states the period and timing of the determination by FHFA as receiver of claims against a regulated entity.

Section 1237.8 Alternate Procedures for Determination of Claims

This section allows claimants to seek alternative dispute resolution for determination of claims in lieu of a judicial determination. The procedure for alternative dispute resolution may be determined by orders, policy statements, and directives to be issued by FHFA, similar to the practices of the FDIC.

Section 1237.9 Priority of Expenses and Unsecured Claims

This section discusses the priority of unsecured claims against a regulated entity in receivership, or the receiver for that regulated entity, that have been proven to the satisfaction of FHFA as receiver. The order of claims begins with administrative expenses of the receiver followed by other general or senior liabilities of the regulated entity, then by obligations subordinated to general creditors, and finally by obligations to shareholders or members. The receiver would also be required by this section to provide similar treatment to all similarly situated creditors. Some creditors may benefit from better treatment than others, because the government or an acquirer may choose to assume or guarantee certain liabilities, but not others. However, each creditor will receive at least what that creditor would have received in a full liquidation of the regulated entity.

This section would also confirm that the lowest-priority category of claims in receivership, "[a]ny obligation to shareholders or members arising as a result of their status as shareholders or members," refers to both current and former holders of equity interests and

includes any claim arising from rescission of a purchase or sale of an equity security of a regulated entity or for damages arising from the purchase, sale, or retention of such a security. The Safety and Soundness Act relegates claims by equity-holders to a lower priority than is reserved for claims by general creditors or subordinated creditors. 12 U.S.C. 4617(c)(1)(D). Indeed, the Safety and Soundness Act bars shareholder claims from the status of claims of general creditors (12 U.S.C. 4617(c)(1)(B)) or subordinated creditors (12 U.S.C. 4617(c)(1)(C)). Claims for damages by shareholders could be considered to be creditor claims. But the statute specifically recognizes that shareholders may have claims arising from their status as shareholders that could be considered creditor claims and relegates them to the same status as other shareholder claims. The statute thus gives second priority to "[a]ny * * * general or senior liability of the regulated entity (which is not a liability described under subparagraph (C) [subordinated creditor claims] or (D) [shareholder claims]" (emphasis added)); and gives third priority to "[a]ny obligation subordinated to general creditors (which is not an obligation described under subparagraph (D) [shareholder claims]). The statute relegates shareholder claims to fourth priority, including those claims that in other circumstances could be considered creditor claims.

By permitting recovery by equity-holders only after creditors have been paid in full, section 1367(c) of the Safety and Soundness Act reflects the longstanding "general rule of equity" that "stockholders take last in the estate of a bankrupt corporation." *Gaff* v. *FDIC,* 919 F.2d 384, 392 (6th Cir. 1990); *see also In re Stirling Homex Corp. (Jezarian* v. *Raichle),* 579 F.2d 206, 211 (2d Cir. 1978) ("[A]fter all creditors have been paid, provision may be made for stockholders. When the debtor is insolvent, the stockholders, as such, receive nothing."). The rationale underlying this rule is that "[b]ecause, unlike creditors and depositors, stockholders stand to gain a share of corporate profits, stockholders should take the primary risk of the enterprise failing." *Gaff,* 919 F.2d at 392. Moreover, creditors deal with a corporation "in reliance upon the protection and security provided by the money invested by the corporation's stockholders—the so-called 'equity cushion.' " *Stirling Homex,* 579 F.2d at 214.

These considerations apply not only to claims by equity-holders to share in the distribution of receivership assets directly by reason of their ownership of equity, but also to claims to compensate for having allegedly been defrauded into purchasing the equity. In either situation, the ownership of the equity security is a "but-for" element of the alleged entitlement to receivership assets and the claim arises out of that ownership. For any claim arising out of status as an equity-holder, it is fair and appropriate to base the claim's relative entitlement with respect to creditors to receive an allocation out of a limited fund on a comparison of the different types of risks equity-holders and creditors assumed when they dealt with the corporation. As courts and commentators have explained, while both equity-holders and creditors of a corporation assume the risk of corporate insolvency, only equity-holders assume the risk of fraud in the issuance or sale of the equity securities they purchased, and to treat their fraud claims on par with general creditors would improperly shift some of that risk to general creditors. *See In re Geneva Steel Co.,* 281 F.3d 1173, 1176–77 (10th Cir. 2002) (citing John Slain & Homer Kripke, "The Interface Between Securities Regulation and Bankruptcy—Allocating the Risk of Illegal Securities Issuance Between Securityholders and the Issuer's Creditors", 48 N.Y.U. L. Rev. 261, 286–91 (1973)); *In re Granite Partners, L.P.,* 208 B.R. 332, 336 (Bankr. S.D.N.Y. 1997).

For these reasons, the subordination of Securities Litigation Claims to creditors is a cornerstone of the Bankruptcy Code, which governs the liquidation and reorganization of the vast majority of publicly traded American corporations. Specifically, section 510(b) of the Bankruptcy Code provides in pertinent part that "a claim arising from rescission of a purchase or sale of a security of the debtor or of an affiliate of the debtor, [or] for damages arising from the purchase or sale of such a security * * * shall be subordinated to all claims or interests that are senior to or equal the claim or interest represented by such security, except that if such security is common stock, such claim has the same priority as common stock." This provision has been applied to Securities Litigation Claims in some of the largest and most storied corporate bankruptcies ever. *See, e.g., In re Enron Corp.,* 341 B.R. 141, 148–59 (Bankr. S.D.N.Y. 2006); *In re WorldCom, Inc.,* 329 B.R. 10, 11–16 (Bankr. S.D.N.Y. 2005).[6]

The provisions of § 1237.9, confirming that a securities litigation claim has the same priority in receivership as the underlying security out of which it arises, would harmonize aspects of receiverships under the Safety and Soundness Act with the bankruptcy regime that applies to most other publicly traded corporations. The statute governing FHFA's conduct of receiverships does not contain all of the details governing insolvent entities that the Bankruptcy Code does because Congress expected FHFA to fill in the gaps by "prescrib[ing] such regulations as FHFA determines to be appropriate regarding the conduct of conservatorships or receiverships." 12 U.S.C. 4617(b)(1); *see Chevron U.S.A., Inc.* v. *Natural Res. Def. Council,* 467 U.S. 837, 843–44 (1984) ("The power of an administrative agency to administer a congressionally created * * * program necessarily requires the formulation of policy and the making of rules to fill any gap left, implicitly or explicitly, by Congress." (quoting *Morton* v. *Ruiz,* 415 U.S. 199, 231 (1974))). When Congress enacted 4617(c), it was legislating against the backdrop of the statutory and common law discussed above treating Securities Litigation Claims derived from equity ownership as subordinated to or having the same priority as the underlying

[6] In the *Enron* and *WorldCom* bankruptcies, among others, these principles were applied to subordinate Securities Litigation Claims brought by holders of stock options who claimed that corporate fraud rendered their options worthless. *See Enron,* 341 B.R. at 163–69 (option holders "would 'share' in the profits of the enterprise" and options "resemble a typical equity interest" because "the cash value of the options varied with the value of the Debtor's stock"); *In re WorldCom, Inc.,* No. 02–13533 (AJG), 2006 WL 3782712, *6 (Bankr. S.D.N.Y. Dec. 21, 2006) ("That the asserted damages flow from changes in the debtor's share price is obvious evidence that the claim represents the equity interest of a security holder and should be subordinated." (internal quotation marks and alterations omitted).

By defining "equity security" to include options to purchase or sell equity interests of a regulated entity, this proposed regulation would likewise subordinate Securities Litigation Claims based on options. As discussed in *Enron* and *Worldcom,* the policy considerations justifying subordination of shareholder claims, such as allocating the consequences of insolvency between equity-holders and creditors based on the risk profile for which they originally bargained, apply with equal, if not greater, force to claims based on options, which are purely derivative of the underlying shares. For example, a purchaser of a call option (a right to purchase stock at a specified price during a certain period) assumes at least as much risk as a purchaser of the underlying stock. Not only does the value of the option vary with the stock, but if the price of the stock is below the exercise price, the option is worthless. *See Enron,* 341 B.R. at 168 ("call and put options are universally recognized as conditional, and by extension, risky"). Thus, it would be anomalous to subordinate the claims of actual holders of stock while allowing investors who merely acquired options to purchase or sell those same shares to recover on par with general creditors.

equity. In aligning the priority of Securities Litigation Claims in receivership with their treatment in bankruptcy, FHFA follows in the path of a number of federal circuit courts that have looked to the Bankruptcy Code for guidance on relative priorities of shareholder claims as well as other issues arising in receiverships of financial institutions. *See, e.g., Gaff,* 919 F.2d at 393–96; *Office and Professional Employees Int'l Union v. FDIC,* 962 F.2d 63, 68 (DC Cir. 1992) (Ruth Bader Ginsburg, J.); *First Empire Bank-New York* v. *FDIC,* 572 F.2d 1361, 1368 (9th Cir. 1978).

Finally, this section would provide that the receiver will determine the priority of claims based on their status as of the date of default, provided the claim was then in existence. "Default" is defined in the Safety and Soundness Act, and in this proposed regulation, as "any adjudication or other official determination by any court of competent jurisdiction, or by FHFA, pursuant to which a conservator, receiver, limited-life regulated entity, or legal custodian is appointed for a regulated entity." 12 U.S.C. 4502(8). In the event of a conservatorship followed by receivership, the date on which the conservator was appointed will be treated as the date of default for claims that were in existence on that date. This provision clarifies that claims cannot move from one priority category to another during conservatorship or receivership, potentially resulting in a different priority ranking depending on when priority is assessed. Like other aspects of this proposed regulation, this provision harmonizes the timing of the determination of priority in receivership with the longstanding "'general rule in bankruptcy that the filing of the petition freezes the rights of all parties interested in the bankrupt estate.'" *Goggin* v. *Cal. Div. of Labor Law Enforcement,* 336 U.S. 118, 126 n.7 (1949) (quoting 4 Collier on Bankruptcy 228–29 (14th ed. 1942)); *see also United States* v. *Marxen,* 307 U.S. 200, 207 (1939) ("the rights of creditors are fixed by the Bankruptcy Act as of the filing of the petition in bankruptcy. This is true both as to the bankrupt and amongst themselves."); *Everett* v. *Judson,* 228 U.S. 474, 478–79 (1913) ("the purpose of the [bankruptcy] law was to fix the line of cleavage with reference to the condition of the bankrupt estate as of the time at which the petition was filed").[7]

Section 1237.10 Limited-Life Regulated Entities

This section discusses the process for setting the policies and procedures for organizing a limited-life regulated entity (LLRE) to assume or succeed to the assets and liabilities of a regulated entity in default or in danger of default. This section would also explain that the restriction on investments by a limited-life regulated entity under section 1367(i)(4) of the Safety and Soundness Act would apply only to the liquidity portfolio of the LLRE. Section 1367(i)(4) states "[f]unds of a limited-life regulated entity shall be kept on hand in cash, invested in obligations of the United States or obligations guaranteed as to principal and interest by the United States, or deposited with FHFA, or any Federal reserve bank." While a broad interpretation of this provision might suggest that an LLRE is barred from investing in a retained portfolio, such an interpretation would be inconsistent with the powers granted to FHFA under section 1367(i)(l)(B) to transfer assets of a failed regulated entity to an LLRE, subject only to the requirements that they at least be equal to the liabilities assumed. Since the retained portfolio of a failed Enterprise would be among the principal assets of the Enterprise, and the advances of a failed Bank would be among the principal assets of the Bank, it would make little sense to interpret the statute to allow transfer of assets to the LLRE but bar transfer of a regulated entity's most significant assets. Interpreting section 1367(i)(4) to apply only to the liquidity portfolio, and not to the retained portfolio, would allow FHFA, as receiver, to reconcile the two provisions of the Safety and Soundness Act in a reasonable way.

Section 1237.11 Authority of Limited-Life Regulated Entities To Obtain Credit

This section discusses the process by which a limited-life regulated entity may obtain credit, either by obtaining unsecured credit and issuing unsecured debt, or by obtaining the approval of the Director to issue debt with priority over any and all obligation of the LLRE, debt secured by a lien on the property of the entity, or debt secured by a junior lien on property of the entity already subject to a lien. The section also discusses how the Director may authorize an LLRE to obtain credit or issue debt that is secured by a senior or equal lien on property that is already subject to a lien only if the entity is unable to otherwise obtain such credit or issue such debt on commercially reasonable terms, and there is adequate protection of the interest of the holder of the earlier lien on the property with respect to which the senior or equal lien is proposed to be granted. The section also offers a definition for the concept of adequate protection.

Section 1237.12 Capital Distributions While in Conservatorship

This section would generally prohibit a regulated entity from making a capital distribution in conservatorship, except as permitted by the Director. The Safety and Soundness Act and the respective authorizing statutes restrict the ability of a regulated entity to make capital distributions that would cause the regulated entity to become undercapitalized or would otherwise decrease total or core capital of the regulated entity below certain levels. *See* 12 U.S.C. 1452, 1718, 4614, 4615, and 4616. Because capital distributions are generally inconsistent with FHFA's goal of putting the regulated entities in a sound and solvent condition, FHFA is implementing these provisions by providing that no capital distributions shall be made by a regulated entity while in conservatorship, except as permitted by the Director. Such capital distributions generally will not be permitted during conservatorship because they would be removing capital at precisely the time when the Conservator is charged with rehabilitating the regulated entity and restoring it to a safe and sound condition. Further, restrictions on capital distributions are most consistent with the need of a financial regulatory agency to rely on the books and records of a financial institution when assessing its capital adequacy. If capital investments could be withdrawn based upon claims not reflected in those books and records, the regulator's ability to assess the safety and soundness of the financial institution would be seriously impaired.

However, the Director may, in his or her discretion, permit the Conservator to make a capital distribution that the Director determines: (1) Will enhance the ability of the regulated entity to meet the risk-based capital level and the minimum capital level for the regulated entity; (2) will contribute to the long-term financial safety and soundness of the regulated entity; (3) is otherwise in the interest of the regulated entity; or (4)

[7] Courts have analogized conservators of financial institutions under the Financial Institutions Reform Recovery and Enforcement Act of 1989 to trustees in bankruptcy. *See, e.g., Plymouth Mills, Inc.* v. *FDIC,* 876 F. Supp. 439, 443 (E.D.N.Y. 1995) (conservator "akin to Chapter 11 trustee, in that both attempt to restore a financially burdened entity to viability"); *Smith* v. *Witherow,* 102 F.2d 638, 642 (3d Cir. 1939) (appointment of conservator "quite similar to the appointment of a trustee in a proceeding for the reorganization of a corporation under the Bankruptcy Act").

is otherwise in the public interest.[8] These factors include those that govern the Director's exercise of his discretion to approve a capital distribution by a regulated entity that is classified as significantly undercapitalized. *See* 12 U.S.C. 4616(a)(2)(B). These factors would provide the Director with the flexibility to permit the regulated entity to make capital distributions that will ultimately enhance its ability to fulfill its mission in a safe and sound manner.

Similarly, the proposed regulation would amend the definition of the term "capital distribution" in the prompt corrective action regulations (12 CFR part 1777) issued by OFHEO[9] and would incorporate that definition into this part. The amended definition would include any payment of any claim arising from rescission of a purchase or sale of an equity security of an Enterprise or for damages arising from the purchase, sale, or retention of such a security. The proposed regulation thereby both: (1) Implements 12 U.S.C. 4502(5)(A)(i), which specifies that any distribution made with respect to any shares of an Enterprise, other than a dividend consisting only of shares of the Enterprise, is a "capital distribution"; and (2) reflects an exercise of the Director's authority under 12 U.S.C. 4502(5)(A)(iii) to determine by regulation that particular types of transactions are, in substance, the distribution of capital and therefore fall within the definition of "capital distribution." FHFA considers payment of a claim arising from rescission of a purchase or sale of an equity security of an Enterprise or for damages arising from the purchase, sale, or retention of such an equity security to be, in substance, a distribution of capital because it results in the flow of capital out of the Enterprise to current or former equity-holders on account of their ownership of an equity interest of the Enterprise. From a regulatory standpoint, the economic consequences of such payment as they relate to the Enterprise's safety and soundness and ability to meet capital requirements are indistinguishable from those posed by a payment taking the form of a dividend, repurchase, redemption, or retirement of stock. In any of those situations, the Enterprise is no longer able to use that capital to meet its obligations and maintain its fiscal health; rather, the benefit of that capital has been transferred to others on account of their ownership of equity in the Enterprise.

Section 1237.13 Payment of Securities Litigation Claims While in Conservatorship

This section reflects that FHFA, as Conservator, will not pay Securities Litigation Claims against a regulated entity during conservatorship, except to the extent the Director determines appropriate. As Conservator, FHFA is charged with "put[ting] the regulated entity in a sound and solvent condition" and "preser[ving] and conserv[ing] the assets and property of the regulated entity," (12 U.S.C. 4617(b)(2)(D)) and may "take any action authorized by this section, which FHFA determines is in the best interests of the regulated entity or FHFA," *id.* 4617(b)(2)(J)(i). FHFA's statutory mandate to preserve and conserve the assets of a regulated entity in conservatorship, combined with the possibility of future receivership, requires it to take a prudent and deliberate approach to the disposition of claims by equity-holders that could both impede restoring a regulated entity in conservatorship to a sound and solvent condition and arbitrarily place some equity-holder claimants above others while that regulated entity is in conservatorship.

The Conservator has plenary authority under the Safety and Soundness Act to deal with pending claims against an Enterprise however it deems appropriate in the exercise of its duties. The duties of the Conservator include "preserv[ing] and conserve[ing] the assets and property of the regulated entity." 12 U.S.C. 4617(b)(2)(D); *see In re Fed. Nat'l Mtg. Ass'n Sec., Deriv. and "ERISA" Litig.,*—F. Supp.—, 2009 WL 1837757, *2 n.4 (D.D.C. June 25, 2009) ("Congress has determined that responsibility for deciding how to best preserve and conserve Fannie Mae's assets lies solely with FHFA for the conservatorship period."); *Gibraltar Fin. Corp.* v. *Fed. Home Loan Bank Bd.,* No. CV 89 3489 WDK(GHKX), 1990 WL 394298, *5 (C.D. Cal. June 15, 1990) ("a conservator must be afforded great flexibility in the operation of a failing institution") (involving Federal Savings and Loan Insurance Corporation as conservator of savings and loan).

With respect to Securities Litigation Claims in particular, the Conservator will be guided by the statutory receivership priority scheme in determining whether such claims may properly be paid in light of the central fact that conservatorship is temporary and receivership is a possibility. *See* 12 U.S.C. 4617(a)(4)(D) (conservatorship may be followed by receivership). The statutory receivership priority scheme, as implemented by § 1237.9, provides that claims derived from ownership of an equity security of an Enterprise are subordinated to all other claims. 12 U.S.C. 4617(c). If the Conservator were to authorize payment of Securities Litigation Claims despite the statutory receivership priority system ranking such claims below all other claims, the purpose of the receivership priority system could be thwarted, leaving fewer corporate resources to pay higher-priority claims during a subsequent receivership. Indeed, paying such claims on a first-come, first-served basis during conservatorship could induce a "run on the conservatorship" with severe adverse repercussions for the ultimate success of the ongoing effort to rehabilitate a regulated entity in conservatorship. This section of the proposed regulation is intended to facilitate the Conservator's discharge of its duty to avoid such consequences.

The approach taken in this section is also consistent with section 1117 of HERA and the Treasury Agreements thereunder, which allowed FHFA to avoid placing Fannie Mae and Freddie Mac in receivership by providing the Conservator with access to the billions of federal tax dollars necessary to attempt to restore the financial viability of the Enterprises through conservator ship. In short, without the continuing capital infusions made pursuant to the Treasury Agreements, both Enterprises would of necessity have been declared insolvent and placed in receivership many months ago. *See* 12 U.S.C. 4617(a)(4). While this might suggest that the Treasury funds would provide an effective source of funds for the Conservator to pay a Securities Litigation Claim, the purpose of the Treasury Agreements is not to compensate current or former equity-holders of the Enterprises for diminution in the value of their equity. *See* HERA section 1117(a), (b) (Treasury authority to purchase Enterprise securities to be used to "provide stability to the financial markets," "prevent disruptions in the availability of mortgage finance," and "protect the taxpayer"). Rather, the Treasury Agreements exclude from the amount that can be drawn, liabilities that the Conservator determines shall be subordinated, including "a claim against Seller arising from rescission of a purchase or sale of a security issued by [an Enterprise] * * * or for damages arising from the purchase, sale or

[8] For example, the Director has approved payment of contractually required dividends on the Senior Preferred Stock held by Treasury pursuant to section 1117 of HERA because these extraordinary funding arrangements with Treasury are critical to the long-term financial safety and soundness of the Enterprises.

[9] Regulations promulgated by OFHEO continue to be effective until FHFA issues its own regulations. *See* HERA section 1302.

retention of such a security." Treasury Agreements § 1, definition of "Deficiency Amount," subparagraph (iii). Similarly, the Treasury Agreements do not allow any distribution with respect to the Enterprises' equity interests without Treasury's prior written consent. These provisions are in keeping with the intent of both the parties to the Treasury Agreements, and Congress in authorizing the Treasury Agreements, that the federal tax dollars infused through the Conservator be used to help restore the Enterprises to a sound and solvent condition, provide stability to the financial markets, prevent disruptions in the availability of mortgage financing, and protect the taxpayer, rather than to serve as a fund to make equity-holders whole. *See* Treasury Agreements at Background ¶¶ A, B; HERA section 1117.

In exercising its regulatory authority, FHFA is required "to ensure that the purposes of this chapter and the authorizing statutes are accomplished." 12 U.S. C. 4526(a). As discussed above, the authorizing statutes for the Enterprises, as amended by section 1117 of HERA, include the mandate to "protect the taxpayers" as an integral part of any sale of stock by the Enterprises to Treasury. 12 U.S. C. 1719(g)(1) (Fannie Mae); 12 U.S. C. 1455(*l*)(1) (Freddie Mac). This section of the regulation is intended to enable the Conservator to operate a regulated entity in conservator ship in a manner consistent with the policies Congress sought to advance through the enactment of HERA by providing a default rule that Securities Litigation Claims will not be paid out of conservator ship assets, subject to the discretion vested in the Director to find that payment might be appropriate in a particular instance because it would be in the interest of the conservator ship.

In exercising FHFA's discretion to consider whether to make an exception to permit payment of certain Securities Litigation Claims on a case-by-case basis, the Director will be guided primarily by whether payment of the claim would be consistent with the Conservator's mandate to put the regulated entity in a sound and solvent condition and to preserve and conserve the assets and property of the regulated entity. The Director may also consider the size and nature of the claim, the effect that paying the claim might have on the availability of funds to satisfy other claims against the regulated entity, the source of the funds from which the claim would be paid, whether any extraordinary funding arrangement (such as under section 1117 of HERA) is in place, and any other consideration the Director deems appropriate under the circumstances.[10]

This section also clarifies, in paragraph (b), that a LLRE established during receivership under section 1367(i) of the Safety and Soundness Act will not assume, acquire, or succeed to any Securities Litigation Claim against a regulated entity. Section 1367(b)(2)(G) of the Safety and Soundness Act provides that FHFA, as conservator or receiver, may "transfer or sell any asset or liability of the regulated entity in default, and may do so without any approval, assignment, or consent with respect to such transfer or sale." 12 U.S. C. 4617(b)(2)(G). Further, section 1367(i)(2)(B)(ii) of the Safety and Soundness Act provides that "a limited-life regulated entity shall not assume, acquire, or succeed to any obligation that a regulated entity for which a receiver has been appointed may have to any shareholder of the regulated entity that arises as a result of the status of that person as a shareholder of the regulated entity." This language is similar to section 1367(c)(1)(D) of the Safety and Soundness Act, which assigns lowest priority in receivership to "[a]ny obligation to shareholders or members arising as a result of their status as shareholder or members." For the same reasons discussed above why it is appropriate to treat the obligations described in section 1367(c)(1)(D) as including Securities Litigation Claims, it is equally appropriate to treat the language in section 1367(i)(2)(B)(ii) as encompassing those same claims. Congress intended for a LLRE to succeed to the charter of an Enterprise and to operate free of obligations to equity-holders, and it would frustrate that intent and create an incongruity if any obligations to equity-holders subordinated under section 1367(c)(1)(D) could nevertheless survive and be asserted against a LLRE.

[10] By evaluating whether to pay a Securities Litigation Claim out of conservator ship assets as reflected in § 1237.13, the Conservator would not be adjudicating or determining the validity of any claim, and non-payment of a claim or judgment would not operate to extinguish the claim or judgment. If the Conservator decided under § 1237.13 not to pay a Securities Litigation Claim, including a judgment, during conservator ship, the claim or judgment would continue to exist. If the Enterprise entered receivership, the claim or judgment would be disposed of through the receivership claims process provided by statute. If the Enterprise exits conservator ship without undergoing receivership, the claim or judgment would survive the conservator ship and could be pursued or enforced against the Enterprise at that time.

Section 1237.14 Golden Parachute Payments

The treatment of golden parachute payments under conservator ship and receivership will be addressed by another proposed rule.

VI. Regulatory Impacts

Paperwork Reduction Act

The proposed regulation does not contain any information collection requirement that requires the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) requires that a regulation that has a significant economic impact on a substantial number of small entities, small businesses, or small organizations must include an initial regulatory flexibility analysis describing the regulation's impact on small entities. Such an analysis need not be undertaken if the agency has certified that the regulation will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). FHFA has considered the impact of the proposed regulation under the RFA. FHFA certifies that the proposed regulation, if adopted, is not likely to have a significant economic impact on a substantial number of small business entities because the regulation is applicable only to the regulated entities and the Office of Finance, which are not small entities for purposes of the RFA.

List of Subjects

12 CFR Part 1237

Capital, Conservator, Federal home loan banks, Government-sponsored enterprises, Receiver.

12 CFR Part 1777

Administrative practice and procedure, Mortgages.

Accordingly, for the reasons stated in the preamble, under the authority of 12 U.S.C. 4513b, 4526, and 4617 the Federal Housing Finance Agency proposes to amend chapters XII and XVII of Title 12, Code of Federal Regulations, as follows:

CHAPTER XII—FEDERAL HOUSING FINANCE AGENCY

Subchapter B—Entity Regulations

1. Add part 1237 to subchapter B to read as follows:

PART 1237—CONSERVATORSHIP AND RECEIVERSHIP

Sec.
1237.1 Purpose and applicability.
1237.2 Definitions.

Subpart A—Powers

1237.3 Powers of the Agency as conservator or receiver.
1237.4 Receivership following conservatorship; administrative expenses.
1237.5 Contracts entered into before appointment of a conservator or receiver.
1237.6 Authority to enforce contracts.

Subpart B—Claims

1237.7 Period for determination of claims.
1237.8 Alternate procedures for determination of claims.
1237.9 Priority of expenses and unsecured claims.

Subpart C—Limited-Life Regulated Entities

1237.10 Limited-life regulated entities.
1237.11 Authority of limited-life regulated entities to obtain credit.

Subpart D—Other

1237.12 Capital distributions while in conservatorship.
1237.13 Payment of Securities Litigation Claims while in conservatorship.
1237.14 [Reserved].

Authority: 12 U.S.C. 4513b, 4526, 4617.

§ 1237.1 Purpose and applicability.

The provisions of this part shall apply to the appointment of the Federal Housing Finance Agency ("Agency") as conservator or receiver of a regulated entity. These provisions implement and supplement the procedures and process set forth in Public Law 110–289 for conduct of a conservatorship or receivership of such entity.

§ 1237.2 Definitions.

For the purposes of this part the following definitions shall apply:

Agency means the Federal Housing Finance Agency ("FHFA") established under 12 U.S.C. 4511, as amended by Public Law 110–289.

Authorizing statutes mean:

(1) The Federal National Mortgage Association Charter Act,

(2) The Federal Home Loan Mortgage Act, and

(3) The Federal Home Loan Bank Act.

Capital distribution means, with respect to a regulated entity, the definition under 12 CFR 1777.3 or other applicable FHFA regulations.

Compensation means any payment of money or the provision of any other thing of current or potential value in connection with employment.

Conservator means the Agency as appointed by the Director as conservator for a regulated entity.

Default; In Danger of Default: (1) *Default* means, with respect to a regulated entity, any official determination by the Director, pursuant to which a conservator or receiver is appointed for a regulated entity.

(2) *In danger of default* means, with respect to a regulated entity, the definition under section 1303(8)(B) of the Safety and Soundness Act or applicable FHFA regulations.

Director means the Director of the Federal Housing Finance Agency.

Enterprise means the Federal National Mortgage Association and any affiliate thereof or the Federal Home Loan Mortgage Corporation and any affiliate thereof.

Entity-affiliated party means any party meeting the definition of an entity-affiliated party under section 1303(11) of the Safety and Soundness Act or applicable FHFA regulations.

Equity security of any person shall mean any and all shares, interests, rights to purchase or otherwise acquire, warrants, options, participations or other equivalents of or interests in (however designated) in equity, ownership or profits of such person, including any preferred stock, any limited or general partnership interest and any limited liability company membership interest, and any securities or other rights or interests convertible into or exchangeable for any of the foregoing.

Executive officer means any person meeting the definition of executive officer under section 1303(12) of the Safety and Soundness Act or applicable FHFA regulations.

Golden parachute payment means, with respect to a regulated entity, the definition under 12 CFR part 1231 or other applicable FHFA regulations.

Limited-life regulated entity means an entity established by the Agency under section 1367(i) of the Safety and Soundness Act with respect to a Federal Home Loan Bank in default or in danger of default, or with respect to an enterprise in default or in danger of default.

Office of Finance means the Office of Finance of the Federal Home Loan Bank System.

Receiver means the agency as appointed by the Director to act as receiver for a regulated entity.

Regulated entity means:

(1) The Federal National Mortgage Association and any affiliate thereof;

(2) The Federal Home Loan Mortgage Corporation and any affiliate thereof; and

(3) Any Federal Home Loan Bank.

Securities Litigation Claim means any claim, whether or not reduced to judgment, liquidated or unliquidated, fixed, contingent, matured or unmatured, disputed or undisputed, legal, equitable, secured or unsecured, arising from rescission of a purchase or sale of an equity security of a regulated entity or for damages arising from the purchase, sale, or retention of such a security.

State means States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

Transfer means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the equity of redemption of the regulated entity.

Subpart A—Powers

§ 1237.3 Powers of the Agency as conservator or receiver.

(a) *Operation of the regulated entity.* The Agency, as conservator or receiver, may:

(1) Take over the assets of and operate the regulated entity with all the powers of the shareholders (including the authority to vote shares of any and all classes of voting stock), the directors, and the officers of the regulated entity and conduct all business of the regulated entity;

(2) Continue the missions of the regulated entity;

(3) Ensure that the operations and activities of each regulated entity foster liquid, efficient, competitive, and resilient national housing finance markets;

(4) Ensure that each regulated entity operates in a safe and sound manner;

(5) Collect all obligations and money due the regulated entity;

(6) Perform all functions of the regulated entity in the name of the regulated entity that are consistent with the appointment as conservator or receiver;

(7) Preserve and conserve the assets and property of the regulated entity (including the exclusive authority to investigate and prosecute claims of any type on behalf of the regulated entity, or to delegate to management of the regulated entity the authority to investigate and prosecute claims); and

(8) Provide by contract for assistance in fulfilling any function, activity, action, or duty of the Agency as conservator or receiver.

(b) *Powers as conservator or receiver.* The Agency, as conservator or receiver, shall have all powers and authorities specifically provided by section 1367 of the Safety and Soundness Act and paragraph (a) of this section, including incidental powers, which include the authority to suspend capital classifications under section 1364(e)(1) of the Safety and Soundness Act during the duration of the conservatorship or receivership of that regulated entity.

(c) *Transfer or sale of assets and liabilities.* The Agency may, as conservator or receiver, transfer or sell any asset or liability of the regulated entity in default, and may do so without any approval, assignment, or consent with respect to such transfer or sale. Exercise of this authority by the Agency as conservator will nullify any restraints on sales or transfers in any agreement not entered into by the Agency as conservator. Exercise of this authority by the Agency as receiver will nullify any restraints on sales or transfers in any agreement not entered into by the Agency as receiver.

§ 1237.4 Receivership following conservatorship; administrative expenses.

If a receiver immediately succeeds a conservator, administrative expenses of the conservatorship shall also be deemed to be administrative expenses of the subsequent receivership.

§ 1237.5 Contracts entered into before appointment of a conservator or receiver.

(a) The conservator or receiver for any regulated entity may disaffirm or repudiate any contract or lease to which such regulated entity is a party pursuant to section 1367(d) of the Safety and Soundness Act.

(b) For purposes of section 1367(d)(2) of the Safety and Soundness Act, a reasonable period shall be defined as a period of 18 months following the appointment of a conservator or receiver.

§ 1237.6 Authority to enforce contracts.

The conservator or receiver may enforce any contract entered into by the regulated entity pursuant to the provisions and subject to the restrictions of section 1367(d)(13) of the Safety and Soundness Act.

Subpart B—Claims

§ 1237.7 Period for determination of claims.

Before the end of the 180-day period beginning on the date on which any claim against a regulated entity is filed with the Agency as receiver, the Agency shall determine whether to allow or disallow the claim and shall notify the claimant of any determination with respect to such claim. This period may be extended by a written agreement between the claimant and the Agency as receiver, which may include an agreement to toll any applicable statute of limitations.

§ 1237.8 Alternate procedures for determination of claims.

Claimants seeking a review of the determination of claims may seek alternative dispute resolution from the Agency as receiver in lieu of a judicial determination. The Director may by order, policy statement, or directive establish alternative dispute resolution procedures for this purpose.

§ 1237.9 Priority of expenses and unsecured claims.

(a) *General.* The receiver will grant priority to unsecured claims against a regulated entity or the receiver for that regulated entity that are proven to the satisfaction of the receiver in the following order:

(1) Administrative expenses of the receiver (or an immediately preceding conservator).

(2) Any other general or senior liability of the regulated entity (that is not a liability described under paragraph (a)(3) or (a)(4) of this section.

(3) Any obligation subordinated to general creditors (that is not an obligation described under paragraph (a)(4) of this section.

(4) Any obligation to current or former shareholders or members arising as a result of their current or former status as shareholders or members, including, without limitation, any Securities Litigation Claim.

(b) *Similarly situated creditors.* The receiver will provide similar treatment to all creditors under paragraph (a) of this section that are similarly situated, except that the receiver may take any action (including making payments) that does not comply with this section, if—

(1) The Director determines that such action is necessary to maximize the value of the assets of the regulated entity, to maximize the present value return from the sale or other disposition of the assets of the regulated entity, or to minimize the amount of any loss realized upon the sale or other disposition of the assets of the regulated entity; and

(2) All creditors that are similarly situated under paragraph (a) of this section receive not less than the amount such creditors would have received if the receiver liquidated the assets and liabilities of the regulated entity in receivership and such action had not been taken.

(c) *Priority determined at default.* The receiver will determine priority based on a claim's status at the time of default, such default having occurred at the time of entry into the receivership, or if a conservatorship immediately preceded the receivership, at the time of entry into the conservatorship provided the claim then existed.

Subpart C—Limited-Life Regulated Entities

§ 1237.10 Limited-life regulated entities.

(a) *Status.* The United States Government shall be considered a person for purposes of section 1367(i)(6)(C)(i) of the Safety and Soundness Act.

(b) *Investment authority.* The requirements of section 1367(i)(4) shall apply only to the liquidity portfolio of a limited-life regulated entity.

(c) *Policies and procedures.* The Agency may draft such policies and procedures with respect to limited-life regulated entities as it determines to be necessary and appropriate, including policies and procedures regarding the timing of the creation of limited-life regulated entities.

§ 1237.11 Authority of limited-life regulated entities to obtain credit.

(a) *Ability to obtain credit.* A limited-life regulated entity may obtain unsecured credit and issue unsecured debt.

(b) *Inability to obtain credit.* If a limited-life regulated entity is unable to obtain unsecured credit or issue unsecured debt, the Director may authorize the obtaining of credit or the issuance of debt by the limited-life regulated entity with priority over any and all of the obligations of the limited-life regulated entity, secured by a lien on property of the limited-life regulated entity that is not otherwise subject to a lien, or secured by a junior lien on property of the limited-life regulated entity that is subject to a lien.

(c) *Limitations.* The Director, after notice and a hearing, may authorize a limited-life regulated entity to obtain credit or issue debt that is secured by a senior or equal lien on property of the limited-life regulated entity that is already subject to a lien (other than mortgages that collateralize the mortgage-backed securities issued or guaranteed by an enterprise) only if the limited-life regulated entity is unable to obtain such credit or issue such debt otherwise on commercially reasonable terms and there is adequate protection of the interest of the holder of the earlier lien on the property with respect to which such senior or equal lien is proposed to be granted.

(d) *Adequate protection.* The adequate protection referred to in paragraph (c) of this section may be provided by:

(1) Requiring the limited-life regulated entity to make a cash payment or periodic cash payments to the holder of the earlier lien, to the extent that there is likely to be a decrease in the value of such holder's interest in the property subject to the lien;

(2) Providing to the holder of the earlier lien an additional or replacement lien to the extent that there is likely to be a decrease in the value of such holder's interest in the property subject to the lien; or

(3) Granting the holder of the earlier lien such other relief, other than entitling such holder to compensation allowable as an administrative expense under section 1367(c) of the Safety and Soundness Act, as will result in the realization by such holder of the equivalent of such holder's interest in such property.

Subpart D—Other

§ 1237.12 Capital distributions while in conservatorship.

(a) Except as provided in paragraph (b) of this section, a regulated entity shall make no capital distribution while in conservatorship.

(b) The Director may authorize, or may delegate the authority to authorize, a capital distribution that would otherwise be prohibited by paragraph (a) of this section if he or she determines that such capital distribution:

(1) Will enhance the ability of the regulated entity to meet the risk-based capital level and the minimum capital level for the regulated entity;

(2) Will contribute to the long-term financial safety and soundness of the regulated entity;

(3) Is otherwise in the interest of the regulated entity; or

(4) Is otherwise in the public interest.

(c) This section is intended to supplement and shall not replace or affect any other restriction on capital distributions imposed by statute or regulation.

§ 1237.13 Payment of Securities Litigation Claims while in conservatorship.

(a) *Payment of Securities Litigation Claims while in conservatorship.* The Agency, as conservator, will not pay a Securities Litigation Claim against a regulated entity, except to the extent the Director determines is in the interest of the conservatorship.

(b) *Claims against limited-life regulated entities.* A limited-life regulated entity shall not assume, acquire, or succeed to any obligation that a regulated entity for which a receiver has been appointed may have to any shareholder of the regulated entity that arises as a result of the status of that person as a shareholder of the regulated entity, including any Securities Litigation Claim. No shareholder or creditor of a regulated entity shall have any right or claim against the charter of the regulated entity once the Agency has been appointed receiver for the regulated entity and a limited-life regulated entity succeeds to the charter pursuant to this section.

§ 1237.14 [Reserved].

CHAPTER XVII—OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PART 1777—PROMPT CORRECTIVE ACTION

2. The authority citation for part 1777 is revised to read as follows:

Authority: 12 U.S.C. 1452(b)(2), 1456(c), 1718(c)(2), 1723a(k), 4513(a), 4513(b), 4514, 4517, 4611–4618, 4622, 4623, 4631, 4635.

3. Amend § 1777.3 by revising the definition of "Capital distribution" to read as follows:

§ 1777.3 Definitions.

* * * * *

Capital distribution means:

(1) Any dividend or other distribution in cash or in kind made with respect to any shares of, or other ownership interest in, an Enterprise, except a dividend consisting only of shares of the Enterprise;

(2) Any payment made by an Enterprise to repurchase, redeem, retire, or otherwise acquire any of its shares or other ownership interests, including any extension of credit made to finance an acquisition by the Enterprise of such shares or other ownership interests, except to the extent the Enterprise makes a payment to repurchase its shares for the purpose of fulfilling an obligation of the Enterprise under an employee stock ownership plan that is qualified under the Internal Revenue Code of 1986 (26 U.S.C. 401 *et seq.*) or any substantially equivalent plan as determined by the Director of FHFA in writing in advance; and

(3) Any payment of any claim, whether or not reduced to judgment, liquidated or unliquidated, fixed, contingent, matured or unmatured, disputed or undisputed, legal, equitable, secured or unsecured, arising from rescission of a purchase or sale of an equity security of an Enterprise or for damages arising from the purchase, sale, or retention of such a security.

* * * * *

Dated: June 30, 2010.

Edward J. DeMarco,

Acting Director, Federal Housing Finance Agency.

[FR Doc. 2010–16723 Filed 7–8–10; 8:45 am]

BILLING CODE 8070–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–0691; Directorate Identifier 2010–CE–027–AD]

RIN 2120–AA64

Airworthiness Directives; Eclipse Aerospace, Inc. Model EA500 Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Eclipse Aerospace, Inc. (Eclipse) Model EA500 airplanes. This proposed AD would require incorporating changes to the electronic flight information system and the airplane flight manuals. This proposed AD results from reports of uncommanded changes to the communications radio frequency, altitude preselect, and/or transponder codes. We are proposing this AD to correct faulty integration of hardware and software, which could result in unannunciated, uncommanded changes in communications radio frequency, transponder codes, and altitude preselect settings. These uncommanded changes could result in loss of communication with air traffic control due to improper communications frequency, autopilot level off at the incorrect altitude, or air traffic control loss of proper tracking of the aircraft.

DATES: We must receive comments on this proposed AD by August 23, 2010.

ADDRESSES: Use one of the following addresses to comment 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.

For service information identified in this proposed AD, contact Eclipse Aerospace, Incorporated, 2503 Clark Carr Loop, SE., Albuquerque, New Mexico 87106; telephone: (505) 724–1200.

FOR FURTHER INFORMATION CONTACT: Eric Kinney, Aerospace Engineer, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone: (817) 222–5459; fax: (817) 222–5960.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments regarding this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number, "FAA–2010–0691; Directorate Identifier 2010–CE–027–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 we receive concerning this proposed AD.

Discussion

We have received reports of uncommanded changes in communications radio frequency, transponder codes, and altitude preselect settings on Eclipse EA500 airplanes. The majority of reports consisted of uncommanded transponder code changes, instances of uncommanded altitude preselect changes have also been noted. The uncommanded radio frequencies settings have only been reported during flight test. Root cause was determined to be a software communication integration issue between the EFIS display interface and associated hardware.

This condition, if not corrected, could result in uncommanded changes in communications radio frequency, transponder codes, and altitude preselect settings. These uncommanded changes could result in loss of communication with air traffic control due to improper communications frequency, autopilot level off at the incorrect altitude, or air traffic control loss of proper tracking of the aircraft.

Relevant Service Information

We have reviewed Eclipse Aviation Required Service Bulletin SB 500–31–015, REV D, dated January 14, 2009; and Eclipse Aviation Recommended Service Bulletin SB 500–99–005, REV A, dated February 16, 2009.

The service information describes procedures for incorporating changes to the electronic flight information system by the following means:

• the electronic flight instrument system 1.3 software update; and

• the avionics upgrade to AVIO NG + 1.5 configuration.

FAA's Determination and Requirements of the Proposed AD

We are proposing this AD because we evaluated all information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design. This proposed AD would require you to incorporate changes to the electronic flight information system and the airplane flight manuals.

Costs of Compliance

We estimate that this proposed AD would affect 168 airplanes in the U.S. registry.

Owners/operators would comply with this proposed AD action by doing either of the following update options. We have no way of knowing the number of airplanes that would receive each of these upgrades.

We estimate the following costs to do the proposed electronic flight instrument system 1.3 software update:

Labor cost	Parts cost	Total cost per airplane
2 work-hours × $85 per hour = $170	$600 to $1,500	$770 to $1,670.

We estimate the following costs to do the proposed avionics upgrade to AVIO NG + 1.5 configuration:

Labor cost	Parts cost	Total cost per airplane
198 work-hours × $85 per hour = $16,830	$233,120	$249,950

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.

Regulatory Findings

We have 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.

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 a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

Examining the AD Docket

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

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:

Eclipse Aerospace, Inc.: Docket No. FAA–2010–0691; Directorate Identifier 2010–CE–027–AD.

Comments Due Date

(a) We must receive comments on this airworthiness directive (AD) action by August 23, 2010.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Model EA500 airplanes with the following serial numbers (SNs) that are certificated in any category:

(1) SNs 000105 through 000112, 000116 through 000119, 000121 through 000122, and 000125 through 000260;

(2) SNs 000039 through 000104, 000113 through 000115, 000120, and 000123 through 000124, that incorporate Performance Enhancement & Drag Reduction Modification per any revision level of Eclipse SB 500–99–001; and

(3) SNs 000001 through 000038, that incorporate Performance Enhancement & Drag Reduction Modification per any revision level of Eclipse SB 500–99–001 and Avionics Upgrade to AVIO NG Configuration for ETT Configured Aircraft per any revision level of Eclipse SB 500–99–002.

Subject

(d) Air Transport Association of America (ATA) Code 23: Communications.

Unsafe Condition

(e) This AD results from reports of uncommanded changes to the communications radio frequency, altitude preselect, and/or transponder codes. We are issuing this AD to correct faulty integration of hardware and software, which could result in unannunciated, uncommanded changes in communications radio frequency, transponder codes, and altitude preselect settings. These uncommanded changes could result in loss of communication with air traffic control due to improper communications frequency, autopilot level off at the incorrect altitude, or air traffic control loss of proper tracking of the aircraft.

Compliance

(f) To address this problem, you must do the following, unless already done:

Actions	Compliance	Procedures
(1) Incorporate either of the following set of upgrades: (i) Electronic flight instrument system (EFIS) 1.3 software update with one of the following airplane flight manual revisions: (A) Temporary Revision (TR) 010, Airplane Flight Manual part number (P/N) 06-122204 Before 3–45, Revision 01 and TR 009, Quick Reference Handbook P/N 06-122205, Revision 01; (B) TR 010A, Airplane Flight Manual P/N 06–122204 Before 3–51, Revision 02 and TR 009A, Quick Reference Handbook P/N 06–122205, Revision 02, or (C) Airplane Flight Manual P/N 06-122204 Revision 3, dated February 3, 2010, and Quick Reference Handbook P/N 06-122205, Revision 03. (ii) Avionics upgrade to AVIO NG + 1.5 Configuration and Aircraft Flight Manual, P/N 06-122204, Revision 2, dated November 7, 2008, or AVIO NG + 1.5 configuration and Aircraft Flight Manual, P/N 06-122204, Revision 3, dated February 10, 2010.	Incorporate within the next 6 months after the effective date of this AD.	Follow, as appropriate, Eclipse Aviation Required Service Bulletin SB 500–31–015, REV D, dated January 14, 2009; or Eclipse Aviation Recommended Service Bulletin SB 500–99–005, REV A, dated February 16, 2009.

Actions	Compliance	Procedures
(2) Send the completed service bulletin compliance record required by paragraph (f)(1)(i) of this AD or paragraph (f)(1)(ii) of this AD to the address identified in paragraph (g) of this AD. The Office of Management and Budget (OMB) approved the information collection requirements contained in this regulation under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) and assigned OMB Control Number 2120–0056.	Within 30 days after you incorporate the revisions required by paragraph (f)(1)(i) of this AD or paragraph (f)(1)(ii) of this AD or within 30 days after the effective date of this AD, whichever occurs later.	Not Applicable.

Alternative Methods of Compliance (AMOCs)

(g) The Manager, Fort Worth Airplane Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Eric Kinney, Fort Worth ACO, Aerospace Engineer, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone: (817) 222–5459; fax: (817) 222–5960. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

Related Information

(h) To get copies of the service information referenced in this AD, contact Eclipse Aviation Corporation, 2503 Clark Carr Loop, SE., Albuquerque, New Mexico 87106; telephone: (505) 724–1200. To view the AD docket, go to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, or on the Internet at *http://www.regulations.gov*.

Issued in Kansas City, Missouri, on July 1, 2010.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010–16740 Filed 7–8–10; 8:45 am]

BILLING CODE 4910–13–P

POSTAL SERVICE

39 CFR Part 20

International Mail: Proposed Changes in Prices and Fees

AGENCY: Postal Service.™

ACTION: Proposed rule.

SUMMARY: In July 2010, the Postal Service filed a notice of mailing services price adjustments with the Postal Regulatory Commission, effective in January 2011. This proposed rule provides the mailing standards that would accompany new prices in 2011.

DATES: We must receive your comments on or before August 9, 2010.

ADDRESSES: Mail or deliver comments to the Manager, Mailing Standards, U.S. Postal Service®, 475 L'Enfant Plaza, SW., RM 3436, Washington, DC 20260–3436. You may inspect and photocopy all written comments between 9 a.m. and 4 p.m., Monday through Friday, at USPS® Headquarters Library, 11th Floor North, 475 L'Enfant Plaza, SW., Washington, DC. E-mail comments, containing the name and address of the commenter, may be sent to: *MailingStandards@usps.gov,* with a subject line of "International January 2011 Price Change." Faxed comments are not accepted.

FOR FURTHER INFORMATION CONTACT: Obataiye B. Akinwole at 703–292–5260.

SUPPLEMENTARY INFORMATION: The Postal Service is proposing to change international postage prices and fees in January 2011. Proposed prices are, or will be available, under Docket Number(s) R2010–XX on the Postal Regulatory Commission's Web site, *http://www.prc.gov.*

This proposed rule includes price changes and several minor classification changes for First-Class Mail International®, and extra services. We also plan to realign Israel's First-Class Mail International price groups.

This proposed rule contains the revisions to *Mailing Standards of the United States Postal Service,* International Mail Manual (IMM®) that we would adopt to implement the new prices.

First-Class Mail International

Our proposal would increase prices for First-Class Mail International approximately 6.7 percent.

Postcards

The proposed price structure for postcards includes two separate price categories; Canada and Mexico, and all other countries. Canada and Mexico, previously priced individually, now share the same price group. The price for postcards increases by approximately 2.8 percent.

International Extra Services

Our proposal increases prices for extra services by approximately 11.8 percent. The prices for the following First-Class Mail International extra services are proposed to change for:

- Certificate of Mailing
- Customs Clearance and Delivery Fee
- International Reply Coupons
- International Business Reply Service
- Registered Mail™
- Return Receipt
- Restricted Delivery

Israel

To align operational efficiencies more closely with costs, we propose moving Israel from Price Group 8 to Price Group 5 for First-Class Mail International service only.

The prices and fees proposed in this notice, if adopted, would become effective in January 2011.

Although exempt from the notice and comment requirements of the Administrative Procedure Act [5 U.S.C. 553(b), (c)] regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revisions to the *Mailing Standards of the United States Postal Service,* International Mail Manual (IMM), incorporated by reference in the Code of Federal Regulations. *See* 39 CFR Part 20.1.

List of Subjects in 39 CFR Part 20

Foreign relations, International postal services.

Accordingly, 39 CFR part 20 is proposed to be amended as follows:

PART 20—[AMENDED]

1. The authority citation for 39 CFR Part 20 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 407, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

2. Revise the following sections of the *Mailing Standards of the United States Postal Service,* International Mail Manual (IMM) as follows:

* * * * *

Mailing Standards of the United States Postal Service, International Mail Manual (IMM)

* * * * *

2 Conditions for Mailing

* * * * *

240 First-Class Mail International

241 Description and Physical Characteristics

* * * * *

241.2 Physical Characteristics

241.21 Physical Standards—Letters

* * * * *

241.217 Nonmachinable Surcharge

[Revise the first sentence of 241.217 by changing the fee to $0.21.]

243 Prices and Postage Payment Methods

243.1 Prices

* * * * *

243.13 Destinating Countries and Price Groups

* * * * *

Exhibit 243.13

First-Class Mail International Price Groups

[Revise Exhibit 243.13 by changing the Price Group for Israel to Price Group 5:]

Country	Price group
* * * * *	
Israel	5

* * * * *

3 Extra Services

310 Certificate of Mailing

* * * * *

313 Fees

313.1 Individual Pieces

[Revise 313.1 by changing the fees as follows:]

The fee for certificates of mailing for ordinary First-Class Mail International items and ordinary Priority Mail International parcels is $1.20 for pieces listed individually on PS Form 3817, *Certificate of Mailing.* The fee for three or more pieces individually listed on PS Form 3877, *Firm Mailing Book,* or an approved customer-provided manifest is $0.44 per piece. Each additional copy of PS Form 3817 or firm mailing bills is available for $1.20.

313.2 Bulk Pieces

[Revise the table in 313.2 by changing the fees as follows:]

* * * * *

Up to 1,000 pieces	$6.80
Each additional 1,000 pieces or fraction	0.79
Duplicate copy	1.20

* * * * *

330 Registered Mail

* * * * *

333 Fees and Indemnity Limits

333.1 Registration Fees

[Revise 333.1 by changing the fee to $12.95.]

* * * * *

340 Return Receipt

* * * * *

343 Fee

[Revise the first sentence of 343 by changing the fee to $2.40.]

* * * * *

350 Restricted Delivery

* * * * *

353 Fee

[Revise 353 by changing the fee to $4.75.]

* * * * *

380 Supplemental Services

381 International Reply Coupons

* * * * *

381.3 Selling Price and Exchange Value

[Revise the first sentence of 381.3a to change the price to $2.20.]

* * * * *

382 International Business Reply Service

* * * * *

382.4 Fees

The fees for IBRS are as follows:

[Revise items 382.4a and b to change prices as follows:]

a. Envelopes up to 2 ounces: $1.50.

b. Cards: $1.00.

* * * * *

7 Treatment of Inbound Mail

710 U.S. Customs Information

* * * * *

712 Customs Clearance and Delivery Fee

* * * * *

712.3 Amount of Postal Service Fee

[Revise item 712.3 to change the fee to $5.60.]

* * * * *

Country Price Groups and Weight Limits

* * * * *

[Revise the country listing for Israel by changing the Price Group for First-Class Mail International as follows:]

Country	Global Express Guaranteed		Express Mail International		Priority Mail International [1]		First-Class Mail International	
	Price group	Max. wt. (lbs.)	Price group	Max. wt. (lbs.)	Price group	Max. wt. (lbs.)	Price group	Max. wt.[2] (ozs./lbs.)
*	*	*	*	*	*	*	*	*
Israel	6	70	8	44	8	44	5	3.5/4
*	*	*	*	*	*	*	*	*

* * * * *

Individual Country Listings

* * * * *

Country Conditions for Mailing

* * * * *

First Class Mail International (240)

* * * * *

Postcards (241.22)

[For each country, with the exception of Canada and Mexico, for which postcards are available, change the fee to $1.00. For Canada and Mexico change the fee to $0.80.]

* * * * *

We will publish an appropriate amendment to 39 CFR part 20 to reflect

these changes if our proposal is adopted.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 2010–16799 Filed 7–7–10; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

39 CFR Part 111

New Standards for Domestic Mailing Services

AGENCY: Postal Service™.

ACTION: Proposed rule.

SUMMARY: In July 2010, the Postal Service filed a notice of mailing services price adjustments with the Postal Regulatory Commission (PRC), effective in January 2011. This proposed rule provides the mailing standards that would accompany the new prices in 2011.

DATES: We must receive comments on or before August 9, 2010.

ADDRESSES: Mail or deliver written comments to the Manager, Mailing Standards, U.S. Postal Service, 475 L'Enfant Plaza SW., Room 4446, Washington, DC 20260–4446. You may inspect and photocopy all written comments at USPS® Headquarters Library, 475 L'Enfant Plaza SW., 11th Floor N, Washington, DC between 9 a.m. and 4 p.m., Monday through Friday. E-mail comments, containing the name and address of the commenter, may be sent to: *MailingStandards@usps.gov,* with a subject line of "January 2011 Domestic Mailing Standards Proposal." Faxed comments are not accepted.

FOR FURTHER INFORMATION CONTACT: Bill Chatfield, 202–268–7278.

SUPPLEMENTARY INFORMATION: Proposed prices are or will be available under Docket Number(s) R2010–XX on the Postal Regulatory Commission's Web site at *http://www.prc.gov.*

The Postal Service's proposed rule includes: Two incentive programs, several mail classification changes, modifications to mailpiece characteristics, and changes in classification terminology. This proposed rule contains the revisions to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®) that we would adopt to implement the new prices.

Incentive Programs

Reply Rides Free First-Class Mail Incentive Program

The Postal Service encourages the growth of automation letter-size mail, particularly pieces that are part of full-service Intelligent Mail® automation mailings entered at *PostalOne!®* acceptance facilities. Accordingly, we propose revised mailing standards to allow First-Class Mail letters weighing over 1 ounce up to 1.2 ounces to qualify for postage payment at the 1-ounce price when those letters include a reply card or reply envelope under specified conditions.

This new program provides an incentive for mailers to include more content in their automation First-Class Mail letters by providing a postage credit as follows:

- Eligible letters must qualify for the full-service Intelligent Mail barcode discount and weigh more than 1 ounce up to 1.2 ounces. At the time of mailing, mailers would pay the applicable 2-ounce price for these pieces. All commercial (presorted and automation) First-Class Mail letter-size volume counts towards meeting the overall mail volume threshold, but only those letters qualifying for the full-service Intelligent Mail barcode discount will be eligible for postage credit.
- Letters must include a reply card or envelope, either Business Reply Mail® or Courtesy Reply Mail™. The reply piece may be in the format of a reusable envelope. Permit reply mail pieces are not eligible for this program.
- The postage credit would be for the amount paid for the second ounce and would be provided for those pieces mailed during the 2011 program period when the mailer's volume of commercial First-Class Mail (FCM) letter-size mailpieces mailed in 2011 is at least 2.5 percent greater than the mailer's trend of commercial FCM letter-size volume mailed during USPS fiscal year 2010 (October 1, 2009 through September 30, 2010) compared with volume mailed in USPS fiscal year 2009 (October 1, 2008 through September 30, 2009). The threshold volume for program postage credit eligibility will be the total amount that is 2.5 percent greater than the mailer's projected volume based on the mailer's trend. For example, if a mailer's letter-size volume has declined from 100,000 to 95,000 pieces (a 5 percent decline) from 2009 to 2010, the projected volume for 2011 at the same trend would be 90,250. That mailer's volume must be at least 92,507 (1.025 times 90,250) during the program period to meet the eligibility threshold. Similarly, a mailer with a positive trend would have a threshold that is 2.5 percent more than their volume trend. The credit would be provided after the end of the program, upon calculation and verification of the mail volume data.
- Mailers who did not mail commercial First-Class Mail letters in fiscal year 2009 may not participate in the Reply Rides Free program.
- The program period will be from January 2, 2011 through December 31, 2011.

Mail owners, but not mail service providers, who have mailed commercial First-Class Mail letters during USPS fiscal years (FY) 2009 and 2010 may apply to participate in this incentive program by following instructions provided on our Web site: *http://www.usps.com/firstclassmailincentive,* beginning November 1, 2010, but no later than December 31, 2010. Mail owners must validate that they have mailed or intend to mail at least one commercial presorted or automation mailing of First-Class Mail letters during each of calendar years 2009 and 2010, and should state their intent to mail First-Class Mail letters containing qualifying reply pieces weighing more than 1 ounce up to 1.2 ounces during the 2011 program period. After registration, mail owners must supply adequate proof of the total qualifying mail volume claimed for USPS FY 2009 and FY 2010 in order to be eligible for participation.

2011 Saturation and High Density Incentive Program

The Postal Service proposes to add new standards to the eligibility sections of DMM 243 and 343 describing an incentive program designed to increase the volume of Standard Mail and Nonprofit Standard Mail letters and flats mailed at saturation and high density prices. This program would encourage mailers to increase the volume within two of our highest margin products and would be open to all mailers meeting the basic eligibility requirements. The program would enable customers to expand mailing to additional markets, test new mailpieces, and increase the frequency of their mailings at reduced net postage prices.

Mailers of Standard Mail or Nonprofit Standard Mail letters and/or flats (complete mailpieces) applying for participation in the program would have to meet the eligibility requirements for participation in the price category selected. Mailers meeting the eligibility criteria would be able to participate in both the saturation and high density categories simultaneously. Participants would have the option to demonstrate growth in total mailed volume or growth within a defined market. Mailers who participate only within defined market areas would be required to demonstrate volume growth within a specific, or group of specific, USPS sectional center

facility (SCF) service area(s) to qualify for the incentive. Participants would have the option to select one or more, up to a maximum of 20, individual SCF areas or up to five metropolitan target markets (consisting of multiple contiguous SCFs), for participation in the program, and would be required to meet the eligibility requirements for each area selected. The USPS would approve all applicant-selected market areas prior to acceptance into the program.

Franchisees that are not separate business entities would not be able to apply for an incentive independently of the parent organization. Applicants would receive a credit for volume demonstrated, within their selected growth area and price category, above their USPS-determined threshold. The program period would be from January 2, 2011 through December 31, 2011.

To participate, mailers must be the permit holder (*i.e.,* owner) of a permit imprint advance deposit account(s) at a postal facility having *PostalOne!* capability or the owner of qualifying mail volume entered through the permit imprint advance deposit account of a mail service provider at a postal facility having *PostalOne!* capability. Only the volume of the mail owner, usually defined as the entity paying for the postage, would be eligible within the program period or to meet eligibility requirements. Mail service providers and customers supplying inserts, enclosures, or other components included in the saturation or high density mailings of another mailer would not be eligible to participate in this program.

Standard Mail or Nonprofit Standard Mail letters and/or flats (complete mailpieces) mailed through a permit imprint advance deposit account, precanceled stamp permit, or a postage evidencing system owned by a mail service provider may be included as volume within the program, and towards program eligibility, when adequate documentation demonstrates that the applicant is the owner of the mail.

As applicable, applicants would be required to submit postage statements and mailing documentation electronically to the *Postal One!* system for the duration of the program period. Applicants participating within a defined market area(s) would be required to submit postage statements and mailing documentation electronically to the *Postal One!* using Mail.dat or Mail.XML. All other applicants may optionally submit postage statements via Postal Wizard.

For either the saturation or high density incentive, applicants would be required to demonstrate a combined minimum of six saturation or high density mailings within the period of October 1, 2009 to September 30, 2010. Applicants meeting the other eligibility criteria would have the option to participate in both price categories simultaneously. Applicants who choose to participate only within defined market areas would be required to meet the eligibility criteria independently for each selected SCF service area or selected metropolitan target market.

Mail owners participating in the 2011 Saturation and High Density Incentive Program would not be eligible for concurrent participation in any other Postal Service-sponsored, volume incentive program that includes Standard Mail pieces in the saturation or high density price categories.

Thresholds for the 2011 Saturation and High Density Incentive Program would be set at five percent (5%) above the volume of Standard Mail or Nonprofit Standard Mail letters and/or flats recorded in the 2010 calendar year, within each participant-selected growth area and price category. Applicants electing to participate in both the saturation and high density price categories would be required to exceed the combined thresholds of both categories before qualifying for an incentive payment in either category.

Approved program participants demonstrating an increase, above their threshold level, in their total Standard Mail or Nonprofit Standard Mail letters and/or flats volume, within their total market area, selected SCF service areas, or metropolitan target market, would qualify for a credit to a single designated permit imprint advance deposit account or Centralized Account Payments System (CAPS) account, following the close of the 2011 Saturation and High Density Incentive Program. The total postage paid for Standard Mail letters and flats within the program period would be identified for each participant and divided by the total number of recorded pieces, to generate the average price per piece. Participants would receive a credit in the amount of a percentage of the average price per piece, for the total number of mailpieces of their incremental volume above their threshold level, recorded during the program period as follows:

Participation level	Standard mail	Nonprofit standard mail
Saturation	22%	8%
High Density	13%	8%

Program Administration

Those mailers identified by the Postal Service as being eligible to participate in the program would be sent an invitation letter on or before November 1, 2010. These invitation letters would direct mailers to apply for the program online at *http://www.usps.com/SaturationHD.* Mailers wishing to participate in the program, but who were not notified by letter, would be able to request a review of their eligibility by contacting the USPS no later than December 1, 2010 at *SaturationHDIncentive@usps.gov.* Any mailer wishing to participate in the program would be required initially to apply online no later than December 15, 2010.

Mailers completing the online application process would receive an electronic response from the USPS that includes:

- An individual volume threshold report.
- A certification letter.
- A threshold inquiry form.

The individual threshold report would display the applicant's USPS-recorded saturation and/or high density mail volume for the 2010 calendar year. Applicants agreeing with their threshold volume(s) would have the option to sign the provided certification letter and return a copy via email or mail a hardcopy to Saturation Incentive Program Office, 475 L'Enfant Plaza SW., RM 5500, Washington, DC 20260–5500, to register for the program. Applicants not agreeing with any portion of their USPS-calculated threshold(s) would be required to complete the threshold inquiry form along with supporting evidence and return it, via email or mail hardcopy, no later than March 15, 2011.

In addition to Standard Mail volume prepared and entered directly by the mailer (applicant), applicants would also be eligible to participate in the program with qualifying volume prepared by a mail service provider when entered through a permit owned by the applicant. Mail volume entered through a mail service provider's permit would also qualify for the program if adequate documentation, such as a postage statement, PS Form 3602–R or PS Form 3602–N, identifies the mail as being prepared on behalf of the applicant and demonstrates the applicant's 2010 mailing activity.

Additionally, as part of the program administration, the Postal Service would require each program participant to certify the data used to calculate the participant's program threshold(s). This certification requirement would be similar to that currently used on a postage statement (PS Form 3602–R or

3602–N), and is designed to ensure that the data used by the Postal Service to calculate the threshold level(s) are accurate.

Proposed Changes for Letters and Flats

Move Update Tolerance

We propose to change the tolerance for First-Class Mail and Standard Mail pieces, found through a Performance-Based Verification procedure to be lacking an update via Move Update procedures, from the current 30 percent to a 25 percent tolerance before we charge a 7-cent per piece assessment charge. The Move Update standards, applicable to commercial mailings of First-Class Mail and Standard Mail mailpieces, are designed to reduce the number of mailpieces that require forwarding, return, or disposal as waste, thus reducing Postal Service costs. The standards also help to assure that mail reaches its intended recipients in a timely manner.

Performance-Based Verification (PBV) procedures introduced in 2009 allow the Postal Service to sample mailings during the acceptance process to compare mailpiece addresses with the National Change of Address (NCOA®) database. For the Move Update portion of PBV, addresses on the verification sample are compared to the NCOA database and the ratio of the number of failed changes of address (COAs), addresses that should have been updated per Postal Service records, to the number of actual COAs (all changed addresses for addresses in the mailing) is calculated. Currently, if this ratio for the sample is sufficiently high (30 percent or more), pieces in a First-Class Mail or Standard Mail mailing are subject to additional postage (the Move Update assessment charge).

In a **Federal Register** final rule published October 27, 2009 (74 FR 55140–55142), we stated: "We will analyze the results of the PBV samples periodically, and will adjust the tolerance as needed to ensure the effectiveness of mailers' Move Update processes." Accordingly, the Postal Service proposes to change the current 30 percent tolerance to 25 percent before a Move Update assessment postage charge would be incurred.

Standard Mail Letters Only

Currently, nonbarcoded or nonautomation-compatible Standard Mail® letters that are mailed at saturation or high density prices pay the corresponding nonautomation Standard Mail flats prices. This causes confusion for both customers and employees regarding mail preparation and sortation. For example, mailers often ask if they can enter nonautomation saturation or high density letters at destination delivery unit (DDU) prices, which is allowed for flats but not for letters that are paid for at flats prices. Similar confusion exists regarding the prices for nonmachinable letters weighing more than 3.3 ounces, which default to nonautomation flats prices.

To reduce confusion, we propose to change the terminology used for the pricing of nonbarcoded and/or nonautomation-compatible saturation and high density letters from the current default flat-size pricing by establishing a separate price table with nonautomation letter prices for those pieces. Prices will be the same as for saturation and high density flats. Similarly, we also propose to use "nonmachinable letter prices" to refer to nonmachinable letters weighing more than 3.3 ounces, instead of using the current terminology of nonautomation flats prices for nonmachinable letters. As is currently the case, nonmachinable letters over 3.3 ounces will have the same prices as nonautomation flats over 3.3 ounces, but the prices will be called nonmachinable letter prices. Actual prices will be published in a separate **Federal Register** notice, or may be found under Docket No. R2010–XX on the PRC Web site.

Standard Mail Flats

We have found that rigid flat-size pieces are generally less efficient to handle than nonrigid flats, even when they are able to be sorted by our flat-sorting machines. Therefore, as announced in March 2010, we propose to eliminate the current option for rigid flats to be eligible for automation prices if they pass a Pricing and Classification Service Center (PCSC)-administered testing process.

Proposed Changes for Parcels

First-Class Mail Parcels

We propose to establish a separate price category for commercial single-piece First-Class Mail® (FCM) parcels with prices lower than those for retail FCM parcels. Currently, mailers who presort a minimum of 500 FCM parcels pay single-piece prices for the residual portion of a presorted mailing after sorting to all required area distribution centers. We would also allow non-presort mailers access to those prices, with no volume minimum per mailing. Mailers would be able to pay commercial single-piece FCM prices for their parcels when they pay postage by any of three methods: Permit imprint, information-based indicia (IBI) meters, or PC Postage.® Parcels with IBI-metered postage or PC postage must be marked "COMM" in addition to the First-Class Mail marking. The "COMM" marking may be either within or directly below the indicia area.

Standard Mail Parcels

Standard Mail parcels would be separated into two price categories, Marketing parcels and Fulfillment parcels. Each of the two price categories would have additional pricing separations for nonprofit pieces (Nonprofit Marketing parcels and Nonprofit Fulfillment parcels).

Marketing parcels are defined as containing messages and/or product samples whose purposes are to encourage recipients to purchase a product or service, make a contribution, support a cause, form a belief or opinion, take an action, or provide information to recipients. These parcels would be required to bear an alternative addressing format (occupant or exceptional addressing, or simplified addressing when allowed for saturation mail), subject to DMM 602.3.0 and would be presented for mailing in carrier route (including carrier route basic, high-density, or saturation sortation) or presort separations. Presorted parcels would be prepared as either machinable or irregular parcels. All Marketing parcels would have a maximum size of 9 inches by 12 inches by 2 inches thick.

Fulfillment parcels are lightweight products typically requested by the addressees (recipients). These parcels would be prepared for mailing as either presorted machinable or irregular parcels.

Not Flat-Machinables (NFMs)

In 2007, we created an NFM price category for Standard Mail items that could not meet revised automation flats standards. In the **Federal Register** on February 6, 2009 (74 FR 6250–6257), we announced our intention to discontinue the NFM category in May 2010. In the March 25, 2010 Postal Bulletin (No. 22281), we announced that we would extend the NFM price category until the next price change. We now propose to end the NFM category as of January 2011. Pieces that would have been mailed as NFMs should qualify as either Standard Mail Fulfillment or Marketing parcels.

Other Parcels

Parcel Post® packages will be zone priced for each pound increment including packages weighing up to 1 pound.

Parcel Post, Bound Printed Matter (BPM), Media Mail,® and Library Mail single-piece parcel weights will be rounded off to two decimal places, instead of the current four decimal places.

Special and Other Services

Address Information System Products and Services

Address Management at the USPS National Customer Support Center (NCSC) in Memphis, Tennessee, provides value-added product and service offerings that enable customers to better manage the quality of their mailing lists while maximizing the Postal Service's ability to deliver mail efficiently. Our proposed revision adds a comprehensive list, in DMM 509, of address information system products and services available from the NCSC. Existing services, such as address sequencing service or mailing list service, that customers obtain via the local Post Office™ or USPS District remain in DMM 507.

Discontinuation of Standard Mail Stamped Envelopes

Standard Mail stamped envelopes will no longer be available for purchase. Based on reduced customer demand, the Postal Service has determined that these items be discontinued because alternatives are readily available.

Stamped envelopes have been produced since 1853. In 1965, the U.S. Post Office Department first offered stamped envelopes specifically inscribed for authorized nonprofit mailers, denominated for the most-used basic rate. In 1992, a Standard Mail bulk-rate envelope was added, and in 1995, both the nonprofit and bulk-rate envelopes were converted to nondenominational products to allow their use for the expanding variety of rates and subcategories. In 2002, the bulk-rate envelope was adjusted to include the preferred inscription "Presorted Standard." Because of minimum mailing requirements, the sales of these envelopes were limited to box lots of 500 (except for philatelic sales).

Sales for these Standard Mail envelopes have been declining over the past 10 years. More and more Standard Mail customers have opted to affix precanceled stamps or use permit imprints on commercially available envelopes. Since these alternatives are readily available, we propose to eliminate Standard Mail stamped envelopes from our schedules and inventory lists. The product numbers that will be eliminated are: 215100, 215200, 262700, 262800, and 216400.

Post Office Box Handling Fee

The Postal Service proposes to revise DMM 508.4.0 to expand the applicability of the lock replacement fee for Post Office boxes. Current standards require payment of the lock replacement fee when a customer requests that the lock be changed.

The Postal Service proposes to also apply this fee when customers renew Post Office Box (PO BOX™) service more than 10 days after the renewal due date. This will provide an incentive for customers to pay their PO BOX rental fees on time. For those customers who do not renew until after the 10-day grace period, the Postal Service often changes the lock or incurs other lock-related costs, such as plugging the lock and bundling mail separately for the PO BOX. The lock replacement fee also will be treated as a late payment fee, even in those cases in which the Postal Service does not actually change the lock.

General

We encourage customers to comment on the proposed changes and add that this proposed rule provides the opportunity for mailers to prepare for possible operation changes well ahead of the effective date.

Although we are exempt from the notice and comment requirements of the Administrative Procedure Act [5 U.S.C. of 553 (b), (c)] regarding proposed rulemaking by 39 U.S.C. 410(a), we invite public comments on the following proposed revisions to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), incorporated by reference in the *Code of Federal Regulations. See* 39 CFR 11.1.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Accordingly, 39 CFR Part 111 is proposed to be amended as follows:

PART 111—[AMENDED]

1. The authority citation for 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737:39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

2. Revise the following sections of *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), as follows:

100 Retail Letters, Cards, Flats, and Parcels

* * * * *

150 Parcel Post

153 Prices and Eligibility

1.0 Parcel Post Prices and Fees

* * * * *

1.2 Determining Single-Piece Weight

[Revise the last sentence of 1.2 to read as follows:]

* * * Express all single-piece weights in decimal pounds rounded off to two decimal places.

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200 Commercial Letters and Cards

201 Physical Standards

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2.0 Physical Standards for Nonmachinable Letters

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2.3 Additional Criteria for Standard Mail Nonmachinable Letters

[Revise 2.3 to read as follows:]

The nonmachinable prices in 243.1.0 apply to Standard Mail letter-size pieces that have one or more of the nonmachinable characteristics in 2.1. Mailers must prepare all nonmachinable letters as described in 245.5.0.

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230 First-Class Mail

233 Prices and Eligibility

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3.0 Basic Standards for First-Class Mail Letters

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3.5 Move Update Standards

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[Revise title and text of 3.5.4 to read as follows:]

3.5.4 Basis for Move Update Assessment Charges

Mailings are subject to a Move Update assessment charge if more than 25 percent of addresses with a change of address (COA) are not updated, based on the error rate found in USPS sampling at acceptance during Performance-Based Verification. Specifically, mailings for which the sample contains greater than 25 percent failed COAs out of the total COAs are subject to additional postage charges as follows:

a. The percentage of the mailing paying the charge is based on the percentage of failed pieces above 25 percent.

b. Each of the assessed pieces is subject to the $0.07 per piece charge.

c. As an example, if 35% of COAs in the sample are not updated, then the charge is applied to 10% (=35%–25%) of the total mailing.

d. Mailings for which the sample has five or fewer pieces that were not updated for a COA are not subject to the assessment, regardless of the failure percentage.

* * * * *

[Add new 7.0 to read as follows:]

7.0 First-Class Mail Incentive Programs

7.1 General Description

First-Class Mail incentive programs are designed to encourage mail volume growth and retention.

7.2 Reply Rides Free Program

The Reply Rides Free program provides an incentive for mailers to include additional contents in their full-service automation (see 705.22) First-Class Mail letters by providing a postage credit for letters weighing over 1 ounce but no more than 1.2 ounces.

7.2.1 Basic Mailpiece Eligibility

Letter-size mailpieces mailed by an approved program participant are eligible for a postage credit under all of the following conditions:

a. Eligible full-service automation letters must weigh more than 1 ounce but no more than 1.2 ounces. Mailers pay the applicable 2-ounce price for these pieces.

b. Letters must include a reply card or envelope, either Business Reply Mail or Courtesy Reply Mail. The reply piece may be part of a reusable envelope prepared according to 601.6.4 or 601.6.5. Mailers must provide a sample of the reply card or envelope at the time of mailing.

c. The postage credit is for the amount paid for the second ounce for eligible letters that meet the standards in 7.2, that are mailed during the 2011 program period, and that meet or exceed their USPS-determined threshold volume for 2011. To be eligible for program participation, a mailer must have mailed at least one mailing of 500 or more presorted or automation First-Class Mail letters during the USPS fiscal years (FY) 2009 and 2010 (October 1 through September 30). The threshold volume is determined as follows:

1. The USPS determines a mailing volume trend for mailers with all commercial First-Class Mail letter volume mailed during both USPS FY 2009 and USPS FY 2010. To qualify for postage credit, the mailing volume in 2011 must be at least 2.5 percent greater than the projected mail volume based on the volume trend percentage from FY 2009 to FY 2010. For example, if a mailer's letter-size volume has declined from 100,000 to 95,000 pieces (a trend of 5 percent decline) from USPS FY 2009 to USPS FY 2010, that mailer's projected volume for 2011 would be 95,000 pieces times .95 (90,250). The actual volume mailed (threshold volume) during calendar year 2011 must be at least 92,507 pieces (1.025 times 90,250, the projected volume) during the program period.

2. The credit is provided after the end of the program period, upon USPS calculation and verification of the mail volume data.

d. The program period for eligible mail volume is from January 2, 2011 through December 31, 2011. Mailed volumes are calculated at the end of the program period, comparing the volume mailed during the program with the threshold volume. To be eligible for any postage credit, the participant must ensure that the total volume of First-Class Mail commercial letters paid at presorted or automation letters prices mailed during the 2011 program period meets or exceeds the USPS-determined threshold volume for 2011, as determined under 7.2.1c.

7.2.2 Mailer Participation Eligibility and Documentation

Mail service providers are not eligible to participate in this program. Mail owners are considered eligible for the program as follows:

a. Applicants must have mailed at least one presorted or automation First-Class Mail mailing of 500 letters or more during both USPS FY 2009 and FY 2010. Applicants must be able to document their total mailed volume of commercial First-Class Mail letters for calendar years 2009 and 2010, as follows:

1. Volume through one or more permit imprint advance deposit accounts, precanceled stamp permits, or postage meter permits owned by the applicant, or

2. Volume prepared by a mail service provider when entered through a permit owned by the applicant, or

3. Volume mailed under a mail service provider's permit that can be specifically identified as being mailed on behalf of the applicant.

b. Approved participants must be able to document the total mailed volume of letters that are eligible, under 7.2, for postage credit. Accordingly, pieces must be presented for mailing under either of the following conditions:

1. A separate mailing of identical weight pieces, all of which weigh more than 1 ounce up to 1.2 ounces.

2. A mailing of nonidentical weight pieces, supported by documentation under the manifest mailing standards in 705.2.0, with individual piece weight listings substantiating that participant pieces weigh more than 1 ounce but no more than 1.2 ounces. The manifest listing must also provide a total of eligible pieces.

c. At the end of the 2011 program period, approved participants must be able to document their total mailed volume of commercial First-Class Mail letters during the program period, the total mail volume eligible for postage credit under 7.2.2b, and meet the following conditions:

1. Letters mailed in the 2011 program period that meet the USPS-determined mail volume threshold for 2011, as provided in 7.2.1c, must weigh more than 1 ounce up to a maximum of 1.2 ounces.

2. Letters mailed during the 2011 program period must contain a reply card or reply envelope.

3. Credit applies only to letters mailed under the full-service automation option in 705.22.

d. Fluctuations in mailing activity resulting from the merger or acquisition of one or more program participants, prior or subsequent to the beginning of the program period, are subject to review, possible recalculation of thresholds, and approval by the USPS.

e. Mailers participating in the Reply Rides Free incentive program are not eligible for concurrent participation in any other USPS-sponsored volume incentive program that includes First-Class Mail letters.

7.2.3 Application

Mail owners wishing to participate may apply at *http://www.usps.com/firstclassmailincentive* beginning November 1, 2010, but no later than December 31, 2010. Following registration, mailers are required to provide documentation demonstrating their total commercial First-Class Mail letter volume mailed during USPS FY 2009 and FY 2010 (as described in 7.2.1c). The USPS reviews the documentation provided for adequacy and provides an electronic response that includes:

a. Notification of approval (or of the need for additional documentation) for participation in the program.

b. Applicant's verified mail volume for USPS FY 2009 and FY 2010.

c. Applicant's 2011 mail volume threshold for program and postage credit eligibility.

d. A certification letter. Mailers must present a printed copy of the certification letter to a postal acceptance employee with the first mailing, under this program, at each mailing office.

7.2.4 Mailer Response

Mailers wishing to dispute the USPS-verified mail volume or USPS-determined threshold (*see* 7.2.3) may request a review by sending an e-mail to (e-mail address to be published later) no later than February 15, 2011.

7.2.5 Program Credits

Approved participants that can demonstrate an increase in their mailed volume of commercial First-Class Mail letters in the 2011 program period, compared with the projected volume as determined under 7.2.1c, qualify for a credit, after the end of the program period, to their designated Centralized Account Payment System (CAPS) permit imprint account, as follows:

a. The letter-size pieces for which the credit is claimed must weigh more than 1 ounce but no more than 1.2 ounces and be mailed under all standards in 7.2.

b. Participants that meet or exceed their threshold volume receive a credit in the amount of the postage paid for the second ounce for each eligible piece meeting all the conditions in 7.2 that are mailed during the 2011 program year from January 2, 2011 through December 31, 2011.

* * * * *

240 Standard Mail

243 Prices and Eligibility

1.0 Prices and Fees for Standard Mail

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[Delete section 1.7 in its entirety to remove reference to the 2009 Saturation Mail Volume Incentive Program.]

3.0 Basic Standards for Standard Mail Letters

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3.2 Defining Characteristics

3.2.1 Mailpiece Weight

All Standard Mail pieces must weigh less than 16 ounces. The following weight limits also apply to pieces mailed at Standard Mail letter prices:

[Revise items a and b to read as follows:]

a. Pieces mailed at machinable letter prices may weigh up to 3.3 ounces. Letter-size pieces weighing more than 3.3 ounces are mailable at nonmachinable letter prices, unless they are barcoded and eligible to be mailed as automation letters. For saturation and high density letters over 3.5 ounces, see 3.2.1b.

b. Pieces mailed at automation letter prices may weigh up to 3.5 ounces. Saturation and high density letters weighing more than 3.5 ounces are mailable at applicable saturation or high density nonautomation letter prices.

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3.9 Move Update Standards

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3.9.4 Basis for Move Update Assessment Charges

[Revise text of 3.9.4 to read as follows:]

Mailings are subject to a Move Update assessment charge if more than 25 percent of addresses with a change of address (COA) are not updated, based on the error rate found in USPS sampling at acceptance during Performance-Based Verification. Specifically, mailings for which the sample contains greater than 25 percent failed COAs out of the total COAs are subject to additional postage charges as follows:

a. The percentage of the mailing paying the charge is based on the percentage of failed pieces above 25 percent.

b. Each of the assessed pieces is subject to the $0.07 per piece charge.

c. As an example, if 35% of COAs in the sample are not updated, then the charge is applied to 10% (=35%–25%) of the total mailing.

d. Mailings for which the sample has five or fewer pieces that were not updated for a COA are not subject to the assessment, regardless of the failure percentage.

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5.0 Additional Eligibility Standards for Nonautomation Standard Mail Letters

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5.5 Nonmachinable Price Application

[Revise 5.5 to read as follows:]

Nonmachinable prices in 1.0 apply only to Standard Mail letter-size pieces (including card-size pieces) that meet the criteria in 201.2.1 for nonmachinable letters. Nonmachinable saturation or high density letter-size pieces are subject to the applicable saturation or high density nonautomation letter prices.

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6.0 Additional Eligibility Standards for Enhanced Carrier Route Standard Mail Letters

6.1 General Enhanced Carrier Route Standards

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6.1.2 Basic Eligibility Standards

All pieces in an Enhanced Carrier Route or Nonprofit Enhanced Carrier Route Standard Mail mailing must:

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[Revise item g to read as follows:]

g. Meet the requirements for automation compatibility in 201.3.0 and bear an accurate delivery point POSTNET barcode or Intelligent Mail barcode encoded with the correct delivery point routing code matching the delivery address and meeting the standards in 202.5.0, and 708.4.0, except as provided in 6.1.2h. Pieces prepared with a simplified address format are exempt from the automation-compatibility and barcode requirements. Letters with Intelligent Mail barcodes entered under the full-service Intelligent Mail automation option also must meet the standards in 705.22.0.

[Add new item h to read as follows:]

h. All saturation and high density letters over 3.5 ounces, and saturation (other than pieces with a simplified address) and high density letter-size pieces not meeting the standards 6.1.2g must pay the applicable nonautomation saturation or high density prices. Basic carrier route letter prices are the same for barcoded automation-compatible pieces and nonautomation pieces.

[Delete 6.1.3 in its entirety.]

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6.3 Basic Price Enhanced Carrier Route Standards

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6.3.2 Basic Price Eligibility

[Revise 6.3.2 by deleting items a and b to read as follows:]

Basic prices apply to each piece sorted under 245.6.0 or 705.8.0 in a full carrier route tray, in a carrier route bundle of 10 or more pieces, or in groups of 10 or more pieces placed in a 5-digit carrier routes or a 3-digit carrier routes tray.

6.4 High Density Enhanced Carrier Route Standards

6.4.1 Basic Eligibility Standards for High Density Prices

[Revise 6.4.1, by deleting items a and b and incorporating those items into the text to read as follows:]

High density letter-size mailpieces must be in a full carrier route tray or in

a carrier route bundle of 10 or more pieces placed in a 5-digit carrier routes or 3-digit carrier routes tray. High density prices apply to each piece that is automation-compatible according to 201.3.0, and has an accurate delivery point POSTNET barcode or Intelligent Mail barcode encoded with the correct delivery point routing code matching the delivery address and meeting the standards in 202.5.0, and 708.4.0. Except for pieces with a simplified address, pieces that are not automation-compatible or not barcoded are mailable only at the nonautomation high density letter prices.

* * * * *

6.4.3 High Density Discount for Heavy Letters

[Revise 6.4.3 to read as follows:]

High density pieces that are automation-compatible under 201.3.0, that are accurately barcoded with a delivery point barcode, and that weigh more than 3.3 ounces but not more than 3.5 ounces, pay postage equal to the piece/pound price and receive a discount equal to the high density flat-size piece price (3.3 ounces or less) minus the high density letter piece price (3.3 ounces or less). The discount is calculated using nondestination entry prices only, regardless of entry level. This discount does not apply to pieces paying nonautomation high density letter prices.

6.5 Saturation ECR Standards

6.5.1 Basic Eligibility Standards for Saturation Prices

[Revise 6.5.1 by deleting items a through c and incorporating those items into the text to read as follows:]

Saturation letter-size mailpieces must be in a full carrier route tray or in a carrier route bundle of 10 or more pieces placed in a 5-digit carrier routes or 3-digit carrier routes tray. Saturation prices apply to each piece that is automation-compatible according to 201.3.0, and has an accurate delivery point POSTNET barcode or Intelligent Mail barcode encoded with the correct delivery point routing code matching the delivery address and meeting the standards in 202.5.0, and 708.4.0. Except for pieces with a simplified address, pieces that are not automation-compatible or not barcoded are mailable at nonautomation saturation letter prices.

* * * * *

6.5.3 Saturation Discount for Heavy Letters

[Revise 6.5.3 to read as follows:]

Saturation pieces that are automation-compatible under 201.3.0, are accurately barcoded with a delivery point barcode, and weigh more than 3.3 ounces but not more than 3.5 ounces pay postage equal to the piece/pound price and receive a discount equal to the saturation flat-size piece price (3.3 ounces or less) minus the saturation letter piece price (3.3 ounces or less). The discount is calculated using nondestination entry prices only, regardless of entry level. This discount also applies to saturation pieces with simplified addresses. This discount does not apply to pieces paying nonautomation saturation letter prices.

* * * * *

[Add new section 8.0 to read as follows:]

8.0 Incentive Programs for Standard Mail Letters

8.1 General Description

Incentive programs for Standard Mail letters are designed to encourage mail volume growth and retention.

8.2 Saturation and High Density Incentive Program

The Saturation and High Density Incentive Program provides postage credits for qualified mail owners of Standard Mail, or Nonprofit Standard Mail, letters and/or flats mailed at saturation or high density carrier route prices that can document mail volumes exceeding their individual USPS-recorded threshold level, during the 2011 program period, from January 2, 2011, through December 31, 2011. Participating mail owners documenting volumes above their threshold level receive a credit, for each piece exceeding their threshold level, to a designated permit imprint advance deposit account or Centralized Account Payment System (CAPS) account after the end of the program period. Refer to 343.8.2 for program details.

* * * * *

300 Commercial Mail Flats

301 Physical Standards

* * * * *

3.0 Physical Standards for Automation Flats

* * * * *

[Delete 3.3 in its entirety, and renumber current 3.4 through 3.6 as new 3.3 through 3.5.]

* * * * *

330 First-Class Mail

333 Prices and Eligibility

* * * * *

3.0 Eligibility Standards for First-Class Mail Flats

* * * * *

3.5 Move Update Standard

* * * * *

[Revise title and text of 3.5.4 to read as follows:]

3.5.4 Basis for Move Update Assessment Charges

Mailings are subject to a Move Update assessment charge if more than 25 percent of addresses with a change of address (COA) are not updated, based on the error rate found in USPS sampling at acceptance during Performance-Based Verification. Specifically, mailings for which the sample contains greater than 25 percent failed COAs out of the total COAs are subject to additional postage charges as follows:

a. The percentage of the mailing paying the charge is based on the percentage of failed pieces above 25 percent.

b. Each of the assessed pieces is subject to the $0.07 per piece charge.

c. As an example, if 35% of COAs in the sample are not updated, then the charge is applied to 10% (=35%–25%) of the total mailing.

d. Mailings for which the sample has five or fewer pieces that were not updated for a COA are not subject to the assessment, regardless of the failure percentage.

* * * * *

340 Standard Mail

343 Prices and Eligibility

1.0 Prices and Fees for Standard Mail

* * * * *

[Delete section 1.6 in its entirety to remove reference to the 2009 Saturation Mail Volume Incentive Program.]

* * * * *

3.0 Basic Standards for Standard Mail Flats

* * * * *

3.9 Move Update Standards

* * * * *

* * * * *

[Revise title and text of 3.9.4 to read as follows:]

3.9.4 Basis for Move Update Assessment Charges

Mailings are subject to a Move Update assessment charge if more than 25 percent of addresses with a change of address (COA) are not updated, based on the error rate found in USPS sampling at acceptance during

Performance-Based Verification. Specifically, mailings for which the sample contains greater than 25 percent failed COAs out of the total COAs are subject to additional postage charges as follows:

a. The percentage of the mailing paying the charge is based on the percentage of failed pieces above 25 percent.

b. Each of the assessed pieces is subject to the $0.07 per piece charge.

c. As an example, if 35% of COAs in the sample are not updated, then the charge is applied to 10% (=35%–25%) of the total mailing.

d. Mailings for which the sample has five or fewer pieces that were not updated for a COA are not subject to the assessment, regardless of the failure percentage.

* * * * *

[Add new 8.0 as follows:]

8.0 Incentive Programs for Standard Mail Flats

8.1 General Description

Incentive programs for Standard Mail letters are designed to encourage mail volume growth and retention.

8.2 Saturation and High Density Incentive Program

8.2.1 Program Description

The Saturation and High Density Incentive Program provides postage credits for qualified mail owners of Standard Mail, or Nonprofit Standard Mail, letters and/or flats (complete mailpieces) mailed at saturation or high density carrier route prices that can document mail volumes exceeding their individual USPS-recorded threshold level, during the 2011 program period, from January 2, 2011, through December 31, 2011. Participating mail owners documenting volumes above their threshold level receive a credit, for each piece exceeding their threshold level, to a single designated permit imprint advance deposit account or Centralized Account Payment System (CAPS) account after the end of the program period. Applicants are required to review and certify the accuracy of the data used by the USPS to calculate their threshold level(s); and, upon request, may be required to provide documentation of their mailing activity in the 2010 calendar year, the 2009–2010 eligibility period and during the program period.

8.2.2 Eligibility Standards

Mail service providers are not eligible to participate in this program. Mail owners are eligible for the program as follows:

a. Mailers must be the owner of a permit imprint advance deposit account, precanceled stamp permit, or postage meter permit at a USPS facility having *PostalOne!* capability; or the owner of qualifying mailpiece volume entered through the account(s) of a mail service provider at a USPS facility having *PostalOne!* capability, when adequate documentation demonstrates that the applicant is the owner of the mailpieces.

b. Applicants must electronically submit postage statements and mailing documentation to the *Postal One!* system. Applicants participating within a defined market area(s) must electronically submit postage statements and mailing documentation using Mail.dat or Mail.XML. All other applicants may optionally submit postage statements via Postal Wizard.

c. Only the volume of the mail owner, usually defined as the entity paying for the postage, is eligible within the program period.

d. Mail service providers and customers supplying inserts, enclosures or other components included in the mailings of another mailer are not eligible to participate in this program.

e. For either the saturation or high density incentives, applicants must demonstrate a combined minimum of six saturation or high density mailings of Standard Mail letters and/or flats within the qualification period of October 1, 2009, to September 30, 2010.

f. Applicants meeting the eligibility criteria in 8.2.2a through 8.2.2d may participate within both the saturation and high density price categories simultaneously.

g. Applicants who participate only within defined market areas must meet the eligibility criteria independently for each selected SCF service area or selected metropolitan target market.

h. Mailers participating in the 2011 Saturation and High Density Incentive Program are not eligible for concurrent participation in any other USPS-sponsored volume incentive program that includes Standard Mail pieces in the saturation or high density price categories.

8.2.3 Program Threshold Level

Threshold level figures are calculated independently for each applicant as follows:

a. Thresholds are set at five percent (5%) above (or 105% of) the volume, within the participant-selected growth area and price category, of Standard Mail or Nonprofit Standard Mail letters and/or flats recorded in the 2010 calendar year.

b. Applicants participating in both the saturation and high density price categories must exceed the combined thresholds of both categories before qualifying for an incentive payment in either category.

8.2.4 Application

Mail owners identified by the Postal Service as being eligible to participate in the program will be sent an invitation letter by November 1, 2010. Mail owners may apply for the program as follows:

a. The invitation letter directs mail owners to apply for the program online at *http://www.usps.com/SaturationHD* no later than December 15, 2010.

b. Applicants participating with Standard Mail saturation and/or high density mail volume destinating only within defined market areas must select the sectional center facility (SCF) service areas for participation in the program, up to a maximum of 20 individual SCF areas or up to five metropolitan target markets (consisting of multiple contiguous SCFs). The USPS must approve all applicant-selected market areas prior to acceptance into the program.

c. Mail owners completing the online application process receive an electronic response from the USPS that includes:

1. An individual volume threshold report, with the applicant's recorded saturation and/or high density volume for the 2010 calendar year.

2. A certification letter.

3. A threshold inquiry form.

d. Applicants agreeing with their threshold volume(s) can sign the certification letter and return a copy via e-mail to: *SaturationHDIncentive@usps.gov* or mail hardcopy to Saturation Incentive Program Office, 475 L'Enfant Plaza, SW., Room 5500, Washington, DC 20260–5500, to be registered for the program.

e. Applicants not agreeing with any portion of their USPS-calculated threshold(s) must complete the threshold inquiry form and return it along with supporting evidence, via e-mail, or mail hardcopy to Saturation Incentive Program Office, 475 L'Enfant Plaza, SW., Room 5500, Washington, DC 20260–5500, no later than March 15, 2011.

f. Mail owners wishing to participate in the program, but who were not notified by letter, may request a review of their eligibility by contacting the USPS no later than December 1, 2010.

8.2.5 Program Participation

Mail owners may participate in the program with qualifying letters and/or

flats mailpieces mailed at saturation or high density prices as follows:

a. Standard Mail, or Nonprofit Standard Mail, mailpieces mailed by the participant through the participant's own permit imprint advance account, precanceled stamp permit(s), or postage meter permit(s);

b. Standard Mail, or Nonprofit Standard Mail, mailpieces prepared by a mail service provider, when entered through a permit owned by the participant;

c. Standard Mail, or Nonprofit Standard Mail, mailpieces mailed through a mail service provider's permit, only when the pieces can be identified as being prepared for the participant and when the applicant's prior mailing activity through the mail service provider's permit can be validated.

d. Fluctuations in mailing activity resulting from the merger or acquisition of one or more program participants, prior or subsequent to the beginning of the program period, are subject to review and approval by the USPS.

8.2.6 Incentive Program Credits

Approved participants demonstrating an increase in Standard Mail, or Nonprofit Standard Mail, letters and flats volume above their threshold level qualify for a credit to a single designated permit imprint advance deposit account or Centralized Account Payment System (CAPS) account as follows:

a. The total postage paid for Standard Mail, or Nonprofit Standard Mail, letters and flats mailed at saturation or high density prices, recorded during the program is identified for each participant.

b. The total postage paid during the program period is divided by the total number of recorded mailpieces to determine the average price per piece for the program period.

c. Participants receive a credit, based on the percentages of the average price per piece, for the number of mailpieces of incremental volume above their threshold level, recorded during the program period, as follows:

1. Saturation letters and flats: 22 percent for Standard Mail, 8 percent for Nonprofit Standard Mail pieces.

2. High density letters and flats: 13 percent for Standard Mail, 8 percent for Nonprofit Standard Mail pieces.

* * * * *

400 Commercial Parcels

401 Physical Standards

1.0 Physical Standards for Parcels

* * * * *

1.3 Maximum Weight and Size

[Revise text of 1.3 by adding a new third sentence to read as follows:]

* * * Standard Mail Marketing parcels (see 2.4) may not be larger than 9 inches high, 12 inches long and 2 inches thick. * * *

* * * * *

2.0 Additional Physical Standards by Class of Mail

* * * * *

2.3 First-Class Mail Parcels

* * * * *

2.3.2 Surcharge

Unless prepared in 5-digit/scheme containers or paid at a single-piece price, presorted parcels are subject to a surcharge if any of the following characteristics apply:

[Revise 2.3.2 by deleting current item a and redesignating current items b and c as new items a and b to read as follows:]

a. The parcels do not bear a GS1–128 or POSTNET barcode.

b. The parcels are irregularly shaped, such as rolls, tubes, and triangles.

* * * * *

[Revise the title of 2.4 to read as follows:]

2.4 Standard Mail Parcels

* * * * *

[Revise title and text of 2.4.2 to delete references to Not Flat-Machinables and add standards for Marketing parcels to read as follows:]

2.4.2 Marketing Parcels

Marketing parcels have the following characteristics:

a. Height not more than 9 inches high. Minimum height must be 3½ inches if the parcel is ¼ inch thick or less.

b. Length not more than 12 inches long. Minimum length must be 5 inches if the parcel is ¼ inch thick or less.

c. Thickness at least 0.009 thick, but not more than 2 inches.

d. An alternative addressing format, according to 602.3.0.

2.4.3 Surcharge

[Revise text of 2.4.3 to delete reference to Not Flat-Machinables and reorganize text to read as follows:]

Unless prepared in carrier route or 5-digit/scheme containers, Standard Mail parcels are subject to a surcharge if:

a. The *machinable* parcels do not bear a GS1–128 barcode (*see* 708.5.0) or,

b. The *irregular* parcels do not bear a GS1–128 barcode (*see* 708.5.0) or POSTNET barcode (*see* 708.4.0).

* * * * *

402 Elements on the Face of a Mailpiece

1.0 All Mailpieces

* * * * *

1.2 Delivery and Return Address

[Revise 1.2 by reorganizing the text and adding a new last sentence to read as follows:]

The delivery address specifies the location to which the USPS is to deliver a mailpiece (*see* 602 for more information). Except for pieces prepared with detached address labels under 602.4.0, each mailpiece must have a visible and legible delivery address only on the side of the piece bearing postage. A return address is required in specific circumstances (*see* 3.2 and 602.1.5). Standard Mail Marketing parcels (*see* 443) must use an alternative addressing format under 602.3.0.

* * * * *

2.0 Placement and Content of Markings

* * * * *

2.4 First-Class Mail and Standard Mail Markings

[Revise the title of 2.4.1 to read as follows:]

2.4.1 Placement and Content

Markings must be placed as follows:

* * * * *

[Revise item b to add a marking for First-Class Mail parcels and reorganize text to read as follows:]

b. Other Markings. In addition to the basic class marking, nonpresorted First-Class Mail parcels claiming the single-piece commercial parcel price (see 433) must be marked "COMM" when postage is paid by IBI meter or PC postage. Price-specific markings for Standard Mail only are "ECRLOT," "ECRWSH," "ECRWSS," and "Customized MarketMail" (or "CUST MKTMAIL" or "CMM"). Place price-specific markings in one of the following locations:

1. In the location specified in 2.4.1a.

2. In the address area on the line directly above or two lines above the address if the marking appears alone or if included in an optional endorsement line under 708.7.0 or with carrier route information under 708.6.0.

3. If preceded by two asterisks (**), place "PRESORTED" or "Customized MarketMail" (or abbreviated marking) on the line directly above or two lines above the address in a mailer keyline or manifest keyline, or above the address and below the postage in an MLOCR ink-jet-printed date correction/meter drop shipment line.

[Delete item c in its entirety and redesignate current item d as new item c.]

* * * * *

4.0 General Barcode Placement for Parcels

* * * * *

4.3 POSTNET Barcodes

[Revise text of 4.3 by deleting references to Not Flat-Machinable pieces to read as follows:]

First-Class Mail parcels and Standard Mail irregular parcels may bear POSTNET barcodes or GS1–128 barcodes. First-Class Mail parcels and Standard Mail irregular parcels bearing POSTNET barcodes representing only the postal routing barcode (destination ZIP Code) are eligible to be mailed using eVS. POSTNET barcodes may not be used on eVS parcels bearing concatenated GS1–128 barcodes. Place POSTNET barcodes on parcels under 4.3.1 through 4.3.3.

4.3.1 General Placement of POSTNET Barcodes

[Revise text of 4.3.1 by deleting references to Not Flat-Machinable piece under 6 ounces to read as follows:]

On any First-Class Mail parcel, or any Standard Mail irregular parcel, the POSTNET barcode may be anywhere on the address side as long as it is at least ⅛ inch from any edge of the piece. POSTNET barcodes must be printed according to 708.4.0. Address block barcodes are subject to the standards in 4.3.2.

* * * * *

430 First-Class Mail

433 Prices and Eligibility

1.0 Prices and Fees for First-Class Mail

* * * * *

[Revise text of 1.3 to add eligibility standards for the single-piece commercial parcel price to read as follows:]

1.3 Parcel Prices

For prices, see Notice 123–Price List. First-Class Mail parcels mailed under the following conditions are eligible for single-piece commercial parcel prices:

a. The residual portion of a presorted mailing prepared under 435.4.0.

b. Nonpresorted mailings for which the postage is paid by permit imprint, IBI meter, or PC Postage. The minimum quantity per mailing when using permit imprints (see 604.5.0) is 200 pieces or 50 pounds. See 401.2.4 for required marking when postage is paid by IBI meter or PC Postage.

* * * * *

3.0 Basic Standards for First-Class Mail Parcels

* * * * *

3.5 Move Update Standards

* * * * *

[Revise title and text of 3.5.4 to read as follows:]

3.5.4 Basis for Move Update Assessment Charges

Mailings are subject to a Move Update assessment charge if more than 25 percent of addresses with a change of address (COA) are not updated, based on the error rate found in USPS sampling at acceptance during Performance-Based Verification. Specifically, mailings for which the sample contains greater than 25 percent failed COAs out of the total COAs are subject to additional postage charges as follows:

a. The percentage of the mailing paying the charge is based on the percentage of failed pieces above 25 percent.

b. Each of the assessed pieces is subject to the $0.07 per piece charge.

c. As an example, if 35% of COAs in the sample are not updated, then the charge is applied to 10% (=35%–25%) of the total mailing.

d. Mailings for which the sample has five or fewer pieces that were not updated for a COA are not subject to the assessment, regardless of the failure percentage.

* * * * *

440 Standard Mail

443 Prices and Eligibility

1.0 Prices and Fees for Standard Mail

* * * * *

[Revise title of 1.2 to read as follows:]

1.2 Regular and Nonprofit Standard Mail—Fulfillment Parcel Prices

* * * * *

[Revise title of 1.3 to read as follows:]

1.3 Regular and Nonprofit Standard Mail—Marketing Parcel Prices

* * * * *

3.0 Basic Standards for Standard Mail Parcels

* * * * *

3.3 Additional Basic Standards for Standard Mail

Each Standard Mail mailing is subject to these general standards:

* * * * *

[Revise text of item d to read as follows:]

d. Each Fulfillment parcel must bear the addressee's name and delivery address, including the correct ZIP Code or ZIP+4 code, unless an alternative addressing format is used subject to 602.3.0. Detached address labels (DALs) may be used subject to 602.4.0.

[Re-designate current items e through h as new items f through i, and add new item e to read as follows:]

e. Each Marketing parcel must bear an alternative addressing format subject to 602.3.0. DALs may be used subject to 602.4.0.

* * * * *

3.0 Basic Standards for Standard Mail Flats

* * * * *

3.9 Move Update Standards

* * * * *

[Revise title and text of 3.9.4 to read as follows:]

3.9.4 Basis for Move Update Assessment Charges

Mailings are subject to a Move Update assessment charge if more than 25 percent of addresses with a change of address (COA) are not updated, based on the error rate found in USPS sampling at acceptance during Performance-Based Verification. Specifically, mailings for which the sample contains greater than 25 percent failed COAs out of the total COAs are subject to additional postage charges as follows:

a. The percentage of the mailing paying the charge is based on the percentage of failed pieces above 25 percent.

b. Each of the assessed pieces is subject to the $0.07 per piece charge.

c. As an example, if 35% of COAs in the sample are not updated, then the charge is applied to 10% (=35%–25%) of the total mailing.

d. Mailings for which the sample has five or fewer pieces that were not updated for a COA are not subject to the assessment, regardless of the failure percentage.

* * * * *

4.0 Price Eligibility for Standard Mail

* * * * *

4.2 Minimum Per Piece Prices

The minimum per piece prices (*i.e.,* the minimum postage that must be paid for each piece) apply as follows:

* * * * *

[Revise text of item c by deleting the reference to Not Flat-Machinable in the

second to last sentence to read as follows:]

c. * * * DDU prices are available for parcels entered only at 5-digit, Enhanced Carrier Route, or Nonprofit Enhanced Carrier Route prices.* * *

* * * * *

4.4 Surcharge

[Revise the introductory text of 4.4 to read as follows:]

Unless prepared in carrier route (Marketing parcels only) or 5-digit/scheme containers, Standard Mail parcels are subject to a surcharge if:

* * * * *

[Delete current item c in its entirety and redesignate current item d as new item c and revise to read as follows:]

c. The irregular parcels weigh less than 16 ounces and those pieces do not bear a GS1–128 or POSTNET barcode, under 708.5.0, for the ZIP Code of the delivery address.

4.5 Extra Services for Standard Mail

* * * * *

4.5.2 Eligible Matter

[Revise 4.5.2 by deleting the reference to Not Flat-Machinable to read as follows:]

Extra services may be used only with pieces mailed at parcel prices.

* * * * *

5.0 Additional Eligibility Standards for Presorted Standard Mail Pieces

* * * * *

5.2 Price Application

[Revise 5.2 by inserting the term "Fulfillment" parcels to further identify machinable and irregular parcels, deleting the reference to Not Flat-Machinable, and adding the term "Marketing" parcels to read as follows:]

Prices for Standard Mail and Nonprofit Standard Mail apply separately to Fulfillment parcels (machinable and irregular) and Marketing parcels that meet the eligibility standards in 2.0 through 4.0 and the preparation standards in 445.5.0, 705.6.0, 705.8.0, or 705.20. When parcels are combined under 445.5.0, 705.6.0, or 705.20, all pieces are eligible for the applicable prices when the combined total meets the eligibility standards. For example, when there are 10 pounds of combined machinable parcels and irregular parcels in a 5-digit sack, all pieces are eligible for the 5-digit prices.

* * * * *

[Revise title of 5.4 to read as follows:]

5.4 Prices for Irregular Parcels

5.4.1 5-Digit Price

[Revise the introductory text of 5.4.1 by deleting the reference to NFMs to read as follows:]

The 5-digit price applies to irregular parcels that are dropshipped to a DNDC (or ASF when claiming DNDC prices), DSCF, or DDU and presented:

* * * * *

[Delete item 5.4.1e in its entirety.]

5.4.2 SCF Price

[Revise the introductory text of in 5.4.2 by deleting the reference to NFMs to read as follows:]

The SCF price applies to irregular parcels that are dropshipped and presented to a DSCF or DNDC:

* * * * *

5.4.3 NDC Price

[Revise the introductory text of 5.4.3 by deleting the reference to NFMs to read as follows:]

The NDC price applies to qualifying irregular parcels as follows under either of the following conditions:

* * * * *

5.4.4 Mixed NDC Price

[Revise the text of 5.4.4 by deleting the references to NFMs to read as follows:]

The mixed NDC price applies to irregular parcels in origin NDC or mixed NDC containers that are not eligible for 5-digit, SCF, or NDC prices. Place irregular parcels at mixed NDC prices in origin NDC or mixed NDC sacks under 445.5.4.4 or on origin NDC or mixed NDC pallets under 705.8.10.

* * * * *

6.0 Additional Eligibility Standards for Enhanced Carrier Route Standard Mail Parcels

6.1 General Enhanced Carrier Route Standards

* * * * *

6.1.2 Basic Eligibility Standards

All pieces in an Enhanced Carrier Route or Nonprofit Enhanced Carrier Route Standard Mail mailing must:

* * * * *

d. Bear a delivery address that includes the correct ZIP Code, ZIP+4 code, or numeric equivalent to the delivery point barcode (DPBC) and that meets these address quality standards:

* * * * *

[Revise item d2 to require alternative addressing to read as follows:]

2. An alternative addressing format as described in 602.3.0.

* * * * *

[Revise the first sentence of item f to indicate new size restrictions to read as follows:]

f. Enhanced Carrier Route parcels may not be more than 9 inches high, 12 inches long, or 2 inches thick. * * *

* * * * *

445 Mail Preparation

* * * * *

2.0 Bundles

2.1 Definition of a Bundle

[Revise the last sentence in 2.1 by deleting the reference to 5-digit bundles and Not Flat-Machinables to read as follows:]

* * * Bundling under 445 is allowed only for carrier route bundles of irregular parcels.

* * * * *

5.0 Preparing Presorted Parcels

5.1 Basic Standards

[Revise the introductory paragraph in 5.1 by deleting the word "nonautomation" to read as follows:]

All mailings and all pieces in each mailing at Standard Mail and Nonprofit Standard Mail prices are subject to preparation standards in 5.3 or 5.4, and to these general standards:

* * * * *

[Delete current 6.0 in its entirety and renumber all of current 7.0 as new 6.0.]

* * * * *

446 Enter and Deposit

* * * * *

5.0 Destination Delivery Unit (DDU) Entry

* * * * *

5.2 Eligibility

Pieces in a mailing that meets the standards in 2.0 and 5.0 are eligible for the DDU price when deposited at a DDU, addressed for delivery within that facility's service area, and prepared as follows:

* * * * *

[Revise item 5.2b by deleting the reference to Not Flat-Machinable pieces to read as follows:]

b. One or more parcels in 5-digit containers.

* * * * *

460 Bound Printed Matter

463 Prices and Eligibility

1.0 Prices and Fees for Bound Printed Matter

* * * * *

1.2 Commercial Bound Printed Matter

* * * * *

1.2.6 Determining Single-Piece Weight

[Revise the last sentence of 1.2.6 to read as follows:]

* * * Express all single-piece weights in decimal pounds rounded off to two decimal places.

* * * * *

470 Media Mail

473 Prices and Eligibility

1.0 Media Mail Prices and Fees

* * * * *

1.5 Computing Postage for Media Mail

1.5.1 Determining Single-Piece Weight

[Revise the last sentence of 1.5.1 to read as follows:]

* * * Express all single-piece weights in decimal pounds rounded off to two decimal places.

* * * * *

480 Library Mail

483 Prices and Eligibility

1.0 Library Mail Prices and Fees

* * * * *

1.5 Computing Postage for Library Mail

1.5.1 Determining Single-Piece Weight

[Revise the last sentence of 1.5.1 to read as follows:]

* * * Express all single-piece weights in decimal pounds rounded off to two decimal places.

* * * * *

500 Additional Mailing Services

* * * * *

507 Mailer Services

* * * * *

7.0 Mailing List Services

* * * * *

7.2 General Information

* * * * *

[Revise title and text of 7.2.2 to read as follows:]

7.2.2 Carrier Route Information System

The official city delivery scheme, called the Carrier Route Information System, is available to mailers.

* * * * *

508 Recipient Services

* * * * *

4.0 Post Office Box Service

* * * * *

4.8 Keys and Locks

* * * * *

4.8.4 Lock Replacement

[Revise text of 4.8.4 by adding the following sentence as a new last sentence as follows:]

* * * The lock replacement fee also applies as a late payment charge when the customer renews a box more than 10 days after the renewal due date, whether or not the lock is actually changed.

* * * * *

509 Other Services

1.0 Address Information System Products

[Revise entire 509.1.0 section to reorganize by adding additional address information system products as follows:]

1.1 General Information

Address Management provides value-added product and service offerings that enable customers to manage the quality of their mailing lists while maximizing the Postal Service's ability to efficiently deliver mail. Additional information on these products and services can be found on RIBBS at *ribbs.usps.gov* or by calling the National Customer Support Center (*see* 608.8.0 for address) at 800–238–3150. *See* Notice 123—*Price List*.

1.2 Address Element Correction (AEC)

AEC service identifies and corrects bad or incomplete addresses using enhanced computer logic.

1.3 Address Matching System Application Program Interface (AMS API)

AMS API is a core set of compiled address-matching software instructions available, for a set fee, to developers to incorporate into their software so that address lists can be updated with address data from the following databases, which are integrated into the AMS–API: City State, ZIP + 4, Five-Digit ZIP, eLOT, DPV, and LACS^{Link}. The following services require payment of separate additional fees:

a. Installing the AMS–API on multiple computers for its own use.

b. Reselling its address-matching software.

c. Obtaining computer software instructions that permit the API to access the RDI data when licensed separately.

d. Reselling RDI–API.

1.4 Advance Notification and Tracking System

The Advance Notification and Tracking System provides mailers with delivery performance reports and data for qualified Standard Mail and Periodicals mailings with specific in-home delivery windows.

1.5 AEC ll Service

AEC II Service sends addresses with errors that cannot be resolved through other Address Management services to the field for resolution based on knowledge of delivery personnel. The mailer is provided with the correct address or with information that the address is not a recognized deliverable address.

1.6 Address Information Service (AIS) Viewer

The AIS Viewer is an interactive CD–ROM that provides the ability to retrieve, view, and print accurate and current ZIP Code information for all 50 states on demand, eliminating hardcopy reports.

1.7 Barcode Certification

The barcode certification program evaluates manufacturers' printers, computer software, and computer systems that produce a barcode in order to certify that the barcode meets all dimensional specifications required by the Postal Service.

1.8 Carrier Route Information System (CRIS)

The CRIS service provides reference information needed to apply carrier route codes to addresses. Copying is allowed for an additional fee.

1.9 CASS Certification

CASS evaluates and certifies the accuracy of address-matching software that applies ZIP + 4, DPV, LACS^{Link}, Carrier Route Information System (CRIS), DSF2, eLOT, RDI, and Five-Digit ZIP. The Postal Service certifies software meeting its standards until the expiration of the applicable CASS cycle. Software must be re-certified for each CASS cycle. Ordinarily, a CASS testing cycle extends from August 1 through July 31 of the next year, and permits software use until the following July 31.

1.10 Change-of-Address Information for Election Boards and Registration Commissions

Change-of-Address Information for Election Boards and Registration Commissions service provides election boards and voter registration commissions with the current address of a resident addressee, if known to the Postal Service.

1.11 City State

The City State service is a comprehensive ZIP Code list associated with the appropriate city, county, and Post Office names. Copying is allowed for an additional fee.

1.12 Computerized Delivery Sequence (CDS)

CDS service provides and updates delivery sequence address information by carrier route for qualified mailers. The CDS No Stat service provides and updates nondelivery address information about new construction and rural route vacancies by carrier route for qualified mailers.

1.13 Delivery Statistics

The Delivery Statistics service provides statistical information regarding delivery by carrier route and Post Office box section. Copying is allowed for an additional fee.

1.14 Delivery Type

The Delivery Type service provides a file that indicates the type of deliveries (i.e., P.O. Box, street, unique, military, and general deliveries) made within each 5-digit ZIP Code area in the United States. Copying is allowed for an additional fee.

1.15 Domestic Mail Manual (DMM) Labeling Lists

DMM Labeling Lists contain destination ZIP Codes with the corresponding Postal Service facility destination information.

1.16 DPV

The DPV (Delivery Point Validation) service in conjunction with CASS-Certified address matching software validates delivery points. Unlimited sublicensing is allowed by software developers without further payment.

1.17 DSF2 Service

The DSF2 service is used to check mailing address accuracy, identify address types, and obtain walk sequence statistics. The DSF2 database is the most complete Postal Service address database available, containing every deliverable mailing address in the United States, and is used to verify that address lists are correct and complete, identify business versus residential addresses, recognize commercial mail receiving agencies, provide walk sequence numbers and postal codes, identify seasonal addresses, detect addresses vacant for over 90 days, and categorize addresses by delivery type, *e.g.,* curb, door slot, box, etc. DSF2 processing includes address standardization that may be used to apply for CASS qualification.

1.18 eLOT Service

eLOT service gives mailers the ability to sort their mailings in approximate carrier-casing line-of-travel sequence. Copying is allowed for an additional fee.

1.19 *FASTforward* Multi-line Optical Character Reader (MLOCR)

The *FASTforward* system makes change-of-address information for moves available to mailers so that it can be applied to a mailpiece while it is being processed on an MLOCR. Customers use *FASTforward* Move Update Notification electronic files to update their databases with change-of-address information.

1.20 Five-Digit ZIP

The Five-Digit ZIP service provides detailed street data for multi-coded cities (*i.e.,* cities that have more than one 5-digit ZIP Code), so that the proper ZIP Code can be identified. Copying is allowed for an additional fee.

1.21 LACS^{Link}

LACS^{Link} service provides mailers an automated method of obtaining new addresses when rural-style addresses are converted to street-style addresses. The three types of licenses are listed in 1.22.1 through 1.22.3.

1.21.1 Interface Developer

Interface Developer service grants the right to develop an interface between address-matching software and the LACS^{Link} database service.

1.21.2 Interface Distributor

Interface Distributor service grants the right to sublicense the interface and the LACS^{Link} database service to third parties.

1.21.3 End User

End User service grants the right to obtain the LACS^{Link} database service directly from the Postal Service for use in updating mailing lists.

1.22 MAC Batch System Certification

The MAC Batch System Certification service evaluates and certifies that manifest/presort mailing products accurately list and calculate postage for presorted non-identical piece mailings consistent with DMM, IMM, and manifest mailing system processing standards. Software is certified until the expiration of the applicable MAC Batch System cycle.

1.23 MAC Gold System Certification

The MAC Gold System Certification service evaluates and certifies that manifest mailing systems (software, weigh scales, and label printers) accurately list and calculate postage for nonidentical piece mailings consistent with DMM, IMM, and manifest mailing system itemized pricing standards. Software is certified until the expiration of the applicable MAC Gold System cycle.

1.24 MAC System Certification

The MAC System Certification service evaluates and certifies that manifest mailing software accurately lists and calculates postage for nonidentical piece mailings consistent with DMM, IMM, and manifest mailing system standards, until the expiration of the applicable MAC System cycle.

1.25 MASS Certification

MASS (Multiline Accuracy Support System) Certification service provides certification for multiline optical character readers, remote video encoding, local video encoding, and encoding stations ("equipment"). The MASS certification process is designed to evaluate the ability of the equipment to process address information using CASS-Certified software, and apply an accurate delivery point barcode to a mailpiece. The Postal Service separately certifies the equipment for a manufacturer and the user. Certified equipment can be used until the expiration of the applicable MASS cycle. Ordinarily, a MASS testing cycle extends from August 1st through July 31st of the next year, and permits use until the following July 31st.

1.26 NCOA^{Link}

The NCOA^{Link} service makes change-of-address information for moves available to mailers. The Postal Service tests the systems under the Developer, Full Service Provider, Limited Service Provider, End User, and Mail Processing Equipment licenses to ensure that they meet Postal Service performance requirements. The six types of licenses are listed in 1.27.1 through 1.27.6.

1.26.1 NCOA^{Link} Interface Developer

NCOA^{Link} Interface Developer service grants the right to develop a software interface between address-matching software and the NCOA^{Link} service database.

1.26.2 NCOA^{Link} Interface Distributor

NCOA^{Link} Interface Distributor service grants the right to unlimited sublicensing of software interfaces developed pursuant to an NCOA^{Link} Interface Developer License.

1.26.3 NCOA^{Link} Full Service Provider (FSP)

NCOA^{Link} FSP service grants the right to perform address list updating services for both the licensee and third party mailers using 48 months of change-of-address data. Postal Service database

services such as DPV and LACS^{Link} are included.

1.26.4 NCOA^{Link} Limited Service Provider (LSP)

NCOA^{Link} LSP service grants the right to perform address list updating services for third-party mailers, as well as for the licensee's own mail using 18 months of change-of-address data.

1.26.5 NCOA^{Link} End User Mailer

NCOA^{Link} End User Mailer service grants a mailer the right to perform address list updating for its own mail using 18 months of change-of-address data.

1.26.6 NCOA^{Link} Mail Processing Equipment

NCOA^{Link} Mail Processing Equipment service grants a mailer the right to either perform address updating directly onto its mailpieces using 18 months of change-of-address data and a MLOCR or to create an electronic file for address updating using other mail processing equipment.

1.27 NCOA^{Link} — ANK^{Link} Service Option

ANK^{Link} provides an option for NCOA^{Link} LSP and End User Mailer licensees to acquire an additional 30 months of change-of-address information. ANK^{Link} informs mailers that a customer has moved, along with the move effective date. It does not provide the new address.

1.28 Official National Zone Charts

The Official National Zone Charts identify the appropriate distance code assigned to each originating and destination pairing for every ZIP Code in the nation.

1.29 Periodicals Accuracy, Grading, and Evaluation (PAGE) System Certification

The PAGE system evaluates and certifies the accuracy of publication and print planning (PPP) software that calculates virtual copy weight and the percentage of advertising consistent with Periodicals computation standards, and certifies users of PPP software who demonstrate knowledge of the software for Periodicals mailings based on DMM standards and applicable USPS Customer Support Rulings. Software and users are certified until the expiration of the applicable PAGE cycle.

1.30 PAVE System Certification

The PAVE (presort accuracy validation evaluation) system evaluates and certifies the accuracy of presort software that sorts mailing lists consistent with DMM mail preparation standards. Software is certified until the expiration of the applicable PAVE cycle.

1.31 RDI Service

The RDI service verifies whether a delivery type is classified as residential or business.

1.32 Topological Integrated Geographic Encoding and Referencing (TIGER/ZIP+4)

TIGER/ZIP+4 service is a bridge file that allows mailers to access other information using the ZIP+4 codes they already have associated with their addresses. This file offers demographers and market researchers a method to relate ZIP+4 coded address lists to U.S. Census Bureau demographic data.

1.33 Z4CHANGE

The Z4CHANGE service provides the information necessary to facilitate frequent and cost-effective updating of very large computerized mailing lists for automation compatibility and improved deliverability. Copying is allowed for an additional fee.

1.34 Z4INFO

Z4INFO is an add-on utility to the ZIP+4 service that can be integrated into address-matching software to improve address quality. There is no charge for this service.

1.35 ZIP+4 Service

The ZIP+4 service is the base reference that can be used to assign the correct ZIP+4 code associated with a physical address. Copying is allowed for an additional fee.

1.36 ZIPMove

The ZIPMove data file assists address-matching software in providing up-to-date, accurate ZIP+4 codes.

1.37 ZIP Code Sortation of Address Lists

ZIP Code Sortation of Address Lists service provides sortation of addresses to the finest possible ZIP Code level.

1.38 99 Percent Accurate Method

The 99 Percent Accurate Method provides testing of mailers' address lists to determine how up-to-date the lists are. Lists deemed to meet threshold requirements are considered to be Move Update-compliant.

* * * * *

600 Basic Standards for All Mailing Services

* * * * *

604 Postage Payment Methods

* * * * *

2.0 Stamped Stationery

2.1 Plain Stamped Envelopes

* * * * *

2.1.2 Availability

[Revise 2.1.2 by deleting item b in its entirety and incorporating item a into the text to read as follows:]

Plain stamped envelopes are available at all Post Offices, except that only sizes 6¾ and 10 regular and window envelopes are sold in less than full box lots (a full box contains 500 envelopes).

* * * * *

2.2.6 Optional Information

The following endorsements and instructions printed in at least 8-point type may be included as part of the return address:

* * * * *

[Revise item b by deleting the last sentence so that item b reads as follows:]

b. Any sender instruction under 507.1.8 or 507.4.0 that specifies a period for holding mail, not fewer than 3 and not more than 30 days (e.g., "AFTER 5 days RETURN TO"). The instruction must appear directly above the return address.

* * * * *

700 Special Standards

* * * * *

705 Advanced Preparation and Special Postage Payment Systems

* * * * *

6.0 Combining Mailings of Standard Mail, Package Services, and Parcel Select Parcels

[Revise title of 6.1 by deleting the reference to NFMs to read as follows:]

6.1 Basic Standards for Combining Parcels

6.1.1 Basic Standards

[Revise text in the first sentence of 6.1.1 by deleting NFMs to read as follows:]

Standard Mail parcels, Package Services, and Parcel Select parcels in combined mailings must meet the following standards:

* * * * *

[Revise title of 6.2 by deleting reference to NFMs to read as follows:]

6.2 Combining Parcels—DNDC Entry

[Revise 6.2 by deleting reference to NFMs 6 ounces or more to read as follows:]

Mailers may combine Standard Mail machinable parcels with Package Services and Parcel Select machinable

parcels for entry at an NDC when authorized by the USPS under 6.1.4.

* * * * *

6.2.2 Additional Standards

[Revise the introductory text and items a and e of 6.2.2 by deleting references to NFMs 6 ounces or more to read as follows:]

Standard Mail machinable parcels and Package Services and Parcel Select machinable parcels prepared for DNDC entry must meet the following conditions in addition to the basic standards in 6.1:

a. Each piece in a combined Standard Mail, Package Services, and Parcel Select mailing must meet the criteria for machinable parcels in 401.1.5.

* * * * *

e. Mailers must deposit combined machinable parcels at NDCs or ASFs (*see* Exhibit 6.2.3) under applicable standards in 15.0.

* * * * *

6.3 Combining Parcels—Parcel Select ONDC Presort, NDC Presort, DSCF, and DDU Prices

6.3.1 Qualification

Combination requirements for specific discounts and prices are as follows:

[Revise items a, b, c, and d in 6.3.1 by deleting references to NFMs 6 ounces or more to read as follows:]

a. When claiming Parcel Select ONDC Presort discounts, machinable Standard Mail parcels may be combined with machinable Package Services parcels under 6.3 only if the mailpieces are palletized and each pallet or pallet box contains a 200-pound minimum.

b. When claiming Parcel Select NDC Presort discounts, machinable Standard Mail parcels may be combined with machinable Package Services parcels under 6.3 only if the mailpieces are palletized and each pallet or pallet box contains a 200 pound minimum.

c. When claiming the DSCF price for Parcel Select or Bound Printed Matter parcels, all Standard Mail parcels may be combined with Package Services and Parcel Select parcels under 6.3.

d. All Standard Mail parcels may be combined with Package Services and Parcel Select parcels prepared for DDU prices under 6.3.

* * * * *

6.4 Combining Package Services, Parcel Select, and Standard Mail—Optional 3-Digit SCF Entry

* * * * *

6.4.2 Qualifications and Preparation

[Revise 6.4.2 by deleting references to NFMs to read as follows:]

Parcel Select and Bound Printed Matter machinable parcels, and Standard Mail parcels, may be prepared for entry at designated SCFs under these standards:

a. Standard Mail parcels that weigh less than 2 ounces and Standard Mail parcels that are tubes, rolls, triangles, and similar pieces may not be included.

b. Mailers must prepare pieces on 3-digit pallets or pallet boxes, or unload and physically separate the pieces into containers as specified by the destination facility.

c. Parcel Select and Bound Printed Matter parcels are eligible for the applicable DNDC entry price.

d. Standard Mail machinable parcels are eligible for the NDC presort level, DNDC price; irregular parcels are eligible for the 3-digit presort level, DSCF price.

e. All pieces must be for delivery within the service area of the SCF where they are deposited by the mailer.

f. Postage on all zone-priced parcels deposited at the SCF is computed using the zone chart for that postal facility.

* * * * *

8.0 Preparing Pallets

* * * * *

8.10 Pallet Presort and Labeling

* * * * *

8.10.3 Standard Mail—Bundles, Sacks, or Trays

[Revise the third sentence of 8.10.3 for clarity to read as follows:]

* * * For irregular parcels, use this preparation only for pieces in sacks or in carrier route bundles. * * *

* * * * *

8.10.6 Package Services, Parcel Select

[Revise introductory text of 8.10.6 to read as follows:]

Prepare pallets under 8.0 in the sequence below, completing each required level before preparing the next level. Unless indicated as optional, all sort levels are required. Combined mailings of Standard Mail, Parcel Select, and Package Services machinable parcels also must meet the standards in 6.0 or 20.0. Label pallets according to Line 1 and Line 2 information below and under 8.6, except for combined mailings that include Standard Mail parcels.

*[Delete all references to "NFM * * *" and replace all references to "STD MACH" with "STD/PSVC MACH * * *" in items 8.10.6 a through e.]*

* * * * *

[Revise title and text of 8.10.7 to remove all references to Not Flat-Machinables and NFMs in the title and text, and revise the introductory text to read as follows:]

8.10.7 Standard Mail Machinable Parcels

Mailers who palletize machinable parcels must make pallets or pallet boxes when there are 250 pounds or more for the destination levels below for DNDC, DSCF, or DDU prices. When prepared at origin, a 200-pound minimum is required for the NDC price. Prepare pallets under 8.0 in the sequence below, completing each required level before preparing the next level. Unless indicated as optional, all sort levels are required. Label pallets according to Line 1 and Line 2 information below and under 8.6.

[Revise items a through f by removing all references to Not Flat-Machinables and NFMs.]

* * * * *

[Delete current 8.10.9 in its entirety.]

* * * * *

8.17 Pallets of Machinable Parcels

8.17.1 Standard Mail

[Revise text of 8.17.1 to read as follows:]

Pieces may be eligible for the 5-digit price only when prepared under 8.10.7a or 8.10.7b and entered at a destination facility under 446.

* * * * *

20.0 Optional Combined Parcel Mailings

20.1 Basic Standards for Combining Parcel Select, Package Services, and Standard Mail Parcels

20.1.1 Basic Standards

[Revise first sentence in 20.1.1 by deleting the references to NFMs to read as follows:]

Package Services parcels, Parcel Select parcels, and Standard Mail parcels in a combined parcel mailing must meet the following standards:

* * * * *

d. Combined mailings must meet the following minimum volume requirements:

[Revise item d1 to delete the reference to NFMs to read as follows:]

1. Standard Mail—Minimum 200 pieces or 50 pounds of Standard Mail parcels.

* * * * *

20.2 Price Eligibility

* * * * *

20.2.2 Price Application

Apply prices based on the criteria in 400 and the following standards:

[Revise first sentence in item a by deleting the reference to NFMs to read as follows:]

a. Standard Mail parcels are based on the container level and entry. * * *

* * * * *

20.3 Mail Preparation

20.3.1 Basic Standards

Prepare combined mailings as follows:

a. Different parcel types must be prepared separately for combined parcel mailings as indicated below:

[Revise item a1 through a4 by deleting the references to NFMs to read as follows:]

1. Standard Mail, Parcel Select, and Package Services machinable parcels. Use "STD/PSVC MACH" for line 2 content labeling.

2. Standard Mail, Parcel Select, and Package Services irregular parcels at least 2 ounces and up to, but not including, 6 ounces (APPS-machinable pieces), except for tubes, rolls, triangles, and other similarly irregularly-shaped pieces. Use "STD/PSVC" for line 2 content labeling.

3. Standard Mail, Parcel Select, and Package Services tubes, rolls, triangles, and similarly irregularly-shaped parcels; and all parcels weighing under 2 ounces (not APPS-machinable pieces). Use "STD/PSVC IRREG" for line 2 content labeling.

4. All parcel types may be combined in 5-digit and 5-digit scheme containers. Use "STD/PSVC PARCELS" for line 2 content labeling.

* * * * *

[Revise title of 20.3.2 to read as follows:]

20.3.2 Combining Standard Mail, Parcel Select, and Package Services Machinable Parcels

* * * * *

[Revise title of 20.3.3 to read as follows:]

20.3.3 Combining Standard Mail, Parcel Select, and Package Services Apps-Machinable Parcels

* * * * *

[Revise title of 20.3.4 to read as follows:]

20.3.4 Combining Standard Mail (Under 2 Ounces), Parcel Select, and Package Services Other Irregular Parcels

* * * * *

We will publish an appropriate amendment to 39 CFR Part 111 to reflect these changes if our proposal is adopted.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 2010–16810 Filed 7–8–10; 8:45 am]

BILLING CODE 7710–12–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 611

[Docket No. FTA–2010–0009]

RIN 2132–AB02

Major Capital Investment Projects

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Public meetings on ANPRM.

SUMMARY: This document announces the date, time, and location of an additional outreach session concerning the Advance Notice of Proposed Rulemaking (ANPRM) for FTA's New Starts and Small Starts programs. Presentations delivered at the meeting will describe the provisions of the ANPRM issued by the Federal Transit Administration (FTA). Further outreach sessions, if scheduled, will be announced in a subsequent **Federal Register** notice.

DATES: *See* **SUPPLEMENTARY INFORMATION** section for the meeting date.

ADDRESSES: *See* **SUPPLEMENTARY INFORMATION** section for the meeting location.

FOR FURTHER INFORMATION CONTACT: Elizabeth Day, Office of Planning and Environment, (202) 366–5159; for questions of a legal nature, Christopher Van Wyk, Office of Chief Counsel, (202) 366–1733. FTA is located at 1200 New Jersey Avenue, SE., Washington, DC 20590. Office hours are from 9 a.m. to 5:30 p.m., EST, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: FTA announced the time and location of its first two outreach meetings to discuss the ANPRM published on June 3, 2010 (75 FR 31383), noting that additional meetings would be announced in subsequent **Federal Register** notices. The meeting listed below is an additional outreach session that will provide a forum for FTA staff to make oral presentations regarding the ANPRM and provides an opportunity for attendees to ask questions. All outreach sessions are intended to encourage interested parties and stakeholders to submit their comments directly to the official docket for the ANPRM according to the instructions found in the June 3, 2010 **Federal Register** notice for the ANPRM.

I. Meeting

Information on the public outreach session meeting date and address follows: Monday, July 26, 2010, 5 p.m.–7 p.m., EST, 270 West 43rd Street, New York City 10036, NY (Minetta Room of the Westin Times Square Hotel), concurrent with the "2010 Sustainability and Public Transportation Workshop" sponsored by the American Public Transportation Association.

II. Comment Format

Meeting attendees will have an opportunity to pose questions to FTA staff and to the group as a whole. It is the responsibility of individuals who wish for their comments to become part of the official public record to submit their comments directly to the official docket for the ANPRM.

III. Registration

Registration is not required in order to attend the outreach session.

IV. Special Accommodations

All locations are ADA-accessible. Individuals attending a meeting who are hearing or visually impaired and have special requirements, or requiring special assistance, may obtain this by calling Elizabeth Day at (202) 366–5159.

Issued in Washington, DC, on July 2, 2010.

Dorval R. Carter, Jr.,

Chief Counsel.

[FR Doc. 2010–16732 Filed 7–8–10; 8:45 am]

BILLING CODE 4910–57–P

Notices

Federal Register
Vol. 75, No. 131
Friday, July 9, 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

Commodity Credit Corporation

Notice of Request for Revision of a Currently Approved Information Collection

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Commodity Credit Corporation's (CCC) intention to request a revision for a currently approved information collection in support of the foreign donation of agricultural commodities under the section 416(b), Food for Progress, and McGovern-Dole International Food for Education and Child Nutrition programs.

DATES: Comments on this notice must be received by September 7, 2010.

Additional Information: Contact Ronald Croushorn, Director, Food Assistance Division, Foreign Agricultural Service, U.S. Department of Agriculture, Stop 1034, Washington, DC 20250–1034; or by telephone at (202) 720–3038; or by e-mail at *ron.croushorn@usda.gov.*

SUPPLEMENTARY INFORMATION: *Title:* Foreign Donation Programs (Section 416(b)), Food for Progress, and McGovern-Dole International Food for Education and Child Nutrition programs.

OMB Number: 0551–0035.

Expiration Date of Approval: November 30, 2010.

Type of Request: Revision of a currently approved information collection.

Abstract: Under the section 416(b), Food for Progress, and McGovern-Dole International Food for Education and Child Nutrition programs (the "Foreign Donation Programs"), information will be gathered from applicants desiring to receive grants under the programs to determine the viability of requests for resources to implement activities in foreign countries. Program participants that receive grants must submit compliance reports until commodities or local currencies generated from the sale thereof are utilized. Participants that use the services of freight forwarders must submit certifications from the freight forwarders regarding their activities and affiliations. Documents are used to develop effective grant agreements and assure statutory requirements and objectives are met.

Estimate of Burden: The public reporting burden for each respondent resulting from information collected under the Foreign Donation Programs varies in direct relation to the number and complexity of the agreements entered into by such respondent. The estimated average reporting burden for the Foreign Donation Programs is 11 hours per response.

Respondents: U.S. private voluntary organizations, U.S. cooperatives, foreign governments, freight forwarders, ship owners and brokers, and survey companies.

Estimated Number of Respondents: 241 per annum.

Estimated Number of Responses per Respondent: 19 per annum.

Estimated Total Annual Burden of Respondents: 50,369 hours.

Copies of this information collection can be obtained from Tamoria Thompson-Hall, the Agency Information Collection Coordinator, by telephone at (202) 690–1690; or by e-mail at *Tamoria.Thompson@fas.usda.gov.*

Request for comments: Send comments regarding (a) 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; (b) the accuracy of the agency's estimate of the burden 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 those who are to respond, including through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Ronald Croushorn, Director, Food Assistance Division, Foreign Agricultural Service, United States Department of Agriculture, Stop 1034, Washington, DC 20250–1034; or by e-mail at *ron.croushorn@usda.gov;* or to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503. Persons with disabilities who require an alternative means for communication of information (*e.g.,* Braille, large print, audiotape, *etc.*) should contact USDA's Target Center at (202) 720–2600 (voice and TDD).

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: June 29, 2010.

Janet Nuzum,

Administrator, Foreign Agricultural Service.

[FR Doc. 2010–16772 Filed 7–8–10; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

[Docket No. PTO–C–2010–0058]

United States Patent and Trademark Office Draft Strategic Plan for FY 2010–2015

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice: Request for comments.

SUMMARY: This notice announces that the United States Patent and Trademark Office (USPTO) draft strategic plan for fiscal years (FY) 2010–2015 is available for public review and comment. The Government Performance and Results Act of 1993 (GPRA) requires Federal agencies to establish a strategic plan covering not less than five years, and to solicit the views and suggestions of those entities potentially affected by or interested in the plan. This plan which identifies the strategic goals and priorities of the administration and leadership of the agency is a revision of the FY 2007–2012 strategic plan.

The USPTO's current plan, the FY 2007–2012 strategic plan, may be viewed on the USPTO Web site at *http://www.uspto.gov* as can the agency's draft plan for FY 2010–2015.

DATES: Written comments are requested by close of business on July 26, 2010.

ADDRESSES: Written comments should be sent by electronic mail message over the Internet addressed to *strategicplan@uspto.gov.* Comments may also be submitted by mail addressed to: The USPTO Strategic Plan Coordinator, P.O. Box 1450, Alexandria, VA 22313–1450, marked to the attention of Candice Goodman. Although comments may be submitted by mail, submission via e-mail to the above address is preferable.

The written comments will be available for public inspection at the Office of Corporate Planning, Madison East, Room 7A15, Alexandria, VA 22314, and will be available via the USPTO Internet Web site (address: *http://www.uspto.gov*). Because comments will be made available for public inspection, information that is not desired to be made public, such as an address or phone number, should not be included.

FOR FURTHER INFORMATION CONTACT: Candice Goodman, United States Patent and Trademark Office, by telephone at 571–272–6452.

SUPPLEMENTARY INFORMATION: GPRA requires Federal agencies to establish a strategic plan covering not less than a five-year period, and to solicit the views and suggestions of those entities potentially affected by or interested in the plan. This notice is to alert USPTO's stakeholders and the public as to how they can provide input on the USPTO's draft strategic plan.

The draft strategic plan for FY 2010–2015 is available on the USPTO's Web site at *http://www.uspto.gov.* The draft plan includes the USPTO's mission statement, vision statement and a description of the strategic goals, objectives and significant actions that the USPTO plans to take in order to accomplish its mission and achieve its vision. Full details on how the USPTO plans to implement the strategic plan, including funding and performance metrics, will be included in the USPTO's FY 2012 President's Budget.

The USPTO would like to receive input from a wide range of organizations (both national and international), public bodies, and other stakeholders. We especially encourage the views and suggestions of individuals and entities holding or dealing with intellectual property, and USPTO employees.

The USPTO anticipates posting the final strategic plan for FY 2010–2015 on our Web site by the end of FY 2010.

Date: July 1, 2010.

David J. Kappos,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2010–16597 Filed 7–8–10; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year ("Sunset") Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce

SUMMARY: In accordance with section 751(c) of the Tariff Act of 1930, as amended ("the Act"), the Department of Commerce ("the Department") is automatically initiating a five-year review ("Sunset Review") of the antidumping duty orders listed below. The International Trade Commission ("the Commission") is publishing concurrently with this notice its notice of *Institution of Five-Year Review* which covers the same orders.

DATES: *Effective Date:* July 1, 2010.

FOR FURTHER INFORMATION CONTACT: The Department official identified in the *Initiation of Review* section below at AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Ave., NW., Washington, DC 20230. For information from the Commission contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205–3193.

SUPPLEMENTARY INFORMATION:

Background

The Department's procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-Year ("Sunset") Reviews of Antidumping and Countervailing.*

Duty Orders, 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to the Department's conduct of Sunset Reviews is set forth in the Department's Policy Bulletin 98.3—*Policies Regarding the Conduct of Five-Year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders: Policy Bulletin,* 63 FR 18871 (April 16, 1998).

Initiation of Review

In accordance with 19 CFR 351.218(c), we are initiating the Sunset Review of the following antidumping duty orders:

DOC Case No.	ITC Case No.	Country	Product	Department contact
A–588–046	AA1921–129	Japan	Polychloroprene Rubber (3rd Review)	Dana Mermelstein (202) 482–1391
A–570–504	731–TA–282	PRC	Petroleum Wax Candles (3rd Review)	Jennifer Moats (202) 492–5047
A–401–808[1]	731–TA–1087	Sweden	Carboxymethylcellulose	Dana Mermelstein (202) 482–1391

[1] In the sunset initiation notice that published on June 2, 2010 (75 FR 30777), the case number listed for Carboxymethylcellulose from Sweden was incorrect. The case number listed above is the correct number for that case. This notice serves only to correct the case number. The initiation remains in effect as of June 2, 2010.

Filing Information

As a courtesy, we are making information related to Sunset proceedings, including copies of the pertinent statute and Department's regulations, the Department schedule for Sunset Reviews, a listing of past revocations and continuations, and current service lists, available to the public on the Department's Internet Web site at the following address: *http://ia.ita.doc.gov/sunset/.* All submissions in these Sunset Reviews must be filed in accordance with the Department's regulations regarding format, translation, service, and certification of documents. These rules can be found at 19 CFR 351.303.

Pursuant to 19 CFR 351.103 (d), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing within 10 days of the publication of the Notice of Initiation.

Because deadlines in Sunset Reviews can be very short, we urge interested parties to apply for access to proprietary information under administrative protective order ("APO") immediately following publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The Department's regulations on submission of proprietary information

and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306.

Information Required From Interested Parties

Domestic interested parties defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b)) wishing to participate in a Sunset Review must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. *See* 19 CFR 351.218(d)(1)(i). The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with the Department's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, the Department will automatically revoke the order without further review. *See* 19 CFR 351.218(d)(1)(iii).

If we receive an order-specific notice of intent to participate from a domestic interested party, the Department's regulations provide that all parties wishing to participate in the Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that the Department's information requirements are distinct from the Commission's information requirements. Please consult the Department's regulations for information regarding the Department's conduct of Sunset Reviews.[2] Please consult the Department's regulations at 19 CFR Part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at the Department.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218 (c).

[2] In comments made on the interim final sunset regulations, a number of parties stated that the proposed five-day period for rebuttals to substantive responses to a notice of initiation was insufficient. This requirement was retained in the final sunset regulations at 19 CFR 351.218(d)(4). As provided in 19 CFR 351.302(b), however, the Department will consider individual requests to extend that five-day deadline based upon a showing of good cause.

Dated: June 23, 2010.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2010–16080 Filed 7–6–10; 4:15 pm]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XX42

Gulf of Mexico 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 Gulf of Mexico Fishery Management Council (Council) will convene its Law Enforcement Advisory Panel (LEAP).

DATES: The meeting will convene at 8 a.m. on Tuesday, July 27, 2010 and conclude no later than 5 p.m. on July 28, 2010.

ADDRESSES: The meeting will be held at the Courtyard Marriott, 1600 E. Beach Blvd, Gulfport, MS 39501.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Leard, Deputy Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION: The Council will convene its LEAP to review and potentially revise the Operations Plan for a one- or two-year period that ends in 2012. The LEAP will also discuss state and federal enforcement efforts with regard to the closed fishing areas and clean-up from the Deepwater Horizon oil spill. Finally, the LEAP will discuss topics for its October joint meeting with the Council's Law Enforcement Committee.

The Law Enforcement Advisory Panel consists of principal law enforcement officers in each of the Gulf States, as well as the National Oceanic and Atmospheric Administration (NOAA) Law Enforcement, U.S. Fish and Wildlife Service (FWS), the U.S. Coast Guard, and the NOAA General Counsel for Law Enforcement. A copy of the agenda and related materials can be obtained by calling the Council office at (813) 348–1630.

Although other non-emergency issues not on the agendas may come before the Law Enforcement Advisory Panel for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during this meeting. Actions of the Law Enforcement Advisory Panel will be restricted to those issues specifically identified in the agendas and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take 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 Tina O'Hern at the Council (see **ADDRESSES**) 5 working days prior to the meeting.

Dated: July 6, 2010.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2010–16796 Filed 7–8–10; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XX44

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Council to convene public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene a meeting of the Standing and Special Reef Fish Scientific and Statistical Committees.

DATES: The meeting will convene at 9 a.m. on Tuesday, July 27, 2010 and conclude by 3 p.m. on Thursday, July 29, 2010.

ADDRESSES: The meeting will be held at the Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607; telephone: (813) 348–1630.

Council address: Gulf of Mexico Fishery Management Council, 2203 N.

Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Steven Atran, Population Dynamics Statistician; Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION: The Committee will meet to review Council actions relative to the Generic Annual Catch Limit/Accountability Measures Amendment, and review reports from a Red Drum Acceptable Biological Catch Working Group, and a Species Groupings/Acceptable Biological Catch Working Group. Based on input from the working groups, the Committee will then, to the extent practicable, establish overfishing limits and recommend acceptable biological catch levels associated with a range of scientific risk levels for stocks and stock groups included in the amendment. The Committee may also provide guidance to the Council on appropriate levels of risk for specific stocks. Finally, the Committee will elect a new vice-chairman.

Copies of the agenda and other related materials can be obtained by calling (813) 348–1630 or can be downloaded from the Council's ftp site, *ftp.gulfcouncil.org*.

Although other non-emergency issues not on the agenda may come before the Scientific and Statistical Committee for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Actions of the Scientific and Statistical Committee will be restricted to those issues specifically identified in the agenda 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 action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Tina O'Hern at the Council (see **ADDRESSES**) at least 5 working days prior to the meeting.

Dated: July 6, 2010.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2010–16798 Filed 7–8–10; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

International Trade Administration

U.S. Travel and Tourism Advisory Board: Meeting of the U.S. Travel and Tourism Advisory Board

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The U.S. Travel and Tourism Advisory Board (Board) will hold a meeting to discuss topics related to the travel and tourism industry.

DATES: July 26, 2010 at 1 p.m. (CDT).

ADDRESSES: Hilton Riverside Hotel, Two Poydras Street, New Orleans, LA 70130.

FOR FURTHER INFORMATION CONTACT: J. Marc Chittum, U.S. Travel and Tourism Advisory Board, Room 4043, 1401 Constitution Avenue, NW., Washington, DC 20230, telephone: 202–482–4501, e-mail: *Marc.Chittum@trade.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Board was re-chartered on September 3, 2009, to advise the Secretary of Commerce on matters relating to the travel and tourism industry.

Topics To Be Considered: The agenda for the July 26, 2010, meeting is as follows:

1. Efforts in the Gulf region;
2. Subcommittee reports; and
3. Discussion of topics related to the travel and tourism industry.

Public Participation: The meeting will be open to the public and the room is disabled-accessible. Public seating is limited and available on a first-come, first-served basis. Members of the public wishing to attend the meeting must notify J. Marc Chittum at the contact information above by 5 p.m. Eastern Time on July 19, 2010, in order to pre-register. Please specify any requests for reasonable accommodation at least five business days in advance of the meeting. Last minute requests will be accepted, but may be impossible to fill.

No time will be available for oral comments from members of the public attending the meeting. Any member of the public may submit pertinent written comments concerning the Board's affairs at any time before and after the meeting. Comments may be submitted to J. Marc Chittum, Executive Secretary, at the contact information indicated above. To be considered during the meeting, comments must be received no later than 5 p.m. Eastern Time on July 19, 2010, to ensure transmission to the Board prior to the meeting. Comments received after that date will be distributed to the members but may not be considered at the meeting. Copies of Board meeting minutes will be available within 90 days of the meeting.

Dated: July 6, 2010.

J. Marc Chittum,

Executive Secretary, U.S. Travel and Tourism Advisory Board.

[FR Doc. 2010–16853 Filed 7–8–10; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XX43

New England 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 New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Advisory Panel, in July, 2010, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Tuesday, July 27, 2010 at 9 a.m.

ADDRESSES: This meeting will be held at the Radisson Hotel, 2081 Post Road, Warwick, RI 02886; telephone: (401) 739–3000; fax: (401) 732–9309.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The advisors will discuss possible measures for the Scallop Committee to consider for inclusion in Framework 22 to the Scallop Fishery Management Plan. Framework 22 will set fishery specifications for fishing years 2011 and 2012, as well as consider measures to minimize impacts of interactions with sea turtles. The panel will also discuss several issues related to specific measures under consideration in Scallop Amendment 15. If time permits the panel may discuss other issues.

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

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 6, 2010.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2010–16797 Filed 7–8–10; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds services to the Procurement that will be provided by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Effective Date:* 8/9/2010.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or e-mail *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 5/14/2010 (75 FR 27313), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will provide the services to the Government.

2. The action will result in authorizing small entities to provide the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following services are added to the Procurement List:

Services

Service Type/Location: Custodial, Naval Air Station, Joint Reserve Base (Air Force Only), 301st CONF/LGC—NAS/JRB, Fort Worth, TX.

NPA: On Our Own Services, Inc., Houston, TX.

Contracting Activity: Dept. of the Air Force, FA6675 301 LRS LGC, Naval Air Station JRB, TX.

Service Type/Location: Grounds Maintenance, Naval Air Station, Joint Reserve Base (Air Force Property Only), 301st CONF/LGC—NAS/JRB, Fort Worth, TX.

NPA: On Our Own Services, Inc., Houston, TX.

Contracting Activity: Dept of the Air Force, FA6675 301 LRS LGC, Naval Air Station JRB, TX.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2010–16791 Filed 7–8–10; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletion

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletion from the Procurement List.

SUMMARY: The Committee is proposing to add products and services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities and to delete a service previously furnished by such agency.

DATES: *Comments must be received on or before:* 8/9/2010.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

For Further Information or to Submit Comments Contact: Barry S. Lineback, Telephone: (703) 603–7740, fax: (703) 603–0655, or e-mail *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.

2. If approved, the action will result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

End of Certification

The following products and services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Products

NSN: 7910–00–NIB–0236—Surface Prep pad 13′.

NSN: 7910–00–NIB–0240—Surface Prep pad 17′.

NSN: 7910–00–NIB–0243—Surface Prep pad 20′.

NPA: Beacon Lighthouse, Inc., Wichita Falls, TX.

Contracting Activity: Dept of Veterans Affairs, National Acquisition Center, Hines, IL.

Coverage: C–List for 100% of the requirement for the Department of Veterans Affairs as aggregated by the Department of Veterans Affairs National Acquisition Center, Hines, IL.

NSN: 8415–00–NIB–0210—Pants, United States Coast Guard Running Suit, Size XS.

NSN: 8415–00–NIB–0778—Pants, United States Coast Guard Running Suit, Size SM.

NSN: 8415–00–NIB–0779—Pants, United States Coast Guard Running Suit, Size MD.

NSN: 8415–00–NIB–0780—Pants, United States Coast Guard Running Suit, Size LG.

NSN: 8415–00–NIB–0781—Pants, United States Coast Guard Running Suit, Size X–LG.

NSN: 8415–00–NIB–0782—Pants, United States Coast Guard Running Suit, Size XX–LG.

NPA: Association for the Blind & Visually Impaired & Goodwill Ind. of Greater Rochester, Rochester, NY.

Contracting Activity: Department of Homeland Security, U.S. Coast Guard, Washington, DC.

Coverage: C–List for 100% of the requirements for the U.S. Coast Guard as aggregated by the U.S. Coast Guard.

NSN: 8415–00–FAB–5722—Kit, Pre-Cut Fabric, ACU Coat, XS–XS.

NSN: 8415–00–FAB–5723—Kit, Pre-Cut Fabric, ACU Coat, XS–S.

NSN: 8415–00–FAB–5724—Kit, Pre-Cut Fabric, ACU Coat, XS–R.

NSN: 8415–00–FAB–5725—Kit, Pre-Cut Fabric, ACU Coat, S–XXS.

NSN: 8415–00–FAB–5726—Kit, Pre-Cut Fabric, ACU Coat, S–XS.

NSN: 8415–00–FAB–5727—Kit, Pre-Cut Fabric, ACU Coat, S–S.

NSN: 8415–00–FAB–5728—Kit, Pre-Cut Fabric, ACU Coat, S–R.

NSN: 8415–00–FAB–5729—Kit, Pre-Cut Fabric, ACU Coat, S–L.

NSN: 8415–00–FAB–5731—Kit, Pre-Cut Fabric, ACU Coat, M–XXS.

NSN: 8415–00–FAB–5730—Kit, Pre-Cut Fabric, ACU Coat, S–XL.

NSN: 8415–00–FAB–5732—Kit, Pre-Cut Fabric, ACU Coat, M–XS.

NSN: 8415–00–FAB–5733—Kit, Pre-Cut Fabric, ACU Coat, M–S.

NSN: 8415–00–FAB–5734—Kit, Pre-Cut Fabric, ACU Coat, M–R.

NSN: 8415–00–FAB–5735—Kit, Pre-Cut Fabric, ACU Coat, M–L.

NSN: 8415–00–FAB–5736—Kit, Pre-Cut Fabric, ACU Coat, M–XL.

NSN: 8415–00–FAB–5737—Kit, Pre-Cut Fabric, ACU Coat, L–XS.

NSN: 8415–00–FAB–5738—Kit, Pre-Cut Fabric, ACU Coat, L–S.

NSN: 8415–00–FAB–5739—Kit, Pre-Cut Fabric, ACU Coat, L–R.

NSN: 8415–00–FAB–5740—Kit, Pre-Cut Fabric, ACU Coat, L–L.

NSN: 8415–00–FAB–5741—Kit, Pre-Cut Fabric, ACU Coat, L–XL.

NSN: 8415–00–FAB–5745—Kit, Pre-Cut Fabric, ACU Coat, XL–XL.

NSN: 8415–00–FAB–5744—Kit, Pre-Cut Fabric, ACU Coat, XL–L.

NSN: 8415–00–FAB–5742—Kit, Pre-Cut Fabric, ACU Coat, L–XXL.

NSN: 8415–00–FAB–5746—Kit, Pre-Cut Fabric, ACU Coat, XXL–XL.

NSN: 8415–00–FAB–5743—Kit, Pre-Cut Fabric, ACU Coat, XL–R.

NSN: 8415–00–FAB–0521—Kit, Pre-Cut Fabric, ACU Coat, XS–L.

NSN: 8415–00–FAB–0523—Kit, Pre-Cut Fabric, ACU Coat, XS–XL.

NSN: 8415–00–FAB–1733—Kit, Pre-Cut Fabric, ACU Coat, XL–S.

NSN: 8415–00–FAB–0531—Kit, Pre-Cut Fabric, ACU Coat, XXL–R.

NSN: 8415–00–FAB–1734—Kit, Pre-Cut Fabric, ACU Coat, XXL–L.

NSN: 8415–00–FAB–1730—Kit, Pre-Cut Fabric, ACU Coat, XS–XXS.

NSN: 8415–00–FAB–1731—Kit, Pre-Cut Fabric, ACU Coat, M–XXL.

NSN: 8415–00–FAB–0525—Kit, Pre-Cut Fabric, ACU Coat, L–XXS.

NSN: 8415–00–FAB–0529—Kit, Pre-Cut Fabric, ACU Coat, XL–XXS.

NSN: 8415–00–FAB–1732—Kit, Pre-Cut Fabric, ACU Coat, XL–XS.

NSN: 8415–00–FAB–0542—Kit, Pre-Cut Fabric, ACU Coat, XL–XXL.

NSN: 8415–00–FAB–0541—Kit, Pre-Cut Fabric, ACU Coat, XXL–XXL.

NSN: 8415–00–FAB–5747—Kit, Pre-Cut Fabric, ACU Trouser, XS–XS.

NSN: 8415–00–FAB–6701—Kit, Pre-Cut Fabric, ACU Trouser, XS–XXL.

NSN: 8415–00–FAB–5748—Kit, Pre-Cut Fabric, ACU Trouser, XS–S.

NSN: 8415–00–FAB–6700—Kit, Pre-Cut Fabric, ACU Trouser, XS–XL.

NSN: 8415–00–FAB–5749—Kit, Pre-Cut Fabric, ACU Trouser, XS–R.

NSN: 8415–00–FAB–5752—Kit, Pre-Cut Fabric, ACU Trouser, S–S.

NSN: 8415–00–FAB–5751—Kit, Pre-Cut Fabric, ACU Trouser, S–XS.

NSN: 8415–00–FAB–5754—Kit, Pre-Cut Fabric, ACU Trouser, S–L.

NSN: 8415–00–FAB–5755—Kit, Pre-Cut Fabric, ACU Trouser, S–XL.

NSN: 8415–00–FAB–5756—Kit, Pre-Cut Fabric, ACU Trouser, M–XS.

NSN: 8415–00–FAB–5753—Kit, Pre-Cut Fabric, ACU Trouser, S–R.

NSN: 8415–00–FAB–5757—Kit, Pre-Cut Fabric, ACU Trouser, M–S.

NSN: 8415–00–FAB–5750—Kit, Pre-Cut Fabric, ACU Trouser, XS–L.

NSN: 8415–00–FAB–5758—Kit, Pre-Cut Fabric, ACU Trouser, M–R.

NSN: 8415–00–FAB–5759—Kit, Pre-Cut Fabric, ACU Trouser, M–L.

NSN: 8415–00–FAB–5760—Kit, Pre-Cut Fabric, ACU Trouser, M–XL.

NSN: 8415–00–FAB–5761—Kit, Pre-Cut Fabric, ACU Trouser, L–S.

NSN: 8415–00–FAB–5763—Kit, Pre-Cut Fabric, ACU Trouser, L–L.

NSN: 8415–00–FAB–5762—Kit, Pre-Cut Fabric, ACU Trouser, L–R.

NSN: 8415–00–FAB–5764—Kit, Pre-Cut Fabric, ACU Trouser, L–XL.

NSN: 8415–00–FAB–5765—Kit, Pre-Cut Fabric, ACU Trouser, XL–S.

NSN: 8415–00–FAB–5766—Kit, Pre-Cut Fabric, ACU Trouser, XL–R.

NSN: 8415–00–FAB–5767—Kit, Pre-Cut Fabric, ACU Trouser, XL–L.

NSN: 8415–00–FAB–5768—Kit, Pre-Cut Fabric, ACU Trouser, XXL–R.

NSN: 8415–00–FAB–4667—Kit, Pre-Cut Fabric, ACU Trouser, S–XXL.

NSN: 8415–00–FAB–4674—Kit, Pre-Cut Fabric, ACU Trouser, M–XXL.

NSN: 8415–00–FAB–8074—Kit, Pre-Cut Fabric, ACU Trouser, L–XS.

NSN: 8415–00–FAB–4673—Kit, Pre-Cut Fabric, ACU Trouser, L–XXL.

NSN: 8415–00–FAB–4672—Kit, Pre-Cut Fabric, ACU Trouser, XL–XS.

NSN: 8415–00–FAB–4671—Kit, Pre-Cut Fabric, ACU Trouser, XL–XL.

NSN: 8415–00–FAB–4669—Kit, Pre-Cut Fabric, ACU Trouser, XL–XXL.

NSN: 8415–00–FAB–4668—Kit, Pre-Cut Fabric, ACU Trouser, XXL–XS.

NSN: 8415–00–FAB–8075—Kit, Pre-Cut Fabric, ACU Trouser, XXL–S.

NSN: 8415–00–FAB–8080—Kit, Pre-Cut Fabric, ACU Trouser, XXL–L.

NSN: 8415–00–FAB–4650—Kit, Pre-Cut Fabric, ACU Trouser, XXL–XL.

NSN: 8415–00–FAB–4649—Kit, Pre-Cut Fabric, ACU Trouser, XXL–XXL.

NSN: 8405–00–FAB–4220—Kit, Pre-Cut Fabric, HDU Trouser, 28X32.

NSN: 8405–00–FAB–4221—Kit, Pre-Cut Fabric, HDU Trouser, 30X28.

NSN: 8405–00–FAB–4222—Kit, Pre-Cut Fabric, HDU Trouser, 30X30.

NSN: 8405–00–FAB–4223—Kit, Pre-Cut Fabric, HDU Trouser, 30X32.

NSN: 8405–00–FAB–4224—Kit, Pre-Cut Fabric, HDU Trouser, 30X34.

NSN: 8405–00–FAB–4225—Kit, Pre-Cut Fabric, HDU Trouser, 30X36.

NSN: 8405–00–FAB–4226—Kit, Pre-Cut Fabric, HDU Trouser, 32X28.

NSN: 8405–00–FAB–4227—Kit, Pre-Cut Fabric, HDU Trouser, 32X30.

NSN: 8405–00–FAB–4228—Kit, Pre-Cut Fabric, HDU Trouser, 32X32.

NSN: 8405–00–FAB–4229—Kit, Pre-Cut Fabric, HDU Trouser, 32X34.

NSN: 8405–00–FAB–4230—Kit, Pre-Cut Fabric, HDU Trouser, 32X36.

NSN: 8405–00–FAB–4231—Kit, Pre-Cut Fabric, HDU Trouser, 34X28.

NSN: 8405–00–FAB–4232—Kit, Pre-Cut Fabric, HDU Trouser, 34X30.

NSN: 8405–00–FAB–4233—Kit, Pre-Cut Fabric, HDU Trouser, 34X32.

NSN: 8405–00–FAB–4234—Kit, Pre-Cut Fabric, HDU Trouser, 34X34.

NSN: 8405–00–FAB–4235—Kit, Pre-Cut Fabric, HDU Trouser, 34X36.

NSN: 8405–00–FAB–4236—Kit, Pre-Cut Fabric, HDU Trouser, 36X28.

NSN: 8405–00–FAB–4237—Kit, Pre-Cut Fabric, HDU Trouser, 36X30.

NSN: 8405–00–FAB–4238—Kit, Pre-Cut Fabric, HDU Trouser, 36X32.

NSN: 8405–00–FAB–4239—Kit, Pre-Cut Fabric, HDU Trouser, 36X34.
NSN: 8405–00–FAB–4240—Kit, Pre-Cut Fabric, HDU Trouser, 36X36.
NSN: 8405–00–FAB–4241—Kit, Pre-Cut Fabric, HDU Trouser, 38X28.
NSN: 8405–00–FAB–4242—Kit, Pre-Cut Fabric, HDU Trouser, 38X30.
NSN: 8405–00–FAB–4243—Kit, Pre-Cut Fabric, HDU Trouser, 38X32.
NSN: 8405–00–FAB–4244—Kit, Pre-Cut Fabric, HDU Trouser, 38X34.
NSN: 8405–00–FAB–4245—Kit, Pre-Cut Fabric, HDU Trouser, 38X36.
NSN: 8405–00–FAB–4246—Kit, Pre-Cut Fabric, HDU Trouser, 40X28.
NSN: 8405–00–FAB–4247—Kit, Pre-Cut Fabric, HDU Trouser, 40X30.
NSN: 8405–00–FAB–4248—Kit, Pre-Cut Fabric, HDU Trouser, 40X32.
NSN: 8405–00–FAB–4249—Kit, Pre-Cut Fabric, HDU Trouser, 40X34.
NSN: 8405–00–FAB–4250—Kit, Pre-Cut Fabric, HDU Trouser, 40X36.
NSN: 8405–00–FAB–4251—Kit, Pre-Cut Fabric, HDU Trouser, 42X28.
NSN: 8405–00–FAB–4252—Kit, Pre-Cut Fabric, HDU Trouser, 42X30.
NSN: 8405–00–FAB–4253—Kit, Pre-Cut Fabric, HDU Trouser, 42X32.
NSN: 8405–00–FAB–4254—Kit, Pre-Cut Fabric, HDU Trouser, 42X34.
NSN: 8405–00–FAB–4255—Kit, Pre-Cut Fabric, HDU Trouser, 42X36.
NSN: 8405–00–FAB–4256—Kit, Pre-Cut Fabric, HDU Trouser, 44X28.
NSN: 8405–00–FAB–4257—Kit, Pre-Cut Fabric, HDU Trouser, 44X30.
NSN: 8405–00–FAB–4258—Kit, Pre-Cut Fabric, HDU Trouser, 44X32.
NSN: 8405–00–FAB–4259—Kit, Pre-Cut Fabric, HDU Trouser, 44X34.
NSN: 8405–00–FAB–4260—Kit, Pre-Cut Fabric, HDU Trouser, 44X36.
NSN: 8405–00–FAB–4261—Kit, Pre-Cut Fabric, HDU Trouser, 46X28.
NSN: 8405–00–FAB–4262—Kit, Pre-Cut Fabric, HDU Trouser, 46X30.
NSN: 8405–00–FAB–4263—Kit, Pre-Cut Fabric, HDU Trouser, 46X32.
NSN: 8405–00–FAB–4264—Kit, Pre-Cut Fabric, HDU Trouser, 46X34.
NSN: 8405–00–FAB–4265—Kit, Pre-Cut Fabric, HDU Trouser, 46X36.
NPA: Blind Industries & Services of Maryland, Baltimore, MD.
Contracting Activity: Dept of Justice, Federal Prison System, UNICOR, Washington, DC.
Coverage: C-List for 100% of the requirements of UNICOR as aggregated by Federal Prison Industries.

Services

Service Type/Locations: Janitorial & Grounds. Alan Bible Federal Building, 600 Las Vegas Blvd. South, Las Vegas, NV. Lloyd George U.S. Courthouse, 333 Las Vegas Blvd. South, Las Vegas, NV.
NPA: Opportunity Village Association for Retarded Citizens, Las Vegas, NV. *Contracting Activity:* General Services Administration, Public Buildings Service, Acquisition, San Francisco, CA.
Service Type/Locations: Hospital Housekeeping. Martin Army Community Hospital, 9200 Martin Loop, Fort Benning, GA.
NPA: Job Options, Inc., San Diego, CA. *Contracting Activity:* Dept of the Army, XU W40M Southeast Regional Contracting Office, Fort Gordon, GA.
Service Type/Location: Operations and Maintenance. Federal Aviation Administration, William J. Hughes Technical Center (Center-wide), Atlantic City International Airport, NJ.
NPA: FEDCAP Rehabilitation Services, Inc., New York, NY. *Contracting Activity:* FAA William J. Hughes Technical Center, Atlantic City, NJ.

Deletion

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.
2. If approved, the action may result in authorizing small entities to provide a service to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with a service proposed for deletion from the Procurement List.

End of Certification

The following service is proposed for deletion from the Procurement List:

Service

Service Type/Location: Janitorial/Custodial. Maritime Administration: Crossways Commerce Center, 1545 Crossways Boulevard, Chesapeake, VA.
NPA: Portco, Inc., Portsmouth, VA. *Contracting Activity:* GSA/PBS/R03 Richmond FO, Richmond, VA.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2010–16790 Filed 7–8–10; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2010–0024]

Privacy Act of 1974; System of Records

AGENCY: U.S. Marine Corps, Department of the Navy, DoD.

ACTION: Notice to add a system of records.

SUMMARY: The U.S. Marine Corps proposes to add a system of records to its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on August 9, 2010, unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301–1160.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Tracy Ross at (703) 614–4008.

SUPPLEMENTARY INFORMATION: The U.S. Marine Corps system of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the Headquarters, U.S. Marine Corps, FOIA/PA Section (ARSF), 2 Navy Annex, Room 3134, Washington, DC 20380–1775.

The proposed system report, as required by 5 U.S.C. 552a(r), of the Privacy Act of 1974, as amended, was submitted on June 28, 2010, to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated February 8, 1996 (February 20, 1996; 61 FR 6427).

Dated: July 6, 2010.

Mitchell S. Bryman,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

M12400–1

SYSTEM NAME:

Civilian Workforce Development Application (CWDA).

SYSTEM LOCATION:

Headquarters Marine Corps (HQMC), Manpower Information Systems Division (MI), at the James Wesley Marsh Center, 3280 Russell Road, Marine Corps Base (MCB) Quantico, VA 22134–5103.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilians employed by the U.S. Marines Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

Full name, Social Security Number (SSN), date of birth, grade, correspondence and records pertaining to performance, employment, pay, classification, security clearance, personnel actions, medical, insurance, retirement, tax withholding information, exemptions, unemployment compensation, employee profile, education, training, labor management relations, worker compensation, performance based actions, business based actions, benefits, discipline and administration of non-appropriated fund civilian personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps; 5 U.S.C., Section 301, Departmental Regulations; MCO 12510.2C, Civilian Workforce Management;

MCO 12713.6A, Equal Employment Opportunity Program;

MCO 12451.2C, Honorary Awards for Civilian Employees; MCO 12301.1B, Authority to Approve Extensions to the DoD 5-Year Overseas Employment Limitation and Movements Between Overseas Areas for Civilian Employees, MCO 12410.21B, Consolidated Civilian Career Training (CCCT) Program; and E.O. 9397 (SSN), as amended.

PURPOSE(S):

To facilitate the occupational and professional development of civilians employed by the U.S. Marines Corps. The database contains civilian personnel data and data related to the leadership and core competencies of the Communities of Interest (COIs). CWDA provides career and professional development information to civilians employed by the U.S. Marines Corps and allows them to schedule training, update personal training/qualification data, and view job vacancies within the U.S. Marine Corps.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To officials and employees of other departments and agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management of civilian personnel employed by the Marine Corps.

The DoD 'Blanket Routine Uses' set forth at the beginning of the U.S. Marine Corps' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

Name and/or Social Security Number (SSN) and Unit.

SAFEGUARDS:

Records are maintained in areas only accessible to authorized Manpower Information Systems Division (MI) server room personnel that are properly screened, cleared, and trained. System software uses Public Key Infrastructure (PKI)/Common Access Card (CAC) authentication to lock out unauthorized access. System software contains authorization/permission partitioning to limit access to appropriate organizational level. The Social Security Number (SSN) information is not presented or viewable via the Web interface; rather it is maintained in the database only as a unique identifier of civilian Marine individuals.

RETENTION AND DISPOSAL:

Disposition pending (until the National Archives and Records Administration approves retention and disposal schedule, records will be treated as permanent).

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official and Records Holder is Branch Head, Civilian Workforce Management (MPC), HQMC, Manpower Plans & Policy Division, 3280 Russell Road, Quantico, VA 22134–5103.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to Branch Head, Civilian Workforce Management (MPC), HQMC, Manpower Plans & Policy Division, 3280 Russell Road, Quantico, VA 22134–5103.

The request must include the individual's full name, Social Security Number (SSN), complete mailing address and must be signed and notarized.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to Branch Head, Civilian Workforce Management (MPC), HQMC Manpower Plans & Policy Division, 3280 Russell Road, Quantico, VA 22134–5103.

The request must include the individual's full name, Social Security Number (SSN), complete mailing address and must be signed and notarized.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the Branch Head, Civilian Workforce Management (MPC) Manpower Plans & Policy Division, Manpower & Reserve Affairs (M&RA), 3280 Russell Road, Quantico, VA 22134–5103.

RECORD SOURCE CATEGORIES:

Department of the Navy Civilian Authoritative Data Source (DONCADS); from the individual; local command where assigned; Defense Investigative Service (DIS); previous employers; educational institutions; employment agencies; civilian and military investigative reports (administrative, civil and criminal); and general correspondence concerning individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2010–16792 Filed 7–8–10; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID: USAF–2010–0019]

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Department of the Air Force is proposing to alter a system of records notice in its existing inventory of records systems subject to the Privacy

Act of 1974, (5 U.S.C. 552a), as amended.

DATES: The proposed action will be effective on August 9, 2010, unless comments are received that would result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301–1160.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Charles Shedrick, (703) 696–6488.

SUPPLEMENTARY INFORMATION: The Department of the Air Force systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on June 28, 2010, to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated February 8, 1996 (February 20, 1996; 61 FR 6427).

Dated: July 6, 2010.

Mitchell S. Bryman,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

F031 AFMC C

SYSTEM NAME:

Automated Installation Entry Control System/Visitor Center Enrollment System (May 7, 2010; 75 FR 25219).

CHANGES:

* * * * *

SYSTEM NAME:

Delete entry and replace with "Automated Installation Entry Control System/Visitor Center Records."

SYSTEM LOCATION:

Add to entry as last paragraph "Defense Information Systems Agency (DISA) Mega Center, Building 857, 401 E. Drive, Maxwell Air Force Base-Gunter Annex, AL 36114–3001; security forces units at all levels can access the system."

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with "Badge and vehicle control records that at a minimum include; name, Social Security Number (SSN), Electronic Data Interchange Personal Identifier (EDIPI), home address, telephone number, citizenship, grade or rank, date of birth, place of birth, gender, employment information, military address, license plate number, drivers license number, vehicle make, model, year, color, drivers identification credential barcode data, individual photos, and suspension, revocation, and debarment status."

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with "Registers or logs used to record names of outside contractors, service personnel, visitors, employees admitted to areas, and reports on automobiles and passengers.

For areas under maximum security: Destroy 5 years after final entry or 5 years after date of document, as appropriate.

For other areas: Destroy 2 years after final entry or 2 years after date of document, as appropriate."

* * * * *

F031 AFMC C

SYSTEM NAME:

Automated Installation Entry Control System/Visitor Center Records

SYSTEM LOCATION:

Barnes Air National Guard Base, 104th Security Forces Squadron Attn: AIECS POC, 175 Falcon Drive, Building 31, Barnes ANGB, Westfield, MA 01085–1482.

MacDill Air Force Base, 6th Security Forces Squadron, Attn: AIECS POC, 2505 SOCOM Memorial Hwy., Building 203, MacDill AFB, FL 33621–1011.

Test Site C–3, Eglin Air Force Base, 46th Range Support Squadron (RANSS), Attn: AIECS POC, 308 West D Avenue, Suite 203, Eglin AFB, FL 32542–5418.

Defense Information Systems Agency (DISA) Mega Center, Building 857, 401 E. Drive, Maxwell Air Force Base-Gunter Annex, AL 36114–3001; security forces units at all levels can access the system.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active Duty, National Guard, and Reserve Personnel; government employees, contractors, retirees, dependents, visitors, and foreign personnel assigned to military installations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Badge and vehicle control records that at a minimum include; name, Social Security Number (SSN), Electronic Data Interchange Personal Identifier (EDIPI), home address, telephone number, citizenship, grade or rank, date of birth, place of birth, gender, employment information, military address, license plate number, drivers license number, vehicle make, model, year, color, drivers identification credential barcode data, individual photos, and suspension, revocation, and debarment status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force, Powers and Duties; Department of Defense 5200.08–R Physical Security Program; Department of Defense Air Force Instruction (AFI) 31–203, Security Forces Management Information System (SFMIS); and Directive Type Memorandum 09–012, Interim Policy Guidance for DoD Physical Access Control; and E.O. 9397 (SSN), as amended.

PURPOSE(S):

The Automated Installation Entry Control System (AIECS) is a law enforcement tool designed to be installed at military installation vehicle entry gates. The system scans information off of DoD issued credentials and system-produced visitor passes presented to a lane-side barcode scanner in order to enhance security and vehicle throughput. To support the physical security and access control programs; to record personal data and vehicle information; to provide a record of security/access badges issued; to restrict entry to installations and activities; to ensure positive identification of personnel authorized access to restricted areas; to maintain accountability for issuance and disposition of security/access badges and for producing installation management reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

In addition to those disclosures generally permitted under 5 U.S.C. 552A(b) of the Privacy Act of 1974, these records contained therein may be specifically disclosed outside the Department of Defense as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

Data is retrieved by querying a drivers name, Social Security Number (SSN), Electronic Data Interchange Personal Identifier (EDIPI), or driver's identification credential barcode.

SAFEGUARDS:

Records are accessed by persons responsible for servicing the system in performance of their official duties. Individuals are properly screened and cleared for need-to-know. Records are stored in locked cabinets, locked rooms, or buildings with controlled entry. Computer records are controlled by computer system software.

RETENTION AND DISPOSAL:

Registers or logs used to record names of outside contractors, service personnel, visitors, employees admitted to areas, and reports on automobiles and passengers.

For areas under maximum security: Destroy 5 years after final entry or 5 years after date of document, as appropriate.

For other areas: Destroy 2 years after final entry or 2 years after date of document, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

AIECS Program Manager, 642d ELSS, 642d Electronic Systems Squadron, 45 Arnold St., Bldg. 1600, Hanscom AFB, MA 01731–1600.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system of records should address inquiries to their local Base Security Forces office listed below.

Requests must contain full name, Social Security Number (SSN), and current mailing address.

Barnes Air National Guard Base, 104th Security Forces Squadron Attn: AIECS POC, 175 Falcon Drive, Building 31, Barnes ANGB, Westfield, MA 01085–1482.

MacDill Air Force Base, 6th Security Forces Squadron, Attn: AIECS POC, 2505 SOCOM Memorial Hwy., Building 203, MacDill AFB, FL 33621–1011.

Test Site C–3, Eglin Air Force Base, 46th Range Support Squadron (RANSS), Attn: AIECS POC, 308 West D Avenue, Suite 203, Eglin AFB, FL 32542–5418.

Defense Information Systems Agency (DISA) Mega Center, Building 857, 401 E. Drive, Maxwell Air Force Base-Gunter Annex, AL 36114–3001; security forces units at all levels can access the system.

RECORD ACCESS PROCEDURES:

Individuals seeking to access to information about themselves contained in this system of records should address written inquiries to their local Base Security Forces office listed below.

Requests must contain full name, Social Security Number (SSN), and current mailing address.

Barnes Air National Guard Base, 104th Security Forces Squadron, Attn: AIECS POC, 175 Falcon Drive, Building 31, Barnes ANGB, Westfield, MA 01085–1482.

MacDill Air Force Base, 6th Security Forces Squadron, Attn: AIECS POC, 2505 SOCOM Memorial Hwy., Building 203, MacDill AFB, FL 33621–1011.

Test Site C–3, Eglin Air Force Base, 46th Range Support Squadron (RANSS), Attn: AIECS POC, 308 West D Avenue, Suite 203, Eglin AFB, FL 32542–5418.

Defense Information Systems Agency (DISA) Mega Center, Building 857, 401 E. Drive, Maxwell Air Force Base-Gunter Annex, AL 36114–3001; security forces units at all levels can access the system.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 33–332; Code of Federal Regulations part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from individuals and from Defense Enrollment Eligibility Reporting System (DEERS) and Security Forces Management Information System (SFMIS).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2010–16793 Filed 7–8–10; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2010–0017]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to amend a system of records.

SUMMARY: The Department of the Army is proposing to amend a system of records notice in its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: The changes will be effective on August 9, 2010, unless comments are received that would result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301–1160.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mr. Leroy Jones at (703) 428–6185.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the Department of the Army, Privacy Office, U.S. Army Records Management and Declassification Agency, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22325–3905.

The specific changes to the records system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: July 6, 2010.

Mitchell S. Bryman,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0040 DASG

SYSTEM NAME:

Medical Facility Administration Records (March 27, 2003; 68 FR 14959).

CHANGES:

* * * * *

RETRIEVABILITY:

Delete and replace with "By individual's surname/Social Security Number (SSN) and sponsor's Social Security Number (SSN)."

* * * * *

A0040 DASG

SYSTEM NAME:

Medical Facility Administration Records

SYSTEM LOCATION:

Medical centers, hospitals, and health clinics. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are authorized to use services of an Army medical facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in this system generally relates to administration at a medical facility, as opposed to an individual's healthcare. Typically, records comprise scheduling of appointments, medical history data used to locate medical records, patient's name, Social Security Number (SSN), birth, death, sponsor's Social Security Number (SSN), accountability of patients (*e.g.,* bad charts; transfer, leave requests, etc.); receipts for patients' personal property, prescriptions for medications, eyeglasses, hearing aids, prosthetic devices, diet/special nourishment plans, blood donor records, charges, receipts and accounting, documents of payments for medical/dental services; register number assigned; and similar records/reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 3013, Secretary of the Army; Army Regulation 40–2, Army Medical Facilities General Admission; and E.O. 9397 (SSN), as amended.

PURPOSE(S):

To locate medical records and personnel, schedule appointments; provide research and statistical data.

To enhance efficient management practices and effective patient administration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Birth records are disclosed to states' Bureau of Vital Statistics and overseas birth records are disclosed to the Department of State to provide the official certificates of birth. Birth records may also be used for statistical purposes.

Death records are disclosed to Federal, State and private sector authorities to provide the official certificates of death. Death records may also be used for statistical purposes.

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

Note: This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18–R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18–R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper in file folders and electronic storage media.

RETRIEVABILITY:

By individual's surname/Social Security Number (SSN) and sponsor's Social Security Number (SSN).

SAFEGUARDS:

Records are maintained within secured buildings in areas accessible only to persons having official need-to-know, and who are properly trained and screened. Automated segments are protected by controlled system passwords governing access to data.

RETENTION AND DISPOSAL:

Nominal index files, including register numbers assigned, are destroyed after 5 years. Records of transient value (e.g., issuance of spectacles/prosthetics, diet/food plan, etc.) are destroyed within 3 months of patient's release. Other records have varying periods of retention: Record of birth/death 2 years; patient accountability (admission/discharge) 5 years; blood donor 5 years or when no longer needed for medical/legal reasons whichever is longer; record of patient's personal property 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Information Officer, Office of the Surgeon General, U.S. Army Medical Command, ATTN: MCIM, 2050 Worth Road, Suite 13, Fort Sam Houston, TX 78234–6013.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Patient Administrator at the medical facility where service/care was provided. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

For verification purposes, individual should provide the full name, Social Security Number (SSN), details which will assist in locating record, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Patient Administrator at the medical facility where service/care was provided. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

For verification purposes, individual should provide the full name, Social Security Number (SSN), details which will assist in locating record, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; medical facility records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2010–16794 Filed 7–8–10; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Office of Safe and Drug-Free Schools; Overview Information; Safe and Supportive Schools; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2010

Catalog of Federal Domestic Assistance (CFDA) Number: 84.184Y.

Dates:

Applications Available: July 9, 2010.

Deadline for Transmittal of Applications: August 9, 2010.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: Safe and Supportive Schools awards grants to State educational agencies (SEAs) to support statewide measurement of, and targeted programmatic interventions to improve, conditions for learning in order to help schools improve safety and reduce substance use.

Background: Our Nation's schools should be safe and secure settings where children can learn and grow to their full potential. Parents want and expect the schools their children attend to be safe. Unfortunately, data suggests that significant levels of violence, bullying, and other problems in schools create conditions that negatively impact learning. The most recent data on school crime and safety indicate that while the incidence of violent crimes in schools decreased from 1992 to 2007, students are now more likely to experience non-fatal crimes (including theft, simple assault, aggravated assault, rape, and sexual assault) in school than outside of school. During the 2007–2008 school year, 85 percent of public schools in the United States recorded that at least one crime occurred at their school.[1] Based on reported data, bullying in schools has increased in recent years. In 2001, 14 percent of students ages 12 through 18 reported that they had been bullied in school. By 2007, 32 percent of students ages 12 through 18 reported that they were bullied at school, and 4 percent reported having been bullied over the Internet ("cyber bullied").[2] In addition, substance use remains a pervasive issue threatening student health. In 2007, 45 percent of high school students reported having consumed at least one drink of alcohol, while 20 percent reported using marijuana within the last 30 days.[3]

Disruptive aggressive behaviors such as bullying and violence create a hostile school environment that may interfere with the academic performance and mental health of students who are victims or witnesses. Students who are exposed to high levels of aggressive behavior and violence at school are more likely to disengage from school[4] and to experience clinical levels of mental and emotional disorders than are students who experience either no or low levels of violence at schools.[5] Students who are bullied are also more likely to become truant from school[6] and have lower academic performance.[7] Research indicates that the majority of school shooters had been previously bullied.[8] Disruptive and aggressive behaviors in the classroom, and the resulting suspensions and expulsions, also diminish teachers' and students' instructional and learning time. Of the 271,800 serious disciplinary actions that were taken during the 2007–2008 school year for physical attacks or fights, 79 percent were out-of-school suspensions lasting five days or more.[9]

To ensure that schools are safe places for students to learn, schools should understand the issues their communities face and the conditions that may influence student risk behaviors to best formulate intervention and prevention strategies. School communities are complex systems that include multiple stakeholders and interconnecting environmental factors that influence student health and safety. As such, comprehensive needs assessments of conditions for learning—including school engagement, school safety, and the school environment as elements evaluated—can provide educators with the data support needed to pursue comprehensive approaches to school reform. One element of conditions for learning is school engagement, including the relationships between the members of the school community and the extent to which members participate in school activities. For example, research shows that positive student-teacher relationships characterized by fairness and care are a protective factor against the initiation and escalation of cigarette smoking and alcohol use, and are associated with the cessation of weapon-related violence.[10] In addition, increases in parent involvement have been associated with increases in social skills and decreases in behavioral problems among elementary school children.[11] Various aspects of the school environment, such as the physical, academic, and disciplinary environment, and the presence of health supports, may serve as another element. For example, research has indicated that student perceptions of the fairness and clarity of disciplinary procedures are associated with student delinquency, student victimization, and teacher victimization.[12] As schools implement programmatic interventions that target school engagement, school environment, and other factors related to conditions for learning, they may need school safety data, a third element, to help them determine the relative safety of their school over time and to decide what interventions, if any, might be appropriate. By monitoring indicators such as the frequency and severity of student risk behaviors and perceptions of school safety, schools may identify threats to school safety and then use this information to implement the appropriate intervention or program to improve school safety.

A comprehensive picture of school health and safety can be created by utilizing needs assessments that include student perceptions and, where appropriate, parents and staff

[1] Dinkes, R., Kemp, J., Baum, K. and Snyder, T.D. (2009). Indicators of School Crime and Safety: 2009 (NCES 2010–012/NCJ 228478) National Center for Education Statistics, Institute for Education Sciences, U.S. Department of Education, and Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Washington, DC: U.S. Government Printing Office.

[2] U.S. Department of Education. National Center for Education Statistics. Indicators of School Crime and Safety: 2009.

[3] U.S. Department of Education. National Center for Education Statistics. Indicators of School Crime and Safety: 2009.

[4] Bowen, N.K. & Bowen, G.L. (1999). Effects of crime and violence in neighborhoods and schools on the school behaviors and performance of adolescents. Journal of Adolescent Research, 14, 319–342.

[5] Flannery, D.J., Wester, K.L. & Singer, M.I. (2004). Impact of exposures to violence in school on child and adolescent mental health and behavior. Journal of Community Psychology. 32, 559–573.

[6] Smith, P.K. & Sharp, S. (1994). The problem of school bullying. In P.K. Smith & S. Sharp (Eds.) School Bullying: Insights and Perspectives. New York, NY: Routledge, pp. 1–19.

[7] Glew, G., Fan, F., Katon, W., Rivara, F., Kernic, M. (2005). Bullying, psychosocial adjustement, and academic performance in elementary school. Arch Pediatr Adolesc Med, 159, 1026–1031.

[8] Leary, M.R., Kowalski, R.M., Smith, L., & Phillips, S. (2003). Teasing, rejection, and violence: Case studies of the school shootings. Aggressive Behavior, 29, 202–214.

[9] U.S. Department of Education. National Center for Education Statistics. 2007–2008 Survey on Crime and Safety (SSOCS), 2008.

[10] McNeely, C., Falci, C. (2004). School connectedness and the transition into and out of health-risk behavior among adolescents: A comparison of social belonging and teacher support. Journal of School Health, 74(7), 284–292.

[11] El Nokali, N., Bachman, H., Vortuba-Drzal, E. (2010). Parent involvement and children's academic and social development in elementary school. Child Development, 81(3), 988–1005.

[12] Gottfredson, G., Gottfredson, D., Payne, A., Gottfredson, N. (2005). School climate predictors of school disorder: Results from a national study of delinquency prevention in schools. Journal of Research in Crime and Delinquency. 42(4), 412–444.

perceptions, to help schools identify key issues in need of attention. For example, research demonstrates that teachers' perceptions and attitudes toward bullying can significantly impact students' acceptance of and engagement in bullying behaviors.[13] Efforts to increase parental engagement may be impacted by preexisting parental attitudes and perceptions.[14] Including parents in the assessment process could help schools to understand these preexisting attitudes, which may inform schools decisions regarding how best to communicate with parents, and increase their engagement. Schools might consider examining parent attitudes of student behaviors as part of a parent engagement or parent education strategy to combat violence and substance use; research shows linkages between student perceptions of parental attitudes and student risk behaviors such as weapons carrying, schools fights,[15] alcohol use, and tobacco use.[16]

Safe and Supportive Schools will provide grants to support statewide measurement of, and targeted programmatic interventions to improve, the conditions for learning by helping schools to reduce substance use and improve safety by managing the broad continuum of detrimental behaviors, including disruptive behaviors, violent crime, and substance use.

In the following sections, we announce an absolute priority, a competitive preference priority, and an invitational priority, and requirements for this competition as well as define key terms used in this notice.

Absolute Priority: We are establishing this absolute priority for the FY 2010 grant competition and any subsequent year in which we make awards from the list of unfunded applicants from this competition, in accordance with section 437(d)(1) of the General Education Provisions Act (GEPA), 20 U.S.C. 1232(d)(1). Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

Grants to States to Improve Conditions for Learning.

This priority supports grants to SEAs for projects that take a systematic approach to improving conditions for learning in eligible schools through improved measurement systems that assess conditions for learning, which must include school safety, and the implementation of programmatic interventions that address problems identified by data.

Competitive Preference Priority: We are establishing this competitive preference priority for the FY 2010 grant competition and any subsequent year in which we make awards from the list of unfunded applicants from this competition in accordance with section 437(d)(1) of the General Education Provisions Act (GEPA), 20 U.S.C. 1232(d)(1). Under 34 CFR 75.105(c)(2)(i) we award an additional 5 points to an application that meets this priority.

This priority is:

Inclusion of School Engagement and School Environment in Needs Assessments Measuring Conditions for Learning (5 points).

To meet this priority, the applicant must propose to implement a measurement system that uses valid and reliable instruments to gather comprehensive data related to school engagement and school environment from students to assess conditions for learning.

Invitational Priority: We are establishing this invitational priority for the FY 2010 grant competition and any subsequent year in which we make awards from the list of unfunded applicants from this competition. Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Family and Staff Inclusion in Needs Assessments Measuring School Engagement

Under this priority, we are interested in applications from SEAs that propose to implement a measurement system that uses valid and reliable instruments to gather comprehensive data from school staff and from students' families or guardians in order to assess school engagement.

Program Requirements: The following requirements apply to projects funded under this competition:

1. Measurement System

(a) Each grantee must implement a measurement system that—

(1) Collects survey data and incident data (as defined in this notice) from participating local educational agencies (LEAs) that have a combined student enrollment of no less than 20 percent of the State's total student enrollment;

(2) Collects student survey data from eligible schools to assess conditions for learning, which will include, at a minimum, school safety;

(3) Uses survey sampling procedures that collect data from a representative sample of the students in grades 9 and above within the eligible schools surveyed;

(4) Uses valid and reliable survey instruments (as defined in this notice);

(5) Collects the required survey data from all eligible schools in participating LEAs within the first 12 months of the project period and again during the final 12 months of the project period;

(6) Collects the required survey data from each eligible school selected to implement programmatic interventions (as defined in this notice) in each year of the project period;

(7) Collects incident data (as defined in this notice) from all eligible schools in participating LEAs in each year of the project period; and

(8) Allows the data to be summarized in ways that can be used to engage school staff and families or guardians in discussions of the results.

2. School Safety Scores

(a) Each grantee must generate a school safety score (as defined in this notice) for each eligible school in its participating LEAs, using both student survey data and incident data (as defined in this notice) that is disaggregated by school building, within the first 12 months of the project period and again during the final 12 months of the project period;

(b) Additionally, each grantee must generate a school safety score for each eligible school selected to implement programmatic interventions (as defined in this notice), using both student survey data and incident data (as defined in this notice) that is disaggregated at the school building level, in each year of the project period; and

(c) Each grantee must publicly report school safety scores for each eligible school in its participating LEAs after the initial year and final year of the project period, and for each year of the project period for eligible schools selected to implement programmatic interventions. To satisfy this requirement, each grantee must—

(i) Prior to the start of each school year, post school safety scores, generated from current data, on the

[13] Chang, L. (2003). Variable effects of children's aggression, social withdrawal, and prosocial leadership as a function of teacher beliefs and behaviors. *Child Development,* 74(2), 535–548; Henry, D., Guerra, N., Huesmann, R., Tolan, P., Van Acker, R., & Eron, L. (2000). Normative influences on aggression in urban elementary school classrooms. American Journal of Community Psychology, 28(1), 59–81.

[14] Green, C., Walker, J. (2007). Parents' motivations for involvement in children's education: An empirical test of a theoretical model of parental involvement. Journal of Education Psychology, 99(3), 532–544.

[15] Orpinas, P., Murray, N., Keider, S. (1999). Parental influences on students' aggressive behaviors and weapon carrying. Health Educ Behav, 26, 774–787.

[16] Simons-Morton, B., Haynie, D., Crump, D., Eitel, P., Saylor, K. (2001). Peer and Parent Influences on Smoking and Drinking among Early Adolescents. Health Educ Behav, 28, 95–107.

Internet in a manner that is easily accessible to the general public; and

(ii) Within the first 12 months of the project period, post the formula used to generate school safety scores on the Internet in a manner that is easily accessible to the general public.

3. Implementing Programmatic Interventions and Technical Assistance Strategies

Each grantee must—

(a) In consultation with its participating LEAs, using criteria that incorporate student survey data and incident data from the measurement system, the list of persistently lowest-achieving schools (as defined in this notice), or both, select eligible schools in need of programmatic interventions (as defined in this notice);

(b) In consultation with its participating LEAs, implement programmatic interventions (as defined in this notice) in a number of eligible schools, located in participating LEAs, totaling no more than 20 percent of the total number of eligible schools in the State, to ensure that programmatic interventions are of sufficient size and scope;

(c) Provide its participating LEAs and eligible schools with technical assistance in using survey data to drive school improvement, including using data to assess areas in need of improvement, and identifying programmatic interventions to address these areas; and

(d) Use at least 80 percent of grant funds awarded in project years two, three, and four to carry out programmatic interventions (as defined in this notice) and related technical assistance.

Note: For the purposes of these program requirements, grantees may implement programmatic interventions that serve any student within an eligible school, including those students in grades 8 and below. Grantees are not required to survey students in grades 8 and below.

Application Requirements: The following requirements apply to all applications submitted under this competition. Applications that fail to meet any one of these requirements will not be read or scored. In its application, an applicant must—

(a) Identify the LEAs that will participate in the proposed project. If the LEAs that will participate have not been identified by the time the application is submitted, the applicant must provide a description of the process it will use to select LEAs to participate;

(b) Describe the process it will use to consult with participating LEAs to develop a formula to be used to generate school safety scores required under the program;

(c) Describe its plan to maintain, improve, or build State-level capacity to conduct the following activities:

(1) Developing, adapting, or adopting valid and reliable survey instruments.

(2) Administering surveys using established sampling and administration methodologies to ensure adequate school-level representation and high response rates.

(3) Tracking costs by major component (e.g., student survey data collection).

(4) Safeguarding the privacy and confidentiality of the survey respondents and complying with the requirements of the Protection of Pupil Rights Amendment, 20 U.S.C. 1232h; 34 CFR part 98 in collecting survey data and with the requirements of the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; 34 CFR part 99 in collecting any survey or incident data containing personally identifiable information;

(d) Provide a brief description of the specific constructs to be included on any survey instruments, including constructs used to assess school safety;

(e) Explain the strategies it will use to identify and address any anticipated challenges (including statutory or regulatory requirements) involved in collecting the required data in the participating LEAs. At a minimum, each applicant must identify and address anticipated barriers to obtaining high response rates for surveys;

(f) Describe how it will use the data collected from the measurement system and the school safety scores generated from such data to engage families and guardians in a discussion of the findings; to examine how a school's setting, policies, and practices promote or inhibit student safety from physical violence; and to examine how a school's setting, policies, and practices might reduce disruptive behaviors while reducing suspensions and expulsions;

(g) Describe how it will provide technical assistance to participating LEAs and their schools on the use, meaning, and application of required survey data and incident data (as defined in this notice);

(h) Describe the strategies it will use to consult with participating LEAs to identify and implement programmatic interventions (as defined in this notice) in identified schools that respond to needs identified by data collected through the measurement system; and

(i) Comply with the requirements of any evaluation of the program conducted by the Department, including by sharing all data collected through the measurement system with the Department or an evaluator selected by the Department.

Administrative Requirement: Although programmatic interventions will be delivered at the LEA level, the SEA must retain administrative direction and fiscal control for the project.

Definitions: We are establishing these definitions for the FY 2010 grant competition and any subsequent year in which we make awards from the list of unfunded applicants from this competition, in accordance with section 437(d)(1) of GEPA, 20 U.S.C. 1232(d)(1).

Conditions for learning means the school setting, which includes, at a minimum, school safety, and which may include school environment and school engagement.

Eligible school means any school that includes 9th grade, 10th grade, 11th grade, or 12th grade.

Incident data means data from incident reports by school officials including, but not limited to, truancy rates; the frequency, seriousness, and incidence of violence and drug-related offenses resulting in suspensions and expulsions; and the incidence and prevalence of drug use and violence by students in schools.

Moderate evidence means evidence from previous studies with designs that can support causal conclusions (i.e., studies with high internal validity) but have limited generalizability (i.e., moderate external validity) or from studies with high external validity but moderate internal validity.

Persistently lowest-achieving schools means, as determined by the State, (a)(1) any Title I school in improvement, corrective action, or restructuring that (i) is among the lowest-achieving five percent of Title I schools in improvement, corrective action, or restructuring or the lowest-achieving five Title I schools in improvement, corrective action, or restructuring in the State, whichever number of schools is greater; or (ii) is a high school that has had a graduation rate as defined in 34 CFR 200.19(b) that is less than 60 percent over a number of years; and (2) any secondary school that is eligible for, but does not receive, Title I funds that (i) is among the lowest-achieving five percent of secondary schools or the lowest-achieving five secondary schools in the State that are eligible for, but do not receive, Title I funds, whichever number of schools is greater; or (ii) is a high school that has had a graduation rate as defined in 34 CFR 200.19(b) that is less than 60 percent over a number of years.

Programmatic intervention means any program, strategy, activity, service, or policy for school or community settings that prevents and reduces youth crime, violence, harassment, bullying, and the illegal use of drugs, alcohol, and tobacco; creates positive relationships between students and adults; promotes parent and community engagement; promotes the character, social, and emotional development of students; provides or improves access to social services; enables school communities to manage student behaviors effectively while lowering suspensions and expulsions; or provides other needed social and emotional supports for students. Programmatic interventions should be based on the best available evidence, including, where available, strong or moderate evidence (as defined in this notice).

School engagement means participation in school-related activities, and the quality of school relationships, which may include relationships between and among administrators, teachers, parents and students.

School environment means the extent to which school settings promote student safety and student health, which may include topics such as the physical plant, the academic environment, available physical and mental health supports and services, and the fairness and adequacy of disciplinary procedures, as supported by relevant research and an assessment of validity.

School safety means the safety of school settings, based on factors which may include topics such as the presence and use of illegal drugs (including alcohol use), bullying, and violence, as supported by relevant research and an assessment of validity.

School safety score means a figure calculated with a formula, developed by the State in consultation with LEAs and applied uniformly to all eligible schools in participating LEAs within the State, that uses both the survey data and incident data (as defined in this notice) collected by a measurement system, and that facilitates school comparisons.

Strong evidence means evidence from studies with designs that can support causal conclusions (*i.e.,* studies with high internal validity), and studies that, in total, include enough of the range of participants and settings to support scaling up to the State, regional, or national level (i.e., studies with high external validity).

Valid and reliable survey instruments mean intact sets of survey questions that have been demonstrated statistically to produce results that are both consistently and accurately measuring appropriate concepts of interest for the age groups surveyed.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed priorities, definitions, requirements. Section 437(d)(1) of GEPA, however, allows the Secretary to exempt from rulemaking requirements, regulations governing the first grant competition under a new or substantially revised program authority. This is the first grant competition for Safe and Supportive Schools and, therefore qualifies for this exemption. In order to ensure timely grant awards, the Secretary has decided to forgo public comment on the priorities, requirements, and definitions under section 437(d)(1) of GEPA. These priorities, requirements, and definitions will apply to the FY 2010 grant competition and any subsequent year in which we make awards from the list of unfunded applicants from this competition.

Program Authority: 20 U.S.C. 7131.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 84, 85, 97, 98, and 99. (b) The regulations in 34 CFR part 299.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $27,300,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2011 from the list of unfunded applicants from this competition.

Estimated Range of Awards: $1,000,000–$12,000,000.

Estimated Average Size of Awards: $1 million per year for a State with up to 199,999 students enrolled; $2.5 million per year for a State with 200,000–499,999 students enrolled; $3.5 million per year for a State with 500,000—999,999 students enrolled; $6 million per year for a State with 1,000,000–1,999,999 students enrolled; and $12 million per year for a State with at least 2,000,000 students enrolled. Award ranges are based on 2008–2009 school year enrollment data submitted by SEAs through the National Center for Education Statistics.

Estimated Number of Awards: 5–7.

Note: The Department is not bound by any estimates in this notice. The Department will decide on the size of each SEA's award based on a detailed review of the budget the SEA requests, considering such factors as the size of the State, level of LEA participation, and the proposed activities.

Project Period: Up to 48 months, of which no more than 12 months may be used for planning and program design.

III. Eligibility Information

1. *Eligible Applicants:* SEAs, as defined by section 9101(41) of the ESEA.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Participation by Private School Children and Teachers.* Section 9501 of the ESEA requires that SEAs, LEAs, or other entities receiving funds under the Safe and Drug-Free Schools and Communities Act provide for the equitable participation of private school children, their teachers, and other educational personnel in private schools located in geographic areas served by the grant recipient.

In order to ensure that grant program activities address the needs of private school children, the applicant must engage in timely and meaningful consultation with appropriate private school officials during the design and development of the proposed program. This consultation must take place before the applicant makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in grant program activities.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet, from the Education Publications Center (ED Pubs), or from the program office.

To obtain a copy via the Internet, use the following address: *http://www.ed.gov/fund/grant/apply/grantapps/index.html.*

To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *http://www.EDPubs.gov* or at its e-mail address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this program as follows: CFDA number 84.184Y.

To obtain a copy from the program office, contact: Bryan Williams, U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center Plaza, Room 10120, Washington, DC 20202–6450. Telephone: (202) 245–7883 or by e-mail: *bryan.williams@ed.gov.* If you use a TDD, call the Federal Relay

Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or computer diskette) by contacting the program contact person listed in section VII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.

3. *Submission Dates and Times:*

Applications Available: July 9, 2010.

Deadline for Transmittal of Applications: August 9, 2010.

Applications for grants under this program must be submitted electronically using the Electronic Grant Application System (e-Application) accessible through the Department's e-Grants site. For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions:* Grant funds may not be used for construction, except for minor remodeling needed to accomplish the purposes of this program, or for medical services, drug treatment, or rehabilitation except for pupil services or referral to treatment for students who are victims of, or witnesses to, crime or who illegally use drugs.

We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and Central Contractor Registry:* To do business with the Department of Education, (1) you must have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN); (2) you must register both of those numbers with the Central Contractor Registry (CCR), the Government's primary registrant database; and (3) you must provide those same numbers on your application.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one business day.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The CCR registration process may take five or more business days to complete. If you are currently registered with the CCR, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

7. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under Safe and Supportive Schools—CFDA Number 84.184Y must be submitted electronically using e-Application, accessible through the Department's e-Grants Web site at: *http://e-grants.ed.gov.*

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

While completing your electronic application, you will be entering data online that will be saved into a database. You may not e-mail an electronic copy of a grant application to us.

Please note the following:

- You must complete the electronic submission of your grant application by 4:30:00 p.m., Washington, DC time, on the application deadline date. E-Application system will not accept an application for this program [competition] after 4:30:00 p.m., Washington, DC time, on the application deadline date. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process.
- The hours of operation of the e-Grants Web site are 6:00 a.m. Monday until 7:00 p.m. Wednesday; and 6:00 a.m. Thursday until 8:00 p.m. Sunday, Washington, DC time. Please note that, because of maintenance, the system is unavailable between 8:00 p.m. on Sundays and 6:00 a.m. on Mondays, and between 7:00 p.m. on Wednesdays and 6:00 a.m. on Thursdays, Washington, DC time. Any modifications to these hours are posted on the e-Grants Web site.
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password protected file, we will not review that material.
- Your electronic application must comply with any page limit requirements described in this notice.
- Prior to submitting your electronic application, you may wish to print a copy of it for your records.
- After you electronically submit your application, you will receive an automatic acknowledgment that will include a PR/Award number (an

identifying number unique to your application).

• Within three working days after submitting your electronic application, fax a signed copy of the SF 424 to the Application Control Center after following these steps:

(1) Print SF 424 from e-Application.

(2) The applicant's Authorizing Representative must sign this form.

(3) Place the PR/Award number in the upper right hand corner of the hard-copy signature page of the SF 424.

(4) Fax the signed SF 424 to the Application Control Center at (202) 245–6272.

• We may request that you provide us original signatures on other forms at a later date.

Application Deadline Date Extension in Case of e-Application Unavailability: If you are prevented from electronically submitting your application on the application deadline date because e-Application is unavailable, we will grant you an extension of one business day to enable you to transmit your application electronically, by mail, or by hand delivery. We will grant this extension if—

(1) You are a registered user of e-Application and you have initiated an electronic application for this competition; and

(2) (a) E-Application is unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Washington, DC time, on the application deadline date; or

(b) E-Application is unavailable for any period of time between 3:30 p.m. and 4:30:00 p.m., Washington, DC time, on the application deadline date.

We must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension or to confirm our acknowledgment of any system unavailability, you may contact either (1) the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** (*see* VII. Agency Contact) or (2) the e-Grants help desk at 1–888–336–8930. If e-Application is unavailable due to technical problems with the system and, therefore, the application deadline is extended, an e-mail will be sent to all registered users who have initiated an e-Application. Extensions referred to in this section apply only to the unavailability of e-Application.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through e-Application because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to e-Application; and

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Bryan Williams, U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center Plaza, Room 10120, Washington, DC 20202–6450. FAX: (202) 485–0013.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, *Attention:* (CFDA Number 84.184Y), LBJ Basement Level 1, 400 Maryland Avenue, SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application, by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, *Attention:* (CFDA Number 84.184Y), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this grant notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

Selection Criteria: The selection criteria for this program are from 34 CFR 75.210 of EDGAR and are listed in the application package.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in

the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *http://www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* The Department has established the following Government Performance and Results Act of 1993 (GPRA) performance measures for Safe and Supportive Schools—

(a) Percentage of eligible schools implementing programmatic interventions funded by Safe and Supportive Schools that experience a decrease in the percentage of students who report current (30-day) alcohol use;

(b) Percentage of eligible schools implementing programmatic interventions funded by Safe and Supportive Schools that experience an increase in the percentage of students who report current (30-day) alcohol use;

(c) Percentage of eligible schools implementing programmatic interventions funded by Safe and Supportive Schools that experience a decrease in the percentage of students who report personal harassment or bullying on school property during the current school year;

(d) Percentage of eligible schools implementing programmatic interventions funded by Safe and Supportive Schools that experience an increase in the percentage of students who report personal harassment or bullying on school property during the current school year;

(e) Percentage of eligible schools implementing programmatic interventions funded by Safe and Supportive Schools that experience an improvement in their school safety score;

(f) Percentage of eligible schools implementing programmatic interventions funded by Safe and Supportive Schools that experience a worsening in their school safety score;

(g) Percentage of eligible schools implementing programmatic interventions funded by Safe and Supportive Schools that experience a decrease in the number of suspensions for violent incidents without physical injury;

(h) Percentage of eligible schools implementing programmatic interventions funded by Safe and Supportive Schools that experience an increase in the number of suspensions for violent incidents without physical injury.

These measures constitute the Department's indicators of effectiveness for this program. Consequently, we advise an applicant for a grant under this program to give careful consideration to these measures in conceptualizing the approach and evaluation for its proposed project. Each grantee will be required to provide, in its annual performance and final reports, data with regard to these measures.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Bryan Williams, U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center Plaza, Room 10120, Washington, DC 20202–6450. Telephone: (202) 245–7883 or by e-mail: *bryan.williams@ed.gov.*

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or computer diskette) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Electronic Access to This Document: You can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.* To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: July 6, 2010.

Kevin Jennings,

Assistant Deputy Secretary for Safe and Drug-Free Schools.

[FR Doc. 2010–16811 Filed 7–8–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Postsecondary Education; Overview Information; Off-Campus Community Service Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2010

Catalog of Federal Domestic Assistance (CFDA) Number: 84.116H.

Dates: Applications Available: July 9, 2010.

Deadline for Transmittal of Applications: August 9, 2010.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of this program is to provide grants to institutions of higher education (IHEs) participating in the Federal Work-Study Program under title IV, part C of the Higher Education Act of 1965, as amended (HEA) to recruit and compensate students (including compensation for time spent in training and for travel) for part-time, off-campus employment directly related to community service. Under section 447(b) of the HEA, funds granted to an IHE under this program may only be used to make payments to students participating in work-study programs.

Priorities: In accordance with 34 CFR 75.105(b)(2)(iv), these priorities are from section 447(b)(3) of the HEA.

Competitive Preference Priorities: For FY 2010, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(ii), we award up to an additional five points to an application depending on how well it meets Competitive Preference Priority 1 and an additional five points to an application depending on how well it meets Competitive Preference Priority 2.

These priorities are:

Competitive Preference Priority 1: The Secretary-gives priority to applications that propose projects that support postsecondary students assisting with early childhood education activities.

Competitive Preference Priority 2: The Secretary gives priority to applications that propose projects that support students assisting with activities in preparation for emergencies and natural disasters.

Program Authority: Section 447 of the HEA; 42 U.S.C. 2756a.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, 84, 85, 86, 97, 98, and 99.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $742,500.

Estimated Range of Awards: $64,000–$74,000.

Estimated Average Size of Awards: $67,000.

Estimated Number of Awards: 11.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 12 months.

III. Eligibility Information

1. *Eligible Applicants:* IHEs that participate in the Federal Work Study Program.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address To Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *http://e-grants.ed.gov/fund/grant/apply/grantapps/index.html.* To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD), call toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *http://www.EDPUBS.gov/* or at its e-mail address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this program or competition as follows: CFDA number 84.116H.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or computer diskette) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the application narrative to the equivalent of no more than 10 pages, using the following standards:

- A "page" is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, *except* titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures and graphs.
- Use a font that is either 12 point or larger, or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; the table of contents; the one page abstract, the resumes, the bibliography or citation list, letters of partners' or other collaborators' commitment, or letters from institutional administrators that document the applicant's existing work study program.

We will reject your application if you exceed the page limit.

3. *Submission Dates and Times:*

Applications Available: July 9, 2010.

Deadline for Transmittal of Applications: August 9, 2010.

Applications for grants under this program competition must be submitted electronically using the Electronic Grant Application System (e-Application) accessible through the Department's e-Grants site. For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV.7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice. Funds awarded under this program must be used in accordance with section 443(b)(2)(A) and 447(b)(2) and (3) of the HEA (20 U.S.C. 2753(b)(2)(A), 2756a(b)(2) and (3)).

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and Central Contractor Registry:* To do business with the Department of Education, (1) you must have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN); (2) you must register both of those numbers with the Central Contractor Registry (CCR), the Government's primary registrant database; and (3) you must provide those same numbers on your application.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one business day.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The CCR registration process may take five or more business days to complete. If you are currently registered with the CCR, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Off-Campus Community Service Program—CFDA number 84.116H—must be submitted electronically using e-Application, accessible through the Department's e-Grants Web site at: *http://e-grants.ed.gov.*

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written

statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

While completing your electronic application, you will be entering data online that will be saved into a database. You may not e-mail an electronic copy of a grant application to us.

Please note the following:

• You must complete the electronic submission of your grant application by 4:30:00 p.m., Washington, DC time, on the application deadline date. E-Application will not accept an application for this program competition after 4:30:00 p.m., Washington, DC time, on the application deadline date. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process.

• The hours of operation of the e-Grants Web site are 6:00 a.m. Monday until 7:00 p.m. Wednesday; and 6:00 a.m. Thursday until 8:00 p.m. Sunday, Washington, DC time. Please note that, because of maintenance, the system is unavailable between 8:00 p.m. on Sundays and 6:00 a.m. on Mondays, and between 7:00 p.m. on Wednesdays and 6:00 a.m. on Thursdays, Washington, DC time. Any modifications to these hours are posted on the e-Grants Web site.

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password protected file, we will not review that material.

• Your electronic application must comply with any page limit requirements described in this notice.

• Prior to submitting your electronic application, you may wish to print a copy of it for your records.

• After you electronically submit your application, you will receive an automatic acknowledgment that will include a PR/Award number (an identifying number unique to your application).

• Within three working days after submitting your electronic application, fax a signed copy of the SF 424 to the Application Control Center after following these steps:

(1) Print SF 424 from e-Application.

(2) The applicant's Authorizing Representative must sign this form.

(3) Place the PR/Award number in the upper right hand corner of the hard-copy signature page of the SF 424.

(4) Fax the signed SF 424 to the Application Control Center at (202) 245–6272.

• We may request that you provide us original signatures on other forms at a later date.

Application Deadline Date Extension in Case of e-Application Unavailability: If you are prevented from electronically submitting your application on the application deadline date because e-Application is unavailable, we will grant you an extension of one business day to enable you to transmit your application electronically, by mail, or by hand delivery. We will grant this extension if—

(1) You are a registered user of e-Application and you have initiated an electronic application for this competition; and

(2) (a) E-Application is unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Washington, DC time, on the application deadline date; or

(b) E-Application is unavailable for any period of time between 3:30 p.m. and 4:30:00 p.m., Washington, DC time, on the application deadline date.

We must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension or to confirm our acknowledgment of any system unavailability, you may contact either (1) the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** (*see* VII. Agency Contact) or (2) the e-Grants help desk at 1–888–336–8930. If e-Application is unavailable due to technical problems with the system and, therefore, the application deadline is extended, an e-mail will be sent to all registered users who have initiated an e-Application. Extensions referred to in this section apply only to the unavailability of e-Application.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement and may submit your application in paper format, if you are unable to submit an application through e-Application because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to e-Application;

and

• No later than two weeks before the application deadline date (14 calendar days; or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Claire D. Cornell, U.S. Department of Education, 1990 K Street, NW., Room 6151, Washington, DC 20006–8544. FAX: (202) 502–7877.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.116H), LBJ Basement Level 1, 400 Maryland Avenue, SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application, by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: CFDA Number 84.116H, 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this grant notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 75.210. Additional information regarding these criteria is in the application package for this program competition.

2. *Review and Selection Process:* Additional factors we consider in selecting an application for an award are as follows. In making grant awards for this program, the Department will consider information concerning the applicant's performance and use of funds under a previous award under any Department program and will consider any information concerning the applicant's failure under any Department program to submit a performance report or its submission of a performance report of unacceptable quality. 34 CFR 75.217(d)(3).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to:

4. *Performance Measures:*

The Department will assess the performance of this program by measuring the extent to which funded projects have successfully placed students in early childhood education jobs and emergency preparedness jobs.

If funded, you will be asked to collect and report data on this measure in your project's annual performance report, in accordance with 34 CFR 75.590.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Claire D. Cornell, Off-Campus Community Service Program, U.S. Department of Education, 1990 K Street, NW., room 6151, Washington, DC 20006–8544. Telephone: (202) 502–7609 or by e-mail: *claire.cornell@ed.gov.*

If you use a TDD, call the FRS toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or computer diskette) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Electronic Access to This Document: You can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF), on the Internet at the following site: *http://www.ed.gov/news/fedreg*ister. To use PDF, you must have Adobe Acrobat Reader, which is available free at this site.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Delegation of Authority: The Secretary of Education has delegated authority to Daniel T. Madzelan, Director, Forecasting and Policy Analysis for the Office of Postsecondary Education, to perform the functions and duties of the Assistant Secretary for Postsecondary Education.

Dated: July 6, 2010.

Daniel T. Madzelan,

Director, Forecasting and Policy Analysis.

[FR Doc. 2010–16816 Filed 7–8–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Postsecondary Education; Overview Information; Asian American and Native American Pacific Islander-Serving Institutions (AANAPISI) Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2010

Catalog of Federal Domestic Assistance (CFDA) Number: 84.031L.

Dates: Applications Available: July 9, 2010.

Deadline for Transmittal of Applications: August 9, 2010.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The AANAPISI program provides grants to eligible institutions of higher education (IHEs) to enable them to improve their academic quality, increase their self sufficiency, and strengthen their capacity to make a substantial contribution to the higher education resources of the Nation. At the time of application, IHEs applying for funds under the AANAPISI program must have an enrollment of undergraduate students that is at least 10 percent Asian

American or Native American Pacific Islander.

Priorities: Under this competition, we are particularly interested in applications that address the following invitational priorities:

Invitational Priorities: For FY 2010, there are four invitational priorities for this program. Under 34 CFR 75.105–(c)(1) we do not give an application that meets these invitational priorities a competitive or absolute preference over other applications.

These invitational priorities are:

Invitational Priority 1.

Projects that will support activities that will improve the institution's persistence and graduation rates, including comprehensive student support services and alcohol and other drug prevention programs.

Invitational Priority 2.

Projects proposing to work with the appropriate State agencies to develop strategies for using State longitudinal data systems to track outcomes for students attending the grantee institution, including the extent to which the students complete certificates, 2-year degrees, and 4-year degrees at other institutions.

Invitational Priority 3.

Projects proposing to develop academic programs to improve course completion rates or develop innovative programs that are designed to increase completion rates.

Invitational Priority 4.

Projects proposing to develop dual enrollment programs that facilitate the transition between high school and college or career pathways programs that integrate basic academic instruction with technical or professional occupational training to advance individuals, particularly adult learners, on a career path toward high-wage occupations in high-demand industries.

Program Authority: Title III, Part A *Section 320 of the HEA* (20 U.S.C. 1059g).

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, 84, 85, 86, 97, 98, and 99.

Note: The regulations in 34 CFR part 79 apply to all applicants except Federally recognized Indian tribes.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $3,564,000.

Estimated Average Size of Awards: See table below.

Program name and type of award	Minimum/maximum award amount	Estimated number of awards	Estimated average award amount
Asian American and Native American Pacific Islander-Serving Institutions (AANAPISI)			
Title III, Part A Five-Year Individual Development Grants	$200,000–400,000	10	$300,000
Five-Year Cooperative Arrangement Grants	200,000–500,000	1	350,000

Note: The Department is not bound by any estimates in this notice. Applicants should periodically check the Title III Part A programs Web site for further information. The address is: *http://www.ed.gov/programs/aanapi/index.html.*

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* An IHE is eligible to receive funds if it qualifies as an Asian American and Native American Pacific Islander-serving Institution (AANAPISI).

Asian American. The term "Asian American" means a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent (including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam), as defined in the Office of Management and Budget's Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity as published on October 30, 1997 (62 FR 58789). The term "American Pacific Islander" means any descendant of the aboriginal people of any island in the Pacific Ocean that is a territory or possession of the United States. Applicants, at the time of submission, will be required to certify their total undergraduate headcount enrollment. Applicants will also be required to certify that 10 percent of the IHE's enrollment is Asian American or Native American Pacific Islander as defined for the AANAPISI program. An assurance form that is included in the application materials for this competition must be submitted and signed by an official for the applicant. AANAPISI applicants must also meet other requirements to be designated as eligible.

To qualify as an eligible institution under the AANAPISI program, an institution must, among other requirements—

(1) Be accredited or pre-accredited by a nationally recognized accrediting agency or association that the Secretary has determined to be a reliable authority as to the quality of education or training offered;

(2) Be legally authorized by the State in which it is located to be a junior college or to provide an educational program for which it awards a bachelor's degree;

(3) Be designated as an "eligible institution" by demonstrating that it: (A) Has an enrollment of needy students as described in 34 CFR 607.3; and (B) has low average educational and general expenditures per full-time equivalent (FTE) undergraduate student as described in 34 CFR 607.4.

Note: The notice for applying for designation as an eligible institution was published on December 7, 2009, 74 FR 64059, and applications were due on January 6, 2010. Only institutions that submitted applications by the deadline date of January 6, 2010 and that the Department determined are eligible may apply for a grant.

Relationship between the Title III, Part A programs, and the Hispanic-Serving Institutions (HSI) program.

Note 1: A grantee under the Developing Hispanic-Serving Institutions (HSI) program, which is authorized by Title V of the HEA, may not receive a grant under any HEA, Title III, Part A programs, including the AANAPISI program. Further, a current HSI program grantee may not give up its HSI grant in order to receive a grant under any Title III, Part A program.

Note 2: An eligible HSI that does not fall within the limitation described in Note 1 (*i.e.,* is not a current grantee under the HSI program) may apply for a FY 2010 grant under all Title III, Part A programs for which it is eligible, as well as receive consideration for a grant under the HSI program. However, a successful applicant may receive only one grant.

Note 3: The Department will make five-year awards for individual development grants and five-year awards for cooperative arrangement grants in rank order from the funding slates according to the average score received from a panel of three readers.

2. *Cost Sharing or Matching:* There are no cost sharing or matching requirements for this program unless funds are used for an endowment.

IV. Application and Submission Information

1. *Address to Request Application Package:*

You can obtain an application via the Internet using the following address: *http://e-grants.ed.gov.* If you do not have access to the Internet, please contact Pearson Owens or Darlene Collins, U.S. Department of Education, 1990 K Street, NW., 6th floor, Washington, DC 20006–8513. You may contact these individuals at the following e-mail addresses or telephone numbers:

Pearson.Owens@ed.gov; (202) 502–7804.
Darlene.Collins@ed.gov; (202) 502–7576.

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or computer diskette) by contacting the program contact person listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.

Page Limits: We have established mandatory page limits for both the Individual Development Grant and the Cooperative Arrangement Development Grant applications. You must limit the section of the narrative that addresses the selection criteria to no more than 50 pages for the Individual Development Grant application and 70 pages for the Cooperative Arrangement Grant application, using the following standards:

- A "page" is 8.5″ x 11″, on one side only, with 1 inch margins at the top, bottom, and both sides. Page numbers and an identifier may be within the 1″ margins.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions. However, you may single space all text in charts, tables, figures, and graphs. Charts, tables, figures, and graphs presented in the application narrative count toward the page limit.
- Use a font that is either 12-point or larger or no smaller than 10 pitch (characters per inch). However, you may use a 10-point font in charts, tables, figures, graphs, footnotes, and endnotes.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limit does not apply to Part I, the Application for Federal Assistance (SF 424); the Supplemental Information for SF 424 Form required by the Department of Education; Part II, the Budget Information Summary Form (ED Form 524); and Part IV, the Assurances and Certifications. The page limit also does not apply to the Table of Contents, the Program one-page Abstract, the resumes, the bibliography, or the letters of support. If you include any attachments or appendices, these items will be counted as part of the Program Narrative (Part III of the application) for purposes of the page limit requirement. You must include your complete response to the selection criteria in the program narrative.

We will reject your application if you exceed the page limit.

3. *Submission Dates and Times:*

Applications Available: July 9, 2010.

Deadline for Transmittal of Applications: August 9, 2010.

Applications for grants under this program must be submitted electronically using the Electronic Grant Application System (e-Application) accessible through the Department's site. For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV.7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions:* We reference the regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

Applicability of Executive Order 13202. Applicants that apply for construction funds must comply with Executive Order 13202 signed by President George W. Bush on February 17, 2001, and amended on April 6, 2001. This Executive Order provides that recipients of Federal construction funds may not "require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations, on the same or other construction project(s)" or "otherwise discriminate against bidders, offerors, contractors, or subcontractors for becoming or refusing to become or remain signatories or otherwise adhere to agreements with one or more labor organizations, on the same or other construction project(s)." However, the Executive Order does not prohibit contractors or subcontractors from voluntarily entering into these agreements. Projects funded under this program that include construction activity will be provided a copy of this Executive Order and will be asked to certify that they will adhere to it.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and Central Contractor Registry:* To do business with the Department of Education, (1) you must have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN); (2) you must register both of those numbers with the Central Contractor Registry (CCR), the Government's primary registrant database; and (3) you must provide those same numbers on your application.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one business day.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The CCR registration process may take five or more business days to complete. If you are currently registered with the CCR, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

7. *Other Submission Requirements:* Applications for grants under the AANAPISI program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the AANAPISI program CFDA Number 84.031L—must be submitted electronically using e-Application, accessible through the Department's e-Grants Web site at: *http://e-grants.ed.gov.*

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

While completing your electronic application, you will be entering data online that will be saved into a database. You may not e-mail an electronic copy of a grant application to us.

Please note the following:

• You must complete the electronic submission of your grant application by 4:30:00 p.m., Washington, DC time, on the application deadline date. E-Application will not accept an application for this program after 4:30:00 p.m., Washington, DC time, on the application deadline date. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process.

• The hours of operation of the e-Grants Web site are 6:00 a.m. Monday until 7:00 p.m. Wednesday; and 6:00 a.m. Thursday until 8:00 p.m. Sunday, Washington, DC time. Please note that, because of maintenance, the system is unavailable between 8:00 p.m. on Sundays and 6:00 a.m. on Mondays, and between 7:00 p.m. on Wednesdays and 6:00 a.m. on Thursdays, Washington, DC time. Any modifications to these hours are posted on the e-Grants Web site.

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password protected file, we will not review that material.

• Your electronic application must comply with any page limit requirements described in this notice.

• Prior to submitting your electronic application, you may wish to print a copy of it for your records.

• After you electronically submit your application, you will receive an automatic acknowledgement that will include a PR/Award number (an identifying number unique to your application).

• Within three working days after submitting your electronic application, fax a signed copy of the SF 424 to the Application Control Center after following these steps:

(1) Print SF 424 from e-Application.

(2) The applicant's Authorizing Representative must sign this form.

(3) Place the PR/Award number in the upper right hand corner of the hard-copy signature page of the SF 424.

(4) Fax the signed SF 424 to the Application Control Center at (202) 245–6272.

• We may request that you provide us original signatures on other forms at a later date.

Application Deadline Date Extension in Case of e-Application Unavailability: If you are prevented from electronically submitting your application on the application deadline date because e-Application is unavailable, we will grant you an extension of one business day to enable you to transmit your application electronically, by mail, or by hand delivery. We will grant this extension if—

(1) You are a registered user of e-Application and you have initiated an electronic application for this competition; and

(2)(a) E-Application is unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Washington, DC time, on the application deadline date; or

(b) E-Application is unavailable for any period of time between 3:30 p.m. and 4:30:00 p.m., Washington, DC time, on the application deadline date.

We must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension or to confirm our acknowledgement of any system unavailability, you may contact either (1) the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** (*see* VII. Agency Contact) or (2) the e-Grants help desk at 1–888–336–8930. If e-Application is unavailable due to technical problems with the system and, therefore, the application deadline is extended, an e-mail will be sent to all registered users who have initiated an e-Application. Extensions referred to in this section apply only to the unavailability of e-Application.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through e-Application because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to e-Application; and

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Pearson Owens or Darlene Collins, U.S. Department of Education, 1990 K Street, NW., 6th floor, Washington, DC 20006–8513. FAX: (202) 502–7861.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your

application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address:

U.S. Department of Education,
Application Control Center,
Attention: (CFDA Number 84.031L),
LBJ Basement Level 1, 400 Maryland Avenue, SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Application by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application, by hand, on or before the application deadline date, to the Department at the following address:

U.S. Department of Education,
Application Control Center,
Attention: (CFDA Number 84.031L),
550 12th Street, SW., Room 7041,
Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, D.C. time, except Saturdays, Sundays and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424, the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this grant notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria*—The selection criteria for this program are from the Education Department General Administrative Regulations (EDGAR) in 34 CFR 75.210. Applicants must address each of the following selection criteria (separately for each proposed activity). The total weight of the selection criteria is 100 points; the weight of each criterion is noted in parentheses.

a. Need for project. (Maximum 20 points) In determining the need for the proposed project, the Secretary considers:

1. The magnitude of the need for the services to be provided or the activities to be carried out by the proposed project. (10 points)

2. The extent to which the proposed project will focus on serving or otherwise addressing the needs of disadvantaged individuals. (5 points)

3. The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses. (5 points)

b. Quality of the project design. (Maximum 15 points) In determining the quality of the design of the proposed project, the Secretary considers:

1. The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable. (10 points)

2. The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs. (5 points)

c. Quality of project services. (Maximum 15 points) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. In addition, the Secretary considers:

1. The extent to which the services to be provided by the proposed project are appropriate to the needs of the intended recipients or beneficiaries of those services. (10 points)

2. The extent to which the services to be provided by the proposed project reflect up-to-date knowledge from research and effective practice. (5 points)

d. Quality of project personnel. (Maximum 10 points) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

In addition, the Secretary considers:

1. The qualifications, including relevant training and experience, of the project director or principal investigator. (5 points)

2. The qualifications, including relevant training and experience, of key project personnel. (5 points)

e. Adequacy of resources. (Maximum 5 points) In determining the adequacy of resources for the proposed project, the Secretary considers:

1. The extent to which the budget is adequate to support the proposed project. (3 points)

2. The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project. (2 points)

f. Quality of the management plan. (Maximum 20 points) In determining the quality of the management plan for the proposed project, the Secretary considers:

1. The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks. (10 points)

2. The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project. (5 points)

3. The adequacy of mechanisms for ensuring high-quality products and services from the proposed project. (5 points)

g. Quality of the project evaluation. (Maximum 15 points) In determining the quality of the evaluation, the Secretary considers:

1. The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives and outcomes of the proposed project. (5 points)

2. The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative

and qualitative data to the extent possible. (5 points)

3. The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes. (5 points)

2. *Review and Selection Process:* For five-year individual development grants and five-year cooperative arrangement grants, awards will be made in rank order according to the average score received from a panel of three readers.

3. *Tie-breaker for Development Grants.* In tie-breaking situations for development grants, 34 CFR 607.23(b) requires that we award one additional point to an application from an IHE that has an endowment fund of which the current market value, per full-time equivalent (FTE) enrolled student, is less than the average current market value of the endowment funds, per FTE enrolled student at comparable institutions that offer similar instruction. We award one additional point to an application from an IHE that has expenditures for library materials per FTE enrolled student that are less than the average expenditures for library materials per FTE enrolled student at comparable institutions that offer similar instruction. We also add one additional point to an application from an IHE that proposes to carry out one or more of the following activities—

1. Faculty development;
2. Funds and administrative management;
3. Development and improvement of academic programs;
4. Acquisition of equipment for use in strengthening management and academic programs;
5. Joint use of facilities; and
6. Student services.

For the purpose of these funding considerations, we use 2007–2008 data. If a tie remains after applying the tie-breaker mechanism above, priority will be given in the case of applicants for: (a) Individual development grants to applicants that have the lowest endowment values per FTE enrolled student; and (b) cooperative arrangement grants to applicants in accordance with section 394(b) of the HEA, if the Secretary determines that the cooperative arrangement is geographically and economically sound or will benefit the applicant institution.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may notify you informally also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section in this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary in 34 CFR 75.118 and 34 CFR 607.31. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *http://www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* The Secretary has established the following key performance measures for assessing the effectiveness of the AANAPISI program:

a. The percentage change, over a five-year period, of the number of full-time, degree-seeking undergraduates enrolling at AANAPISIs. Note that this is a long-term measure, which will be used to periodically gauge performance, beginning in FY 2009;

b. The percentage of first-time, full-time degree-seeking undergraduate students at four-year AANAPISIs who were in their first year of postsecondary enrollment in the previous year and are enrolled in the current year at the same AANAPISI;

c. The percentage of first-time, full-time degree-seeking undergraduate students at two-year AANAPISIs who were in their first year of postsecondary enrollment in the previous year and are enrolled in the current year at the same AANAPISI;

d. The percentage of first-time, full-time degree-seeking undergraduate students enrolled at four-year AANAPISIs who graduate within six years of enrollment; and

e. The percentage of first-time, full-time degree-seeking undergraduate students enrolled at two-year AANAPISIs who graduate within three years of enrollment.

VII. Agency Contacts

FOR FURTHER INFORMATION CONTACT: Pearson Owens or Darlene Collins, U.S. Department of Education, 1990 K Street, NW., 6th floor, Washington, DC 20006–8513. You may contact these individuals at the following e-mail addresses or telephone numbers: *Pearson.Owens@ed.gov;* (202) 502–7804. *Darlene.Collins@ed.gov;* (202) 502–7576.

If you use a TDD, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or computer diskette) on request to the program contact persons listed in section VII of this notice.

Electronic Access to This Document: You can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.* To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

Note: The official version of this document is the document published in the **Federal Register.** Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Delegation of Authority: The Secretary of Education has delegated authority to Daniel T. Madzelan, Director, Forecasting and Policy Analysis for the Office of Postsecondary Education, to perform the functions and duties of the Assistant Secretary for Postsecondary Education.

Dated: July 6, 2010.

Daniel T. Madzelan,

Director, Forecasting and Policy Analysis.

[FR Doc. 2010–16819 Filed 7–8–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling; Correction

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of open meeting; correction.

SUMMARY: On June 30, 2010, the Department of Energy published a

notice announcing an open meeting on July 12 and 13, 2010, of the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, (75 FR 37783). This document makes several corrections to that notice.

FOR FURTHER INFORMATION CONTACT: Christopher A. Smith, (202) 586–0716.

Corrections

In the **Federal Register** of June 30, 2010, in FR Doc. 2010–15985, on page 37783, please make the following corrections:

Under **FOR FURTHER INFORMATION CONTACT**, middle column, and the third column, first paragraph, the e-mail address is listed incorrectly. The correct e-mail address is *BPDeepwaterHorizon Commission@hq.doe.gov*.

Under *Tentative Agenda,* middle column, it was indicated that the meeting is expected to start on July 12 at 9 a.m. and July 13 at 9 a.m. The correct information is that on-site registration for those who want to attend the meeting opens at 7 a.m. each day. Attendees must register on-site each morning of the meeting. Seats are limited and public attendees will be taken on a first come, first serve basis. Under *Public Participation,* middle column, it was indicated that registration for public comments will begin at 9 a.m. on July 12 for those wishing to speak on July 12 and 9 a.m. on July 13 for those wishing to speak on July 13. Those times have been changed. Registration for public comments opens at 7 a.m. each day and is also on a first come, first serve basis. Information on the Commission can be found at its Web site: *http://www.oilspillcommission.gov.*

Issued in Washington, DC, on July 6, 2010.

Carol A. Matthews,

Committee Management Officer.

[FR Doc. 2010–16848 Filed 7–6–10; 4:15 pm]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2009–0419; FRL–9174–3]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NSPS for Magnetic Tape Coating Facilities (Renewal), EPA ICR Number 1135.10, OMB Control Number 2060–0171

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before August 9, 2010.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2009–0419, to (1) EPA online using *http://www.regulations.gov* (our preferred method), or by e-mail to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 28221T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: John Schaefer, Office of Air Quality Planning and Standards, Sector Policies and Programs Division (D243–05), Measurement Policy Group, Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–0296; fax number: (919) 541–3207; e-mail address: *schaefer.john@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On July 8, 2009 (74 FR 32581), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA–HQ–OECA–2009–0419, which is available for public viewing online at *http://www.regulations.gov,* in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566–1752.

Use EPA's electronic docket and comment system at *http://www.regulations.gov,* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov,* as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov.*

Title: NSPS for Magnetic Tape Coating Facilities (Renewal).

ICR Numbers: EPA ICR Number 1135.10, OMB Control Number 2060–0171.

ICR Status: This ICR is scheduled to expire on July 31, 2010. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The New Source Performance Standards (NSPS) for the Magnetic Tape Coating Facilities (40 CFR part 60, subpart SSS) were proposed on January 22, 1986, and promulgated on October 3, 1988. The affected entities are subject to the General Provisions of the NSPS at 40 CFR part 60, subpart A and any changes, or additions to the Provisions specified at 40 CFR part 60, subpart SSS. Owners or operators of the affected facilities must make an initial notification, performance tests, periodic reports, and maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 88 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Magnetic tape coating facilities.

Estimated Number of Respondents: 6.

Frequency of Response: Initially, occasionally, quarterly, and semiannually.

Estimated Total Annual Hour Burden: 2,017.

Estimated Total Annual Cost: $277,224, which includes $190,824 in labor costs, $33,600 in capital/startup costs, and $52,800 in operation and maintenance (O&M) costs.

Changes in the Estimates: There is no change in the labor hours to the respondents in this ICR compared to the previous ICR because the regulations have not changed over the past three years and are not anticipated to change over the next three years. Since this ICR renewal was approved to be processed under the "Expedited Approach" option, EPA has maintained the same estimate for the number of sources currently subject to this standard as indicated in the most recently approved ICR. Therefore, the labor hours figures in the previous ICR reflect the current burden to the respondents and are reiterated in this ICR. However, there is a decrease number of respondents currently identified in the OMB Inventory of Approved ICR Burdens.

Dated: July 2, 2010.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2010–16777 Filed 7–8–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2010–0563 FRL–8834–5]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from May 30, 2010 to June 18, 2010, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

DATES: Comments identified by the specific PMN number or TME number, must be received on or before August 9, 2010.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2010–0563, by one of the following methods:

• *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.

• *Mail*: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

• *Hand Delivery*: OPPT Document Control Office (DCO), EPA East Bldg., Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID Number EPA–HQ–OPPT–2010–0563. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930. Such deliveries are only accepted during the DCO's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to docket ID number EPA–HQ–OPPT–2010–0563. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line 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 regulations.gov or e-mail. The regulations.gov website 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 regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the 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 docket index available at *http://www.regulations.gov*. 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 electronically at *http://www.regulations.gov*, or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be

visible at all times in the building and returned upon departure.

FOR FURTHER INFORMATION CONTACT: *For technical information contact*: Bernice Mudd, Information Management Division (7407M), Office of Chemical Safety Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–8951; fax number: (202) 564–8955; e-mail address: *mudd.bernice@epa.gov*.

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI*. Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the 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 procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments*. When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. 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.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Why is EPA taking this action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from May 30, 2010 to June 18, 2010, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. Receipt and Status Report for PMNs

This status report identifies the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II. to access additional non-CBI information that may be available.

In Table I of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

I. 21 PREMANUFACTURE NOTICES RECEIVED FROM: 5/31/10 TO 6/18/10

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–10–0406	05/28/10	08/25/10	CBI	(G) Polymer used to improve the scratch-resistance of thermoplastics (open / non-dispersive use)	(G) Alkene acrylate copolymer
P–10–0407	05/28/10	08/25/10	CBI	(G) Coatings and inks	(G) Acrylate ester
P–10–0408	06/02/10	08/30/10	Future Fuel Chemical Company	(S) Monomer in alkyl resins (to be used at 0–5% by industrial customers); monomer in surfactants (to be used by industrial customers in this application); solvent (to be used by industrial customers up to 90%); antifreeze in paints and coatings (to be used by industrial customers up to 5%); coalescing aid in inks and coatings (to be used by industrial customers up to 5%)	(S) 1,3-dioxan-5-ol

I. 21 PREMANUFACTURE NOTICES RECEIVED FROM: 5/31/10 TO 6/18/10—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–10–0408	06/02/10	08/30/10	Future Fuel Chemical Company	(S) Monomer in alkyl resins (to be used at 0–5% by industrial customers); monomer in surfactants (to be used by industrial customers in this application); solvent (to be used by industrial customers up to 90%); antifreeze in paints and coatings (to be used by industrial customers up to 5%); coalescing aid in inks and coatings (to be used by industrial customers up to 5%)	(S) glycerol formal is a isomeric mixuture of 1,3 dioxan-5-ol, 1,3-dioxolane-4-methanol
P–10–0409	06/01/10	08/29/10	Dow Chemical Company	(G) Chemical intermediate	(G) Haloalkyl substituted pyridine sulfide
P–10–0410	06/04/10	09/01/10	CBI	(G) Open non-dispersive use (industrial coatings resin)	(G) Urethane acrylate aqueous dispersion
P–10–0411	06/04/10	09/01/10	Dubois Chemicals Inc.	(S) Industrial boiler tratment	(G) Powdered amine
P–10–0412	06/07/10	09/04/10	CBI	(G) Component of topcoat	(G) Acrylic polymer
P–10–0413	06/08/10	09/05/10	Ineos olefins and polymers	(S) Catalyst for polyolefins polymerization	(S) Magnesium, 1-Butanol chloro titanium complexes
P–10–0414	06/08/10	09/05/10	CBI	(G) Acid corrosion inhibitor	(G) Coco phosphonate
P–10–0415	06/10/10	09/07/10	HM metal processing	(S) Flame retardant additive for polymeric products (plastics etc.)	(S) 1,3,4,6,7,9,9b-heptaazaphenalene-2,5,8-triamine
P–10–0416	06/10/10	09/07/10	CBI	(G) Industrial liquid coatings	(G) Polymer of aliphatic acids, aliphatic diols, aliphatic polyols, and aromatic acids
P–10–0417	06/14/10	09/11/10	CBI	(G) Resin for ultraviolet/free radical curable adhesives	(S) Amines, C_{36}-alkylenedi-, polymers with 5,5′-[(1-methylethylidene)bis(4,1-phenyleneoxy)]bis[1,3-isobenzofurandione], maleated
P–10–0418	06/14/10	09/11/10	CBI	(G) Leather coating component	(G) Aromatic dicarboxylic acid, polymer with cycloaliphatic diamine, aliphatic diisocyanate, aliphatic dicarboxylic acid, aliphatic diol, polyether diol, and dihydroxy aliphatic carboxylic acid compound with aliphatic triamine
P–10–0419	06/14/10	09/11/10	Emery Oleochemicals LLC	(S) Polyester polyol for polyurethane ridged foam; polyester polyol for polyurethane flexible foam; polyester polyol for polyurethane coatings	(G) Ester polyol, fatty acid ester
P–10–0420	06/14/10	09/11/10	Emery Oleochemicals LLC	(S) Polyester polyol for polyurethane ridged foam; polyester polyol for polyurethane flexible foam; polyester polyol for polyurethane coatings	(G) Ester polyol, fatty acid ester
P–10–0421	06/14/10	09/11/10	CBI	(S) Optical brightener for use in cellulosic paper applications	(G) Triazinylaminostilbene
P–10–0422	06/11/10	09/08/10	CBI	(G) Intermediate	(S) Propane, 1,1,1,2,3,-pentafluoro-
P–10–0423	06/15/10	09/12/10	Organic Dyestuffs Corporation	(S) Distribution of acid dye for dyeing primarily nylon fibers; other dyeing applications as needed	(S) Benzenesulfonic acid 3,3′-[(9,10-dihydro-5,8-dihydroxy-9,10-dioxo-1,4-anthracenediyl)dimino]bis[6-butyl-], disodium salt
P–10–0424	06/17/10	09/14/10	CBI	(G) Copper indium metal selenide deposited on a substrate as a part of manufacturing copper indium metal selenide solar panel. The finished solar panel with copper indium metal selenide deposited on the substrate is encapsulated with the complete solar panel unit. The solar panel is sold to commercial entities only.	(G) Copper indium metal selenide
P–10–0425	06/18/10	09/15/10	CBI	(G) Component of energy generating systems	(G) Silicon derivative

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the Notices of Commencement to manufacture received:

II. 17 NOTICES OF COMMENCEMENT FROM: 5/30/10 TO 6/18/10

Case No.	Received Date	Commencement Notice End Date	Chemical
P–02–0265	06/08/10	05/02/02	(S) Mixture of: 1,3-dioxane, 5-methyl-2-(2-methylpropyl)-, cis; 1,3-dioxane, 5-methyl-2-(2-methylpropyl)-, trans
P–06–0830	06/03/10	05/28/10	(S) Fatty acids, rape-oil, me esters
P–09–0228	06/07/10	05/19/10	(G) Fatty acids, polymers with substituted alkanoate, polyethylene glycol mono-me ether, polyol and substituted carbomonocycle
P–09–0242	06/07/10	05/19/10	(G) Substituted acrylates, polymer with substituted polyglycol ether prepolymer, substituted alkylnitrile-initiated
P–09–0366	05/28/10	05/13/10	(G) Fatty acids, reaction products with alkanolamine
P–09–0367	05/28/10	05/14/10	(G) Fatty acids, reaction products with alkanolamine and alkyloxide
P–09–0637	06/02/10	05/14/10	(G) Polyester isocyanate polymer
P–10–0052	06/02/10	05/21/10	(G) Aryl polyolefin
P–10–0055	06/07/10	04/16/10	(S) Butanoic acid, 3-hydroxy-, 5-methyl-2-(1-methylethyl)cyclohexyl ester
P–10–0056	06/07/10	04/16/10	(S) Butanoic acid, 3-mercapo-2-methyl-, ethyl ester
P–10–0057	06/02/10	05/21/10	(G) Polyolefin aryl amine
P–10–0061	06/08/10	05/27/10	(G) Alkyl thiol, manufacture of, by-products from, distillation lights
P–10–0062	06/08/10	05/27/10	(G) Alkyl thiol, manufacturer of, by-products from, distillation residues
P–10–0109	06/02/10	05/15/10	(G) Urethane acrylate oligomer
P–10–0188	06/03/10	05/13/10	(G) Wholly-aromatic polyester; liquid-crystal polymer (LCP).
P–10–0199	06/15/10	05/30/10	(S) Isononanoic acid, C_{16-18} alkyl esters
P–98–0686	06/15/10	05/28/10	(G) Nitrobenzoic acid, polyolefin phenol ethoxylate

List of Subjects

Environmental protection, Chemicals, Premanufacturer notices.

Dated: June 28, 2010.

Gloria Drayton-Miller,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2010–16494 Filed 7–8–10; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–8991–4]

Notice of Intent: Designation of an Ocean Dredged Material Disposal Site (ODMDS) Off the Mouth of the St. Johns River, FL

AGENCY: U.S. Environmental Protection Agency (EPA) Region 4.

ACTION: Notice of Intent to prepare an Environmental Impact Statement (EIS) for the designation of an ODMDS off the mouth of the St. Johns River, Florida.

Purpose: EPA has the authority to designate ODMDSs under Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1401 *et seq.*). It is EPA's policy to prepare a voluntary National Environmental Policy document for all ODMDS designations (63 FR 58045, October 1998).

For Further Information, to Submit Comments, and to be Placed On the Project Mailing List Contact: Mr. Christopher McArthur, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, Atlanta, Georgia 30303, phone 404–562–9391, e-mail: *mcarthur.christopher@epa.gov.*

SUMMARY: EPA in cooperation with the U.S. Army Corps of Engineers Jacksonville District (USACE) intends to prepare an EIS to designate a new ODMDS offshore the mouth of the St. Johns River. The EIS will provide the information necessary to evaluate the potential environmental impacts associated with ODMDS alternatives and identify a preferred alternative that meets EPA's site selection criteria at 40 CFR 228.5 and 228.6.

Need for Action: The USACE has requested that EPA designate an additional ODMDS, 4 square nautical miles in size, offshore the mouth of the St. Johns River for the disposal of dredged material from the Jacksonville Harbor Federal Navigation Project and from Naval Station Mayport. The need for an additional ODMDS is based on observed mounding at the existing Jacksonville ODMDS, capacity computer modeling results, and estimates of future proposed projects.

Alternatives: The following proposed alternatives have been tentatively defined.

1. No action. The no action alternative is defined as not designating an additional ocean disposal site. The existing Jacksonville ODMDS would reach capacity in 8 to 10 years.

2. Expansion of the existing Jacksonville ODMDS. Expand the existing Jacksonville ODMDS to the south and east.

3. South Alternative ODMDS. Designate an ODMDS 5.8 to 8.6 nautical miles southeast of St. Johns River entrance.

4. North Alternative ODMDS. Designate an ODMDS 4.1 to 7.1 nautical miles northeast of St. Johns River entrance.

Scoping: EPA is requesting written comments from federal, state, and local governments, industry, non-governmental organizations, and the general public on the range of alternatives considered, specific environmental issues to be evaluated in the EIS, and the potential impacts of the alternatives for an ODMDS designated offshore the mouth of the St. Johns River. Scoping comments will be accepted for 60 days, beginning with the date of this Notice. A public scoping meeting will be held in the Jacksonville, Florida area in August of 2010.

Estimated Date of Draft EIS Release: September 2011.

Responsible Official: A. Stanley Meiburg, Acting Regional Administrator, Region 4.

Dated: July 1, 2010.

Susan E. Bromm,

Director, Office of Federal Activities.

[FR Doc. 2010–16773 Filed 7–8–10; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R10–OPPT–2010–0549; FRL–9173–8]

Lead-Based Paint Renovation, Repair and Painting, and Pre-Renovation Education Activities in Target Housing and Child Occupied Facilities; State of Oregon. Notice of Self-Certification Program Authorization, Request for Public Comment, Opportunity for Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; program authorization, request for comments and opportunity for public hearing.

SUMMARY: This notice announces that on May 3, 2010, the State of Oregon was deemed authorized under section 404(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2684(a), to administer and enforce requirements for a renovation, repair and painting program in accordance with section 402(c)(3) of TSCA, 15 U.S.C. 2682(c)(3), and a lead-based paint pre-renovation education program in accordance with section 406(b) of TSCA, 15 U.S.C. 2686(b). This notice also announces that EPA is seeking comment during a 45-day public comment period, and is providing an opportunity to request a public hearing within the first 15 days of this comment period, on whether these Oregon programs are at least as protective as the Federal programs and provide for adequate enforcement. This notice also announces that the authorization of the Oregon 402(c)(3) and 406(b) programs, which were deemed authorized by regulation and statute on May 3, 2010, will continue without further notice unless EPA, based on its own review and/or comments received during the comment period, disapproves one or both of these Oregon program applications on or before October 31, 2010.

DATES: Comments, identified by docket control number EPA–R10–OPPT–2010–0549, must be received on or before August 23, 2010. In addition, a public hearing request must be submitted on or before July 26, 2010.

ADDRESSES: Comments and requests for a public hearing may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Section I of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is important that you identify docket control number EPA–R10–OPPT–2010–0549 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Barbara Ross, Technical Contact, OAWT, Solid Waste & Toxics, AWT–128, United States Environmental Protection Agency, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101, telephone number: (206) 553–1985; e-mail address: *ross.barbara@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, to entities offering Lead Safe Renovation courses, and to firms and individuals engaged in renovation and remodeling activities of pre-1978 housing and child-occupied facilities in the State of Oregon. Individuals and firms falling under the North American Industrial Classification System (NAICS) codes 231118, 238210, 238220, 238320, 531120, 531210, 53131, e.g., General Building Contractors/Operative Builders, Renovation Firms, Individual Contractors, and Special Trade Contractors like Carpenters, Painters, Drywall workers and Plumbers, "Home Improvement" Contractors, as well as Property Management Firms and some Landlords are also affected by these rules. This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed here could also be affected. The NAICS codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How can I get additional information, including copies of this document or other related documents?

1. *Electronically:* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at *http://www.epa.gov/.* To access this document select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "Federal Register-Environmental Documents." You can also go directly to the **Federal Register** listings at *http://www.epa.gov/fedrgstr/.*

2. *In person:* You may read this document, and certain other related documents, by visiting the Oregon Public Health Division, 800 NE. Oregon St., Suite 608, Portland, OR 97232, contact person, Richard Leiker, Manager Lead Programs, telephone number: (971) 673–0434. You may also read this document, and certain other related documents, by visiting the United States Environmental Protection Agency (EPA), Oregon Operations Office, 805 SW. Broadway, Suite 500, Portland, Oregon 97205. You should arrange your visit to the EPA office by contacting the technical person listed under **FOR FURTHER INFORMATION CONTACT.** Also, EPA has established an official record for this action under docket control number EPA–R10–OPPT–2010–0549. The official record consists of the documents specifically referenced in this action, this notice, the State of Oregon 402(c)(3) and 406(b) program authorization applications, any public comments received during an applicable comment period, and other information related to this action.

C. How and to whom do I submit comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is important that you identify docket control number EPA–R10–OPPT–2010–0549 in the subject line on the first page of your response.

Submit your comments, by one of the following methods:

1. *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.

2. *By mail:* Submit your comments and hearing requests to: Barbara Ross, Technical Contact, OAWT, Solid Waste & Toxics, AWT–128, U.S. Environmental Protection Agency, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101.

3. *By person or courier:* Deliver your comments and hearing requests to: United States Environmental Protection Agency (EPA), Oregon Operations Office, 805 SW. Broadway, Suite 500, Portland, Oregon 97205 or U.S. Environmental Protection Agency, OAWT, Solid Waste & Toxics, AWT–128, 1200 Sixth Avenue, Seattle, WA 98101. The Regional offices are open from 8 a.m. to 5 p.m., Monday through Friday, excluding legal holidays. The phone numbers for the offices are (503) 326–3250 and (206) 553–1985.

4. *Electronically:* You may submit your comments and hearing requests electronically by e-mail to: *ross.barbara@epa.gov,* or mail your computer disk to the address identified above. Do not submit any information electronically that you consider Confidential Business Information (CBI). Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will

also be accepted on standard disks in Microsoft Word or ASCII file format.

Instructions: Direct your comments to Docket ID Number EPA–R10–OPPT–2010–0549. 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 or 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 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.

D. How should I handle CBI information that I want to submit to the agency?

Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark on each page the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM that you mail to EPA 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 as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. If you have any questions about CBI or the procedures for claiming CBI, please consult the technical person identified under **FOR FURTHER INFORMATION CONTACT**.

E. What should I consider as I prepare my comments for EPA?

You may find the following suggestions helpful for preparing your comments.

1. Explain your views as clearly as possible.
2. Describe any assumptions that you use.
3. Provide copies of any technical information and/or data you use that support your views.
4. If you estimate potential burden or costs, explain how you arrive at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice or collection activity.
7. Make sure to submit your comments by the deadline in this notice.
8. To ensure proper receipt by EPA, identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

A. What action is the agency taking?

EPA is announcing that on May 3, 2010, the State of Oregon was deemed authorized under section 404(a) of TSCA, and 40 CFR 745.324(d)(2), to administer and enforce requirements for a renovation, repair and painting program in accordance with section 402(c)(3) of TSCA, and a lead-based paint pre-renovation education program in accordance with section 406(b) of TSCA. This notice also announces that EPA is seeking comment and providing an opportunity to request a public hearing on whether the State programs are at least as protective as the Federal programs and provide for adequate enforcement. The 402(c)(3) program ensures that training providers are accredited to teach renovation classes, that individuals performing renovation activities are properly trained and certified as renovators, that firms are certified as renovation firms, and that specific work practices are followed during renovation activities. The 406(b) program ensures that owners and occupants of target housing are provided information concerning potential hazards of lead-based paint exposure before certain renovations are begun. On May 3, 2010, Oregon submitted an application under section 404 of TSCA requesting authorization to administer and enforce requirements for a renovation, repair and painting program in accordance with section 402(c)(3) of TSCA, and a pre-renovation education program in accordance with section 406(b) of TSCA, and submitted a self-certification that these programs are at least as protective as the Federal programs and provides for adequate enforcement. Therefore, pursuant to section 404(a) of TSCA, and 40 CFR 745.324(d)(2), the Oregon renovation program and pre-renovation education program are deemed authorized as of the date of submission and until such time as the Agency disapproves the program application or withdraws program authorization. Pursuant to section 404(b) of TSCA and 40 CFR 745.324(e)(2), EPA is providing notice, opportunity for public comment and opportunity for a public hearing on whether the State program application is at least as protective as the Federal programs and provides for adequate enforcement. If a hearing is requested and granted, EPA will issue a **Federal Register** notice announcing the date, time and place of the hearing. The authorization of the Oregon 402(c)(3) and 406(b) programs, which were deemed authorized by regulation and statute on May 3, 2010, will continue without further notice unless EPA, based on its own review and/or comments received during the comment period, disapproves one or both of these Oregon program applications on or before October 31, 2010.

B. What is the agency's authority for taking this action?

On October 28, 1992, the Housing and Community Development Act of 1992, Public Law 102–550, became law. Title X of that statute was the Residential Lead-Based Paint Hazard Reduction Act of 1992. That Act amended TSCA (15 U.S.C. 2601 *et seq.*) by adding Title IV (15 U.S.C. 2681–2692), entitled Lead Exposure Reduction. In the **Federal Register** dated April 22, 2008, (73 FR 21692), EPA promulgated final TSCA section 402(c)(3) regulations governing renovation activities. The regulations

require that in order to do renovation activities for compensation, renovators must first be properly trained and certified, must be associated with a certified renovation firm, and must follow specific work practice standards, including recordkeeping requirements. In addition, the rule prescribes requirements for the training and certification of dust sampling technicians. In the **Federal Register** of June 1, 1998, (63 FR 29908), EPA promulgated final TSCA section 406(b) regulations governing pre-renovation education requirements in target housing. This program ensures that owners and occupants of target housing are provided information concerning potential hazards of lead-based paint exposure before certain renovations are begun on that housing. In addition to providing general information on the health hazards associated with exposure to lead, the lead hazard information pamphlet advises owners and occupants to take appropriate precautions to avoid exposure to lead-contaminated dust and debris that are sometimes generated during renovations. EPA believes that regulation of renovation activities and the distribution of the pamphlet will help to reduce the exposures that cause serious lead poisonings, especially in children under age 6, who are particularly susceptible to the hazards of lead.

Under section 404 of TSCA, a State may seek authorization from EPA to administer and enforce its own pre-renovation education program or renovation, repair and painting program in lieu of the Federal program. The regulations governing the authorization of a State program under both sections 402 and 406 of TSCA are codified at 40 CFR part 745, subpart Q. States that choose to apply for program authorization must submit a complete application to the appropriate regional EPA office for review. Those applications will be reviewed by EPA within 180 days of receipt of the complete application. To receive EPA approval, a State must demonstrate that its program is at least as protective of human health and the environment as the Federal program, and provides for adequate enforcement, as required by Section 404(b) of TSCA. EPA's regulations at 40 CFR part 745, subpart Q, provide the detailed requirements a State program must meet in order to obtain EPA approval. A State may choose to certify that its own pre-renovation education program or renovation, repair and painting program meets the requirements for EPA approval, by submitting a letter signed by the Governor or Attorney General stating that the program is at least as protective of human health and the environment as the Federal program and provides for adequate enforcement. Upon submission of such a certification letter, the program is deemed authorized pursuant to TSCA section 404(a) and 40 CFR 745.324(d)(2) and [15 U.S.C. 2864(b)]. This authorization becomes ineffective, however, if EPA disapproves the application or withdraws the program authorization.

III. State Program Description Summary

The following program summary is from Oregon's self-certification application:

Scope of Rules

Oregon State laws, called Oregon Revised Statutes (ORS), gives the Department of Human Services (DHS), Public Health Division, and the Construction Contractors Board joint authority to implement and administer the Federal Lead Renovation, Repair and Painting Rule in Oregon to ensure that persons who perform lead-based paint activities do so safely to prevent exposure of building occupants, especially children, to hazardous levels of lead. The Oregon Administrative Rules (OARs) adopted by the State of Oregon to implement the statutes and the Lead Renovation, Repair and Painting Rule Program can be found in OAR 333–070 and OAR 812–007. The Department of Human Services, Public Health Division OARs governing Lead-Based Paint Renovation including the standards of Practice and RRP training can be found in OAR 333–070 effective April 26, 2010. The Construction Contractors Board OARs governing the "Certified Lead-Based Paint Renovation Contractors License" (LBPR) can be found in OAR 812–007–0020 (definitions) and OAR 812–007–0300 through 0372 effective April 27, 2010. The rule requires a person to be certified before performing, supervising, or offering to perform a lead-based paint activity involving target housing or a child-occupied facility built before 1978. Work practice standards are also prescribed, as well as reporting and recordkeeping requirements. In addition, no person may offer or conduct a lead training course represented as qualifying a person for certification unless the course is accredited by the Department and uses approved instructors.

OAR 333 Division 70 has been promulgated to incorporate the pre-renovation education distribution (PRE) and renovation, repair and painting (RRP) requirements for programs under the Environmental Protection Agency's regulations at 40 CFR part 745, subparts E and L. The DHS's lead program regulates the following lead-based paint activities in target housing and child-occupied facilities built before 1978:

- Pre-renovation information distribution and renovation activities conducted for compensation.
- Lead hazard reduction, including abatement and ordered lead remediation.
- Lead investigation, including dust, paint, soil sampling and onsite testing; clearance, inspection, hazard screen, risk assessment and elevated blood lead investigation activities.

Applicability to Renovations

The PRE and RRP provisions are described in detail at OAR 333–070, OAR 812–007–0020, and OAR 812–007–0300 through 0374. These rules apply to renovations performed for compensation in target housing and child-occupied facilities, except when:

- The paint involved in the renovation is determined to be lead-free by a certified lead inspector, risk assessor or hazard investigator or by a certified renovator using an Oregon-recognized test kit.
- The work is minor repair or maintenance.
- The work is renovation not performed for compensation and no other conditions requiring certification exist.
- The work is renovation performed by the homeowner in the owner's owner-occupied unit.

Emergency renovations are exempt from certain provisions, including the PRE requirements, but not from cleaning and post renovation cleaning verification.

Accreditation of Training Courses

Training course accreditation is described in detail at OAR 333.070.0125–0160. A person wishing to offer a course leading to certification, including lead-safe renovation and lead sampling initial or refresher courses, must submit a complete application with course materials and fee to the Department. The course must cover all curriculum requirements identified in Division 70. Courses deemed to meet all requirements are granted full approval and may renew their accreditations at 4-year intervals.

Pre-Renovation Education Requirements

The PRE requirements are described in detail at OAR 333.070.0095. Renovation companies must:

- Provide the pamphlet, Renovate Right, to owners and occupants of target

housing and to owners, operators and parents or guardians in child-occupied facilities before beginning renovation work.

• Obtain signature acknowledging receipt of pamphlet, or other proof of delivery.

• Post information in child-occupied facilities and multi-family housing.

Renovation, Repair and Painting Requirements

Certified Company Requirements

OAR 333–070–0105 through 333–070–0110 describe requirements for certification for firms that are not licensed by the Construction Contractors Board (CCB). Requirements for companies licensed by CCB are described in OAR 812–007–0300 through 812–007–0360. Companies must submit an application and pay a fee for certification. Companies must:

• Assign a certified lead-safe renovator to oversee each renovation project.

• Use only a certified renovator and certified renovator-trained workers to perform renovations.

• Ensure the use of lead-safe work practices and that prohibited practices are not used.

• Meet the pre-renovation education requirements.

• Create and maintain required records.

Certified Renovator Requirements

Certified renovator responsibilities are described at OAR 333.070.0100. To be certified as a lead-safe renovator, an individual must complete a one-day lead-safe renovation course taught by an accredited training provider. Certified renovators must:

• Provide training to untrained workers on the lead-safe work practices to be used.

• Be onsite to conduct or oversee posting of signs, containment setup, and final cleaning.

• Be onsite regularly to direct and ensure ongoing maintenance of containment barriers and use of lead-safe work practices.

• Be available onsite during work or by telephone to return immediately to the worksite.

• Be in possession of a valid, unexpired certification card when at the jobsite.

• Personally conduct the post-renovation cleaning verification.

• Prepare required renovation records.

Certified Lead Sampling Technician Requirements

Lead sampling technician activities and responsibilities are described at OAR 333.070.0100. Lead sampling technicians may conduct clearance after renovation, but not lead abatement. A lead sampling technician must complete a one-day lead sampling course taught by an accredited training provider. Sampling technicians must:

• Complete clearance requirements, including collecting and sending dust-wipe samples to a recognized lab.

• Interpret laboratory results and prepare a clearance report for the contractor and owner.

• Be in possession of a valid, unexpired certification card when conducting regulated work.

Renovation Work Practice Requirements

Renovation work practices are described at OAR 333.070.0090. Workers must follow documented methodologies to protect occupants from lead hazards created during renovations, including:

• Posting warning signs, containing work areas, protecting furnishings and cleaning.

• Prohibitions on using certain dangerous work practices, including: Open-flame burning or torching, operating a heat gun over 750 °F, using a high speed machine to remove paint without a HEPA-filtered exhaust system, using an improperly operating HEPA vacuum, and dry sweeping in the work area.

• Proper handling and transporting of waste.

• Final visual inspection and post renovation cleaning verification using prescribed protocol.

Renovation Recordkeeping Requirements

Recordkeeping requirements for renovations are described in detail at OAR 333.070.0110. The renovation company must maintain records of its regulated activities for 3 years, including:

• Any paint testing results.

• Copies of signed pamphlet acknowledgements forms or other documentation of delivery.

• Documentation and certification that renovation requirements were followed.

• Individual worker training records.

IV. Federal Overfiling

Section 404(b) of TSCA makes it unlawful for any person to violate, or fail or refuse to comply with, any requirement of an approved State program. Therefore, EPA reserves the right to exercise its enforcement authority under TSCA against a violation of, or a failure or refusal to comply with, any requirement of an authorized State program.

V. Withdrawal of Authorization

Pursuant to section 404(c) of TSCA, the EPA Administrator may withdraw authorization of a State or Indian Tribal renovation, repair and painting program, and/or a lead-based paint pre-renovation education program, after notice and opportunity for corrective action, if the program is not being administered or enforced in compliance with standards, regulations, and other requirements established under the authorization. The procedures U.S. EPA will follow for the withdrawal of an authorization are found at 40 CFR 745.324(i).

Dated: June 24, 2010.

Michelle Pirzadeh,

Acting Regional Administrator, Region 10.

[FR Doc. 2010–16775 Filed 7–8–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–8991–3]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–1399 or *http://www.epa.gov/compliance/nepa/.* Weekly receipt of Environmental Impact Statements filed 06/28/2010 through 07/02/2010 pursuant to 40 CFR 1506.9.

Notice: In accordance with section 309(a) of the Clean Air Act, EPA is required to make its comments on EISs issued by other Federal agencies public. Historically, EPA has met this mandate by publishing weekly notices of availability of EPA comments, which includes a brief summary of EPA's comment letters, in the **Federal Register**. Since February 2008, EPA has been including its comment letters on EISs on its Web site at: *http://www.epa.gov/compliance/nepa/eisdata.html.* Including the entire EIS comment letters on the Web site satisfies the section 309(a) requirement to make EPA's comments on EISs available to the public. Accordingly, on March 31, 2010, EPA discontinued the publication of the notice of availability of EPA comments in the **Federal Register**.

EIS No. 20100244, Final EIS, USFS, CO, North San Juan Sheep and Goat Allotments, Proposal to Permit

Domestic Livestock Grazing Management, Conejos Peak Ranger District, Rio Grande National Forest, Conejos, Rio Grande and Archuleta Counties, CO, Wait Period Ends: 08/09/2010, Contact: Kelly Garcia 719–274–8971.

EIS No. 20100245, Second Draft EIS (Tiering), USFWS, 00, Hunting of Migratory Birds, Issuance of Regulations, To Annually Evaluate and Establish Appropriate Levels of Take for these Species that are Hunted by Millions of Americans, Comment Period Ends: 03/31/2011, Contact: Robert Trost 503–231–6162.

EIS No. 20100246, Draft EIS, NOAA, NC, Atlantic Sea Scallop Fishery Management Plan, Amendment 15, Implementation of the Annual Catch Limits (ACLs) and Accountability Measures (AMs) to Prevent Overfishing, Gulf of Maine, Georges Bank, NC, Comment Period Ends: 08/23/2010, Contact: Patricia A. Kurkul 978–281–9315.

EIS No. 20100247, Final EIS, USACE, NC, The Town of Nags Head Beach Nourishment Project, Propose to Utilize a Self-Contained Hooper Dredge and Other Feasible Dredging Equipment during a Proposed Construction Window from April through September, Dare County, NC, Wait Period Ends: 08/09/2010, Contact: Raleigh Bland 910–251–4564.

EIS No. 20100248, Final EIS, USFS, UT, Kitty Hawk Administrative Site Master Development Plan, Implementation, Cedar City Ranger District, Dixie National Forest, Cedar City, Iron County, UT, Wait Period Ends: 08/09/2010, Contact: Georgina Lampman 435–865–3794.

EIS No. 20100249, Draft EIS, FHWA, CA, Interstate 5 North Coast Corridor Project, Construction and Operation, Upgrade the Freeway with High Occupancy Vehicle/Managed Lanes (HOV/ML), Auxiliary Lanes, Direct Access Ramps (DAR), and Possibly One General Purposes Lane, San Diego County, CA, Comment Period Ends: 10/07/2010, Contact: Cesar Pere 916–498–5065.

EIS No. 20100250, Final EIS, USFS, ID, Boise National Forest Project, Proposed Amendments to the Land and Resource Management Plan, Wildlife Conservation Strategy (WCS) Phase 1: Forested Biological Community, Located within Portions of Ada, Boise, Elmore, Gem, and Valley Counties, ID, Wait Period Ends: 08/09/2010, Contact: Randall R. Hayman 208–373–4100.

EIS No. 20100251, Final EIS, FHWA, MS, I–69 Section of Independent Utility #11 Project, Construction of Multi-Lane, Interstate Highway from Benoit to Robinsonville, U.S. Army COE section 404 Permit, Mississippi River Bridge, Bolivar, Coahoma, Tunica and Sunflower Counties, MS, Wait Period Ends: 08/09/2010, Contact: E. Claiborne Barnwell, P.E. 601–965–4217.

Amended Notices

EIS No. 20040214, Draft EIS, FTA, CA, WITHDRAWN—Gold Line Phase II—Pasadena to Montclair—Foothill Extension, Address Transportation Problems and Deficiencies, Cities of Pasadena, Arcadia, Monrovia, Durate, Irwindale, Azusa, Glendora, San Dimas, La Verne, Pomona and Claremont in Los Angeles County, and Cities of Montclair and Upland in San Bernardino County, CA, Comment Period Ends: 06/21/2004, Contact: Erv Poka 213–202–3950.

This document is available on the Internet at: *http://www.metrogoldline.org.*

Revision to FR notice published 05/07/2004: Correction to Agency Code from FHWA to FTA.

EIS No. 20100230, Final EIS, FTA, HI, Honolulu High-Capacity Transit Corridor Project, Provide High-Capacity Transit Service on O'ahu from Kapolei to the University of Hawaii at Manoa and Waikiki, City and County of Honolulu, O'ahu, Hawaii, Wait Period Ends: 07/26/2010, Contact: Ted Matley 415–744–3133.

Revision to FR notice published 06/25/2010: The Federal Aviation Administration (FAA) has adopted the U.S. Department of Transportation's Federal Transit Administration (FTA) Final #20100230 filed with the Environmental Protection Agency 06/25/2010. FAA was a Cooperating Agency for the above FEIS. Recirculation of the document is not necessary under § 1506.3(c) of the Council on Environmental Quality regulations.

Dated: July 6, 2010.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2010–16774 Filed 7–8–10; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Amendment to Sunshine Act Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), the Farm Credit Administration gave notice on July 6, 2010 (75 FR 38811) of the regular meeting of the Farm Credit Administration Board (Board) scheduled for July 8, 2010. This notice is to amend the agenda by adding an item to the open session of that meeting.

FOR FURTHER INFORMATION CONTACT: Roland E. Smith, Secretary to the Farm Credit Administration Board, (703) 883–4025, TTY (703) 883–4056.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts of this meeting will be closed to the public. The agenda for July 8, 2010, is amended by adding an item to the open session to read as follows:

Open Session

B. New Business

- Proposed Bookletter—Farm Credit System Bank Merger Applications.

Dated: July 7, 2010.

Roland E. Smith,

Secretary, Farm Credit Administration Board.

[FR Doc. 2010–16924 Filed 7–7–10; 4:15 pm]

BILLING CODE 6705–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also

includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 5, 2010.

A. Federal Reserve Bank of San Francisco (Kenneth Binning, Vice President, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. AltaPacific Bancorp, Santa Rosa, California; to become a bank holding company by acquiring 100 percent of the voting shares of AltaPacific Bank, Santa Rosa, California.

Board of Governors of the Federal Reserve System, July 6, 2010.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2010–16766 Filed 7–8–10; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 26, 2010.

A. Federal Reserve Bank of Minneapolis (Jacqueline G. King, Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. Dairyland Bank Holding Corporation, La Crosse, Wisconsin; to engage *de novo* in lending activities, pursuant to section 225.28(b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, July 6, 2010.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2010–16767 Filed 7–8–10; 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 part 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.

American Cargoservice, Inc. (OFF & NVO), 7880 Convoy Court, San Diego, CA 92111. Officers: Terrance C. Simokat, President (Qualifying Individual), Theodore Green, Stockholder, Application Type: New OFF & NVO License

Benchmark Worldwide Logistics, Inc. dba Star Ocean Lines (OFF & NVO), 29400 South Route 53, Elwood, IL 60421. Officers: Jennifer A. Tachtaul, Vice President (Qualifying Individual), Cynthia J. McDonald, President, Application Type: New OFF & NVO License

Blue Ocean Freight, Inc. dba Seaship Line (OFF & NVO), 250 Valley Street, 2F, Providence, RI 02909. Officers: Ali A. Karabashi, President/Treasurer (Qualifying Individual), Adam Karabashi, Secretary, Application Type: Add NVO Service and Trade Name Change

Blue Ocean Shipping, Inc. dba Advanced Shipping, Corp. dba Star Cluster USA (OFF & NVO), 1221 Landmeier Road, Elk Grove Village, IL 60007. Officer: Bong S. Kim, President/Secretary/CFO (Qualifying Individual), Application Type: Trade Name Change

Chemlogix Global LLC dba Vistalogix Global (OFF & NVO), 1777 Sentry Parkway West, Abington Hall, Suite 300, Blue Bell, PA 19422. Officers: William Spiro, Member/Vice President (Qualifying Individual), John S. Hamilton, Manager/Chairman/CEO, Application Type: Trade Name Change

CIL Freight Inc. (OFF), 1990 Lakeside Parkway, Suite 300, Tucker, GA 30084. Officers: Pui P. So, Vice President (Qualifying Individual), Jianjun Gan, President/Secretary/Treasurer/Director, Application Type: New OFF License

Commodity Forwarders, Inc. (OFF & NVO), 11101 S. La Cienega Blvd., Los Angeles, CA 90045. Officers: Chris Connell, President (Qualifying Individual), Alfred Kuehlewind, CEO/Secretary/Treasurer, Application Type: New OFF & NVO License

CP Worldwide Shipping Inc. (OFF & NVO), 1 Slater Drive, Elizabeth, NJ 07206. Officers: Carolyn Flecha, Vice President-Operations (Qualifying Individual), Chopra Rohit, President, Application Type: New OTI & NVO License

CTC Logistics (L.A.) Inc. (NVO), 5250 W. Century Blvd., Suite 660, Los Angeles, CA 90045. Officers: Jie Zhang, Secretary (Qualifying Individual), Yong Li, President/CEO, Application Type: QI Change

Embarque La Espanola Corp. (NVO), 31–01 102nd Street, East Elmhurst, NY 11369. Officers: Jose L. Jorge, Secretary (Qualifying Individual), Juan A. Peralta, President, Application Type: New NVO License

Ever-Leading International Inc. (OFF & NVO), 1320 N. San Gabriel Blvd. Rosemead, CA 91770. Officers: Hans Hsu, Vice President (Qualifying Individual), Huai N. Hsu, President, Application Type: Add OFF Service

Flier International Cargo, Inc. (NVO), 7164 NW 50th Street, Miami, FL 33166. Officers: Deborah S. Garcia, Treasurer/Secretary (Qualifying Individual), Marcelo Haddad, President, Application Type: New NVO License

Glovis America, Inc. (OFF & NVO), 17305 Von Karman Avenue, Irvine, CA 92614. Officers: James Oh, Vice

President Freight Forwarding (Qualifying Individual), Kim Kyung Bae, CEO, Application Type: QI Change

Golden Freight, Inc. dba Saigon Express (OFF & NVO), 510 Parrott Street, #2, San Jose, CA 95112. Officer: Chi T. Hoang, CEO/CFO/Secretary (Qualifying Individual), Application Type: Add NVO Service

Grupo Tical Holding, Inc. dba GTH Corporation (OFF & NVO), 7701 NW. 46th Street, Doral, FL 33166. Officers: Albert Oses, Secretary/Treasurer (Qualifying Individual), Luis A. Ramirez, President, Application Type: New OFF & NVO License

Interport Logistics, LLC (OFF & NVO), 2000 NW. 84th Avenue, Doral, FL 33122. Officer: Alberto J. Marino, Manager (Qualifying Individual), Application Type: Business Structure Change

International Logistic Services, Inc. (OFF & NVO), 155–11 146th Avenue, Jamaica, NY 11434. Officers: Cora R. Fong, Vice President (Qualifying Individual), Jean P. Noens, President/Secretary/Treasurer, Application Type: QI Change

JWJ Express Inc. (OFF & NVO), 149–23 182nd Street, Suite 100, Jamaica, NY 11413. Officers: Charles Wu, Vice President/Secretary (Qualifying Individual), Saughwan Lee, President/Treasurer, Application Type: QI Change

Login Logistics USA, Corp. (NVO), 1345 NW. 98th Court, Bldg. A, Unit 9, Doral, FL 33172. Officers: William Medina, Director/Secretary (Qualifying Individual), Rodinilson B. da Silva, Director/President, Application Type: New NVO License

M.O.T. Intermodal Shipping USA, Inc. (OFF & NVO), 1200–C Scottsville Road, Rochester, NY 14624. Officers: Danielle M. Hogancamp, Vice President/Secretary (Qualifying Individual), Ole Enderslev, President/Treasurer, Application Type: Add NVO Service

Net Cargo LLC (OFF & NVO), 9619 NW. 33rd Street, Doral, FL 33178. Officers: Victor E. Segura/General Manager Member/Treasurer (Qualifying Individual), Jorge A. Paez, Manager Member/Secretary, Application Type: New OFF & NVO License

Overseas Cargo Inc. (OFF & NVO), 332 S. Wayside Drive, Houston, TX 77011. Officer: Mohammed S. Mohamed, CEO (Qualifying Individual), Application Type: New OFF & NVO License

Pacific Republic West Inc. (OFF & NVO), 420 McKinley Street, Suite 111–209, Corona, CA 92879. Officer: Haiying L. Snider, Secretary (Qualifying Individual), Application Type: New OFF & NVO License

Pactrans Global, LLC (OFF & NVO), 950 Thorndale Avenue, Elk Grove Village, IL 60007. Officers: Chance Pon, Managing Member (Qualifying Individual), Kitty Pon, Manager, Application Type: New OFF & NVO License

Skylink Global Logistics, Inc. (OFF & NVO), One Industrial Plaza, Bldg. C, Valley Stream, NY 11581. Officers: Toru Mizuno, Vice President/Secretary (Qualifying Individual), Kevin Connolly, President/Treasurer, Application Type: New OFF & NVO License

Shipping Solutions Worldwide, Ltd. (OFF & NVO), 14650 Rothgeb Drive, Unit P, Rockville, MD 20850. Officers: Raul Zambrano, Vice President (Qualifying Individual), Edgar Zambrano, President, Application Type: New OFF & NVO

Talwin Transport Service LLC (OFF & NVO), 8305 NW. 27th Street, Suite 111, Doral, FL 33122. Officers: Orestes G. Wrves, Secretary/Treasurer/MGRM (Qualifying Individual), Gabriel N. Taberna, President/MGRM, Application Type: New OFF & NVO

Transoceanic Projects Development Company, Inc. dba AKL Shipping, Company (OFF & NVO), 1801 Kingwood Drive, Suite 270, Kingwood, TX 77339. Officers: Richard W. Castaing, Executive Vice President (Qualifying Individual), Arval D. Headrick, Sr., President, Application Type: New OFF & NVO License

Transworld Logistics & Shipping Services, Inc. dba All Cargo, Movers Inc. dba Balaji Shipping (U.K.) Limited dba TLSS, Inc. (OFF & NVO), 200 Middlesex Essex Turnpike, Suite 200, Iselin, NJ 08830. Officers: Allan J. Couto, Vice President (Qualifying Individual), Sivaswamy I. Ramakrishnan, President, Application Type: Add NVO Service/Trade Name Change

Viva Logistics Inc. (OFF & NVO), 347 Fifth Avenue, #910, New York, NY 10016. Officers: Shao F. Lai, Vice President (Qualifying Individual), Wheiyu Wang, President, Application Type: New OFF & NVO License

Dated: July 2, 2010.

Karen V. Gregory,

Secretary.

[FR Doc. 2010–16734 Filed 7–8–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Research Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) and the Assistant Secretary for Health have taken final action in the following case:

Gerardo L. Paez, PhD, University of Pennsylvania: Based on the reports of an inquiry and an investigation conducted by the University of Pennsylvania (UP) and analysis conducted by the ORI Division of Investigative Oversight (DIO), ORI found that Gerardo L. Paez, PhD, former postdoctoral fellow, Section of Medical Genetics, UP School of Veterinary Medicine, engaged in research misconduct in research supported by National Eye Institute (NEI), National Institutes of Health (NIH), awards R01 EY06855 and R01 EY13132.

ORI found that the Respondent engaged in research misconduct by falsifying and fabricating retinal gene profile data that he purportedly obtained from three-week old normal dogs and dogs with X-linked progressive retinal atrophy.

Specifically, ORI found that:

1. Respondent committed research misconduct by falsifying/fabricating data for gene expression profiles in retinal tissue from three-week old normal dogs and dogs with X-linked progressive retinal atrophy in abstracts and poster presentations for the 2006 [1] and 2007 [2] Association for Research in Vision and Ophthalmology (ARVO) meetings and in an unsubmitted manuscript draft.[3]

2. Respondent falsely labeled data files in the UP bioinformatics core computer and submitted falsely identified files to his research mentors.

Dr. Paez has entered into a Voluntary Settlement Agreement in which he has voluntarily agreed, for a period of three (3) years, beginning on June 9, 2010:

(1) To exclude himself from serving in any advisory capacity to PHS, including

[1] Paez, G.L., Zangerl, B., Acland, G.M., & Aguirre, G.D. "Abnormal gene expression profile in retinas with RPGR frameshift mutation."

[2] Paez, G.L., Zangerl, B., Acland, G.M., & Aguirre, G.D. "Photoreceptor degeneration and tumor suppressor gene expression in canine retinas with RGR frameshift mutation."

[3] Paez, G.L., Zangerl, B., Acland, G.M., & Aguirre, G.D. "Age-related changes in the transcriptional profile of normal and XLPRAII retinas using a custom cDNA microarray."

but not limited to service on any PHS advisory committee, board, and/or peer review committee, or as a consultant;

(2) that any institution that submits an application for PHS support for a research project on which the Respondent's participation is proposed or that uses him in any capacity on PHS-supported research, or that submits a report of PHS-funded research in which he is involved, must concurrently submit a plan for supervision of his duties to the funding agency for approval; the supervisory plan must be designed to ensure the scientific integrity of his research contribution. A copy of the supervisory plan also must be submitted to ORI by the institution. Respondent agreed that he will not participate in any PHS-supported research until such a supervisory plan is submitted to ORI.

FOR FURTHER INFORMATION CONTACT: Director, Division of Investigative Oversight, Office of Research Integrity, 1101 Wootton Parkway, Suite 750, Rockville, MD 20852, (240) 453–8800.

John Dahlberg,

Director, Division of Investigative Oversight, Office of Research Integrity.

[FR Doc. 2010–16824 Filed 7–8–10; 8:45 am]

BILLING CODE 4150–31–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) announces the following advisory committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS) Standards Subcommittee.

Time and Date: July 19, 2010 9 a.m.–5 p.m. July 20, 2010 8:30 a.m.–5 p.m. July 21, 2010 9 a.m.–5 p.m. (committee discussion)

Place: Hamilton Crowne Plaza Hotel, 1001 14th Street, NW., Washington, DC 20005, (202) 682–0111.

Status: Open.

Purpose: The purpose of this upcoming meeting of the Subcommittee on Standards is to receive industry input on a unique health plan identifier to be used in HIPAA standard transactions, and on new operating rules for standards, and their authoring organizations. The Subcommittee will hear testimony from individuals, organizations and associations on these matters. The subcommittee will meet for three consecutive days for which a variety of panels are scheduled; day one will focus on the unique health plan identifier, day two will concentrate on authoring organizations and operating rules for eligibility and health claim status, and day three of the meeting will be reserved for Subcommittee discussion and deliberation.

The NCVHS has been named in the Patient Protection and Affordable Care Act (ACA) of 2010 to review and make recommendations on several HIPAA standards and electronic transactions. This meeting will support these activities in the development of a set of recommendations for the Secretary, as required by section 1104 of the ACA. Text of the ACA can be found at *http://dpc.senate.gov/dpcdoc-sen_health_care_bill.cfm.*

Contact Person For More Information: Substantive program information as well as summaries of meetings and a roster of committee members may be obtained from Lorraine Doo, lead staff for the Standards Subcommittee, NCVHS, Centers for Medicare and Medicaid Services, Office of E-Health Standards and Services, 7500 Security Boulevard, Baltimore, Maryland, 21244, telephone (410) 786–6597 or Marjorie S. Greenberg, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, 3311 Toledo Road, Room 2402, Hyattsville, Maryland 20782, telephone (301) 458–4245. Information also is available on the NCVHS home page of the HHS Web site: *http://www.ncvhs.hhs.gov/,* where further information including an agenda will be posted when available.

Should you require reasonable accommodation, please contact the CDC Office of Equal Employment Opportunity on (301) 458–4EEO (4336) as soon as possible.

Dated: June 29, 2010.

James Scanlon,

Deputy Assistant Secretary for Planning and Evaluation, Science and Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 2010–16729 Filed 7–8–10; 8:45 am]

BILLING CODE 4151–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0174]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Applications for Food and Drug Administration Approval to Market a New Drug: Patent Submission and Listing Requirements and Application of 30-Month Stays on Approval of Abbreviated New Drug Applications Certifying That a Patent Claiming a Drug Is Invalid or Will Not Be Infringed

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by August 9, 2010.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or e-mailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0513. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Elizabeth Berbakos, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–3792, *Elizabeth.Berbakos@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Applications for FDA Approval to Market a New Drug: Patent Submission and Listing Requirements and Application of 30-Month Stays on Approval of Abbreviated New Drug Applications Certifying That a Patent Claiming a Drug Is Invalid or Will Not Be Infringed—OMB Control Number 0910–0513—Extension

Section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(b)(1)) requires all new drug application (NDA) applicants to file, as part of the NDA, "the patent number and the expiration date of any patent which claims the drug for which the applicant submitted the application or which claims a method of using such drug and with respect to which a claim of patent infringement could reasonably be asserted if a person not licensed by the owner engaged in the manufacture[,] use, or sale of the drug." Section 505(c)(2) of the act imposes a similar patent submission obligation on holders of approved NDAs when the NDA holder could not have submitted the patent information with its application. Under section 505(b)(1) of the act, we publish patent information after approval of an NDA in the list entitled "Approved Drug Products With Therapeutic Equivalence Evaluations"

(the Orange Book). If patent information is submitted after NDA approval, section 505(c)(2) of the act directs us to publish the information upon its submission.

FDA regulations at §§ 314.50(h) and 314.53 (21 CFR 314.50(h) and 314.53) clarify the types of patent information that must and must not be submitted to FDA as part of an NDA, an amendment, or a supplement, and require persons submitting an NDA, an amendment, or a supplement, or submitting information on a patent after NDA approval, to make a detailed patent declaration using Form FDA 3542a and Form FDA 3542.

The reporting burden for submitting an NDA, an amendment, or supplement in accordance with § 314.50(a) through (f) and (k) has been estimated by FDA and the collection of information has been approved by OMB under OMB control number 0910–0001. We are not re-estimating these approved burdens in this document. Only the reporting burdens associated with patent submission and listing, as explained in the following paragraphs, are estimated in this document.

The information collection reporting requirements are as follows:

Section 314.50(h) requires that an NDA, an amendment, or a supplement contain patent information described under § 314.53.

Section 314.53 requires that an applicant submitting an NDA, an amendment, or a supplement, except as provided in § 314.53(d)(2), submit on Forms 3542 and 3542a, the required patent information described in this section.

Compliance with the information collection burdens under §§ 314.50(h) and 314.53 consists of submitting with an NDA, an amendment, or a supplement (collectively referred to as "application") the required patent declaration(s) on Form 3542a for each "patent that claims the drug or a method of using the drug that is the subject of the new drug application or amendment or supplement to it and with respect to which a claim of patent infringement could reasonably be asserted if a person not licensed by the owner of the patent engaged in the manufacture, use, or sale of the drug product" (§ 314.53(b)). Such patents claim the drug substance (active ingredient), drug product (formulation and composition), or method of use. If a patent is issued after the application is filed with FDA but before the application is approved, the applicant must submit the required patent information on Form 3542a as an amendment to the application, within 30 days of the date of issuance of the patent.

Within 30 days after the date of approval of an application, the applicant must submit Form 3542 for each patent that claims the drug substance (active ingredient), drug product (formulation and composition), or approved method of use for listing in the Orange Book. In addition, for patents issued after the date of approval of an application, Form 3542 must be submitted within 30 days of the date of issuance of the patent.

In the **Federal Register** of April 8, 2010 (75 FR 17924), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received on the information request.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section § 314.50 (citing § 314.53)	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
Form FDA 3542a	233	2.6	606	20	12,120
Form FDA 3542	154	2.6	400	5	2,000
Total					14,120

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The numbers of patents submitted to FDA for listing in the Orange Book in 2007, 2008, and 2009 were 268, 347, and 335, respectively, for an annual average of 317 (268 patents + 347 patents + 335 patents) / 3 years = 317 patents / year). Because many of these individual patents are included in multiple NDA submissions, there could be multiple declarations for a single patent. From our previous review of submissions, we believe that approximately 14 percent of the patents submitted are included in multiple NDA submissions, and thus require multiple patent declarations. Therefore, we estimate that 44 (317 patents x 14 percent) patents will be multiple listings, and there will be a total of 361 patents (317 patents + 44 patents = 361 patents) declared on Form FDA 3542. We approved 67, 73, and 77 NDAs in 2007, 2008, and 2009, respectively, of which approximately 71 percent submitted patent information for listing in the Orange Book. The remaining NDAs submitted Form 3542 as required and declared that there were no relevant patents. We also approved approximately 88, 96, and 62 NDA supplements in 2007, 2008, and 2009, respectively, for which submission of a patent declaration would be required. We estimate there will be 154 instances (based on an average of 72 NDA approvals and 82 supplement approvals per year) where an NDA holder would be affected by the patent declaration requirements, and that each of these NDA holders would, on average, submit 2.6 declarations ((361 patent declarations + 45 no relevant patent declarations) / 154 instances = 2.6 declarations per instance) on Form FDA 3542. We filed 120, 113, and 118 NDAs in 2007, 2008, and 2009, respectively, and 145, 99, and 104 NDA supplements in 2007, 2008, and 2009, respectively, for which submission of a patent declaration would be required. We estimate there will be 233 instances (based on an average of 117 NDAs filed and 116 NDA supplements filed per year) where an NDA holder would be affected by the patent declaration requirements. We estimate, based on a proportional increase from the number of declarations for approved NDAs, that there will be an annual total of 606 declarations (233 instances x 2.6 declarations per instance = 606 declarations) on Form FDA 3542a submitted with these applications. Based upon information provided by regulated entities and other information, we previously estimated that the information collection burden associated with § 314.50(h) (citing § 314.53) and FDA Forms 3542a and 3542 will be approximately 20 hours and 5 hours per response, respectively.

On December 3, 2008, FDA announced in the **Federal Register** (73 FR 73659) the availability of a draft guidance for industry entitled

"Submission of Patent Information for Certain Old Antibiotics." That draft guidance, if finalized, would provide information regarding FDA's current thinking on the implementation of section 4(b)(1) of the Q1 Program Supplemental Funding Act (Public Law 110–379). Section 4(b)(1) of the Q1 Act requires submission to FDA of patent information by sponsors of certain NDAs containing old antibiotics. Estimates on the number of Forms FDA 3542a and 3542 that might be submitted in accordance with a finalized guidance have been included in table 1 of this document.

Dated: July 1, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–16738 Filed 7–8–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Comments are invited on: (a) Whether the proposed collections of information are 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; (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.

Proposed Project: Voluntary Customer Satisfaction Surveys To Implement Executive Order 12862 in the Substance Abuse and Mental Health Services Administration (SAMHSA)—(OMB No. 0930–0197)—Extension

Executive Order 12862 directs agencies that "provide significant services directly to the public" to "survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services." SAMHSA provides significant services directly to the public, including treatment providers and State substance abuse and mental health agencies, through a range of mechanisms, including publications, training, meetings, technical assistance and web sites. Many of these services are focused on information dissemination activities. The purpose of this submission is to extend the existing generic approval for such surveys.

The primary use for information gathered is to identify strengths and weaknesses in current service provisions by SAMHSA and to make improvements that are practical and feasible. Several of the customer satisfaction surveys expected to be implemented under this approval will provide data for measurement of program effectiveness under the Government Performance and Results Act (GPRA). Information from these customer surveys will be used to plan and redirect resources and efforts to improve or maintain a high quality of service to health care providers and members of the public. Focus groups may be used to develop the survey questionnaire in some instances.

The estimated annual hour burden is as follows:

Type of data collection	Number of respondents	Responses/ respondent	Hours/ response	Total hours
Focus groups	250	1	2.50	625
Self-administered, mail, telephone and e-mail surveys	89,750	1	.250	22,438
Total	90,000			23,063

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 7–1044, One Choke Cherry Road, Rockville, MD 20857 and e-mail her a copy at *summer.king@samhsa.hhs.gov.* Written comments should be received within 60 days of this notice.

Dated: June 30, 2010.

Dennis O. Romero,

Deputy Director, Office of Program Services.

[FR Doc. 2010–16743 Filed 7–8–10; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60-Day 10–0214]

Proposed Data Collections Submitted for Public Comment and Recommendations

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 Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed project or to obtain a copy of data collection plans and instruments, call the CDC Reports Clearance Officer on 404–639–5960 or send comments to CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS D–74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov.*

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; (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 the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

National Health Interview Survey (NHIS), (OMB No. 0920–0214)—Revision—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary of Health and Human Services (DHHS), acting through NCHS, shall collect statistics on the extent and nature of illness and disability of the population of the United States.

The annual National Health Interview Survey (NHIS) is a major source of general statistics on the health of the U.S. population and has been in the field continuously since 1957. On January 4, 2010, the Office of Management and Budget (OMB) approved data collection for the 2010, 2011, and 2012 surveys. This revision is to notify the public that the President's fiscal year 2011 budget requests that Congress consider a budget increase for this survey for 2011. If the budget increase is approved by Congress, expanded data collection will begin in the first calendar quarter of 2011 or as soon thereafter as is possible. A maximum sample increase of approximately 23 percent (from 35,000 participating households to approximately 43,000 households) is requested. Currently the NHIS produces National and regional estimates with some estimates available for a limited number of States. If the full budget increase is approved by Congress, the survey will be able to produce a larger number of estimates for approximately 30 additional States and key population subgroups.

Congress may approve all, some or none of the budget increase requested in the President's budget. If approved, this notice would allow the proposed request for a sample increase to move forward to OMB for final review in sufficient time to implement the sample increase in the first quarter of 2011. This notice also covers increases in sample size that might result due to other budget allocations.

This voluntary household-based survey collects demographic and health-related information on a nationally representative sample of persons and households throughout the country. Information is collected using computer assisted personal interviews (CAPI). A core set of data is collected each year while sponsored supplements vary from year to year. Personal identification information is requested from survey respondents to facilitate linkage of survey data with health related administrative and other records.

In accordance with the 1995 initiative to increase the integration of surveys within the Department of Health and Human Services, respondents to the NHIS serve as the sampling frame for the Medical Expenditure Panel Survey conducted by the Agency for Healthcare Research and Quality. The NHIS has long been used by government, university, and private researchers to evaluate both general health and specific issues, such as cancer, diabetes, and access to health care. It is a leading source of data for the Congressionally-mandated "Health US" and related publications, as well as the single most important source of statistics to track progress toward the National Health Promotion and Disease Prevention Objectives, "Healthy People 2010." This submission requests approval for three years.

There is no cost to the respondents other than their time.

ANNUALIZED BURDEN TABLE

Questionnaire (respondent)	Number of respondents	Number of responses per respondent	Average burden per respondent in hours	Total burden in hours
Screener Questionnaire	13,000	1	5/60	1,083
Family Core (adult family member)	43,000	1	23/60	16,483
Adult Core (sample adult)	32,500	1	14/60	7,583
Child Core (adult family member)	13,000	1	9/60	1,950
Child and Adult Immunization (adult family member)	12,500	1	3/60	625
Family Disability (adult family member)	21,500	1	3/60	1,075
Veteran Status/Service Dates (adult family member)	43,000	1	1/60	717
Adult Voice, Speech, Swallowing, and Language (sample adult)	32,500	1	4/60	2,167
Child Voice, Speech, Swallowing, and Language (adult family member)	13,000	1	1/60	217
Family Food Security (adult family member)	43,000	1	2/60	1,433
Health Care Reform (adult family member)	43,000	1	5/60	3,583
Functioning and Disability (sample adult)	16,250	1	3/60	813
Fitness Center Use (sample adult)	32,500	1	1/60	542
Child Record Check (medical provider)	1,500	1	5/60	125
Teen Record Check (medical provider)	6,250	1	5/60	521
Child Mental Health (adult family member)	13,000	1	1/60	217
Mental Health Services (adult Family member)	13,000	1	3/60	650
Reinterview Survey	3,900	1	5/60	325
Total Burden Hours				40,109

Dated: July 2, 2010.

Carol Walker,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. 2010–16739 Filed 7–8–10; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Pub. L. 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443–1129.

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; (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.

Proposed Project: Bureau of Primary Health Care (BPHC) Uniform Data System (OMB Clearance No. 0915–0193—Revision)

The Uniform Data System (UDS) contains the annual reporting requirements for the cluster of primary care grantees funded by the Health Resources and Services Administration (HRSA). The UDS includes reporting requirements for grantees of the following primary care programs: Community Health Centers, Migrant Health Centers, Health Care for the Homeless, Public Housing Primary Care, and other grantees under Section 330. The authorizing statute is section 330 of the Public Health Service Act, as amended.

HRSA collects data in the UDS which are used to ensure compliance with legislative mandates and to report to Congress and policymakers on program accomplishments. To meet these objectives, BPHC requires a core set of data collected annually that is appropriate for monitoring and evaluating performance and reporting on annual trends. The UDS will be revised in several ways. Certain data elements are added for staffing and utilization and for diagnoses, services, and tests. Specifications for current clinical measures are revised to align with those of national standard setting organizations. Revenue sources are updated to include new federal revenue sources. A limited number of clinical measures will be added consistent with identified national priorities.

These new measures are included in the UDS data collection request in order to allow advance time for health centers to change data collection systems. These changes reflect an increase in burden of 18,224 hours over the previous information collection request in 2009. The burden is increased due to a greater number of respondents and reporting of the new measures.

Estimates of annualized reporting burden are as follows:

Type of report	Number of respondents	Responses per respondent	Hours per response	Total burden hours
Universal report	1,181	1	68	80,308
Grant report	328	1	18	5,904
Total	1,181			86,212

E-mail comments to *paperwork@hrsa.gov* or mail the HRSA Reports Clearance Officer, Room 10–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: July 2, 2010.

Sahira Rafiullah,

Director, Division of Policy Information and Coordination.

[FR Doc. 2010–16821 Filed 7–8–10; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0316]

Agency Information Collection Activities; Proposed Collection; Comment Request; Adverse Event Pilot Program for Medical Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the continuation of a pilot project to evaluate the electronic collection of the 3500A Form for adverse events related to the use of medical products to obtain data from user facilities participating in the Medical Product Safety Network (MedSun). Additionally, the electronic form will include hospital profile information and several other questions related to the use of medical products. It will no longer contain the page called Device-Safety Exchange (DS–X) (formerly called M-Den), which was a moderated site where MedSun members shared information with each other. This will be replaced by a page where questions about possible emerging

signals will be asked of the MedSun sites.

DATES: Submit either electronic or written comments on the collection of information by September 7, 2010.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov*. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Daniel Gittleson, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–5156, *Daniel.Gittleson@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Adverse Event Pilot Program for Medical Products—21 U.S.C. 360(i) (OMB Control Number 0910–0471)—Extension

Under section 519 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360(i)), FDA is authorized to require: Manufacturers to report medical device related deaths, serious injuries, and malfunctions; and user facilities to report device-related deaths directly to manufacturers and FDA, and to report serious injuries to the manufacturer. Section 213 of the FDA Modernization Act of 1997 (FDAMA), amended section 519(b) of the act relating to mandatory reporting by user facilities of deaths and serious injuries and serious illnesses associated with the use of medical devices. This amendment legislated the replacement of universal user facility reporting by a system that is limited to a "* * * subset of user facilities that constitutes a representative profile of user reports" for device related deaths and serious injuries. This amendment is reflected in section 519(b)(5)(A) of the act. The current universal reporting system remains in place during the pilot stages of the new program, and until FDA implements the new national system by regulation. This legislation provides FDA with the opportunity to design and implement a national surveillance network, composed of well-trained clinical facilities, to provide high quality data on medical devices in clinical use. This system is called MedSun.

FDA is continuing to conduct a pilot of the MedSun system before the agency issues a regulation to change from universal mandatory reporting for medical device user facilities to reporting by a representative sample of facilities. This data collection has been ongoing since February 20, 2002, and this notice is for continuation of this data collection.

FDA is seeking OMB clearance to continue to use electronic data collection to obtain the information on the 3500A Form related to medical devices and tissue products from the user facilities participating in MedSun, to obtain a demographic profile of the facilities, and to pilot additional questions which will permit FDA to better understand the cause of reported adverse events. During the pilot program, participants will be asked to complete an annual outcome measures form, as a Customer/Partner Service Survey (approved under OMB control number 0910–0360) to aid FDA in evaluating the effectiveness of the program. Participation in this pilot is voluntary and currently includes 400 facilities. The use of an interactive electronic data collection system is easier and more efficient for the participating user facilities to use than the alternative paper system.

In addition to collecting data on the electronic adverse event report form, MedSun also is proposing to collect additional information from participating sites about reported problems emerging from the MedSun Network hospitals. This data collection is also voluntary, and will be collected on the same Web site as the report information. This will replace the Device-Safety Exchange (DS–X). The burden to respond to these questions will take the same time as that used for DS–X, 30 minutes.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

Activity	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total
Facilities participating in the electronic reporting of adverse events programs	400	15	6,000	.75	4,500
Facilities responding to emerging signal questions (not used by all sites)	300	10	3,000	.50	1,500
Total					6,000

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

The total burden hours for MedSun and emerging signal questions equals 6,000 hours (4,500 for MedSun and 1,500 for emerging signals).

The burden estimate for the electronic reporting of adverse events is based on the number of facilities currently participating in MedSun (400). FDA estimates an average of 15 reports per site annually. This estimate is based on MedSun working to promote reporting in general from the sites, as well as promoting reporting from specific parts of the hospitals, such as the pediatric intensive care units, electrophysiology laboratories, and the hospital laboratories.

The burden estimate for the emerging signal portion of MedSun is based on the assumption that not all sites will use this part of the software each time questions are asked, because not all sites will use the device in question.

Dated: July 1, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–16807 Filed 7–8–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0101]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Human Cells, Tissues, and Cellular and Tissue-Based Products: Establishment Registration and Listing; Form FDA 3356; Eligibility Determination for Donors; and Current Good Tissue Practice

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by August 9, 2010.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or e-mailed to *oira_submission@omb.eop.gov*. All comments should be identified with the OMB control number 0910–0543. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Elizabeth Berbakos, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–3792, *Elizabeth.Berbakos@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Human Cells, Tissues, and Cellular and Tissue-Based Products: Establishment Registration and Listing; Form FDA 3356; Eligibility Determination for Donors; and Current Good Tissue Practice—(OMB Control Number 0910–0543)—Extension

Under section 361 of the Public Health Service Act (the PHS Act) (42 U.S.C. 264), FDA may issue and enforce regulations necessary to prevent the introduction, transmission, or spread of communicable diseases between the States or possessions or from foreign countries into the States. As derivatives of the human body, all human cells, tissues, and cellular and tissue-based products (HCT/Ps) pose some risk of carrying pathogens that could potentially infect recipients or handlers. FDA has issued regulations related to HCT/Ps involving establishment registration and listing using Form FDA 3356, eligibility determination for donors, and current good tissue practice (CGTP).

A. Establishment Registration and Listing; Form FDA 3356

The regulations in part 1271 (21 CFR part 1271) require domestic and foreign establishments that recover, process, store, label, package, or distribute an HCT/P described in § 1271.10(a), or that perform screening or testing of the cell or tissue donor to register with FDA (§ 1271.10(b)(1)) and submit a list of each HCT/P manufactured (§ 1271.10(b)). Section 1271.21(a) requires an establishment to follow certain procedures for initial registration and listing of HCT/Ps, and § 1271.25(a) and (b) identifies the required initial registration and HCT/P listing information.

Section 1271.21(b), in brief, requires an annual update of the establishment registration. Section 1271.21(c)(ii) requires establishments to submit HCT/P listing updates when an HCT/P is changed as described in § 1271.25(c). Section 1271.25(c) identifies the required HCT/P listing update information. Section 1271.26 requires establishments to submit an amendment if ownership or location of the establishment changes. FDA requires the use of a registration and listing form (Form FDA 3356: Establishment Registration and Listing for Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps)) to submit the required information (§§ 1271.10, 1271.21, 1271.25, and 1271.26). To further facilitate the ease and speed of submissions, electronic submission is accepted (*http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/EstablishmentRegistration/TissueEstablishmentRegistration/default.htm*).

B. Eligibility Determination for Donors

In brief, FDA requires certain HCT/P establishments described in § 1271.1(b) to determine donor eligibility based on donor screening and testing for relevant communicable diseases agents and diseases, except as provided under § 1271.90. The documented determination of a donor's eligibility is made by a responsible person defined in § 1271.3(t) and is based on the results of required donor screening, which includes a donor medical history interview (defined in § 1271.3(n)) and testing (§ 1271.50(a)). Certain records must accompany an HCT/P once the donor-eligibility determination has been made (§ 1271.55(a)). This requirement applies both to an HCT/P from a donor who is determined to be eligible as well as to an HCT/P from a donor who is determined to be ineligible or where the donor-eligibility determination is not complete if there is a documented urgent medical need (§ 1271.60). Once the donor-eligibility determination has been made, the HCT/P must be accompanied by a summary of records used to make the donor-eligibility determination (§ 1271.55(b)) and a statement whether, based on the results of the screening and testing, the donor is determined to be eligible or ineligible (§ 1271.55(a)(2)).

Records used in determining the eligibility of a donor, i.e., results and interpretations of testing for relevant communicable disease agents, the donor-eligibility determination, the name and address of the testing laboratory or laboratories, and the name of the responsible person (defined in § 1271.3(t)) who made the donor-eligibility determination and the date of the determination, must be maintained (§ 1271.55(d)(1)). If any information on

the donor is not in English, the original record must be retained and translated to English and accompanied by a statement of authenticity from the translator (§ 1271.55(d)(2)). HCT/P establishments must retain the records pertaining to HCT/Ps at least 10 years after the date of administration, distribution, disposition, or expiration, whichever is latest (§ 1271.55(d)(4)).

When a product is shipped in quarantine as defined in § 1271.3(q), before completion of screening and testing, the HCT/P must be accompanied by records identifying the donor; stating that the donor-eligibility determination has not been completed; and stating that the product must not be used until the donor-eligibility determination has been completed (§ 1271.60(c)). When an HCT/P is used in cases of documented urgent medical need, the results of any completed donor screening and testing, and a list of any required screening and testing not yet completed also must accompany the HCT/P (§ 1271.60(d)(2)). When an HCT/P is used in cases of urgent medical need or from a donor who has been determined to be ineligible (as permitted under § 1271.65), documentation by the HCT/P establishment is required showing that the recipient's physician received notification that the testing and screening were not complete (in cases of urgent medical need), and upon the completion of the donor-eligibility determination, of the results of the determination (§ 1271.60(d)(3) and (d)(4) and § 1271.65(b)(3)).

An HCT/P establishment is also required to establish and maintain procedures for all steps that are performed in determining eligibility (§ 1271.47(a)), including the use of a product from a donor testing reactive for cytomegalovirus (§ 1271.85(b)(2)). The HCT/P establishment must record any departure from the procedures (§ 1271.47(d)).

C. Current Good Tissue Practice (CGTP)

FDA requires certain HCT/P establishments to follow CGTP (§ 1271.1(b)). Section 1271.155(a) permits the submission of a request for FDA approval of an exemption from or alternative to any requirement in subpart C or D of part 1271. Section 1271.290(c) requires such establishments to affix a distinct identification code to each HCT/P that it manufactures that relates the HCT/P to the donor and to all records pertaining to the HCT/P. Whenever an establishment distributes an HCT/P to a consignee, § 1271.290(f) requires the establishment to inform the consignee, in writing, of the product tracking requirements and the methods the establishment uses to fulfill the requirements. Non-reproductive HCT/P establishments described in § 1271.10 are required under § 1271.350(a)(1) and (a)(3) to investigate and report to FDA adverse reactions (defined in § 1271.3(y)) using Form FDA–3500A (§ 1271.350(a)(2)). Form FDA–3500A is approved under OMB control no. 0910–0291. Section 1271.370(b) and (c) requires establishments to include specific information either on the HCT/P label or with the HCT/P.

The standard operating procedures (SOP) provisions under part 1271 include the following: (1) Section 1271.160(b)(2) (receiving, investigation, evaluating, and documenting information relating to core CGTP requirements, including complaints, and for sharing information with consignees and other establishments); (2) § 1271.180(a) (to meet core CGTP requirements for all steps performed in the manufacture of HCT/Ps); (3) § 1271.190(d)(1) (facility cleaning and sanitization); (4) § 1271.200(b) (cleaning, sanitizing, and maintenance of equipment); (5) § 1271.200(c) (calibration of equipment); (6) § 1271.230(a) and (c) (validation of changes to a process); (7) § 1271.250(a) (controls for labeling HCT/Ps); (8) § 1271.265(e) (receipt, predistribution shipment, availability for distribution, and packaging and shipping of HCT/Ps); (9) § 1271.265(f) (suitable for return to inventory); (10) § 1271.270(b) (records management system); (11) § 1271.290(b)(1) (system of HCT/P tracking); and (12) § 1271.320(a) (review, evaluation, and documentation of complaints (as defined in § 1271.3(aa))).

Section 1271.155(f) requires an establishment operating under the terms of an exemption or alternative to maintain documentation of the terms and date of FDA approval. Section 1271.160(b)(3) requires documentation of appropriate corrective actions taken as a result of an audit of the quality program. Section 1271.160(b)(6) requires documentation of HCT/P deviations. Section 1271.160(d) requires documentation of computer validation or verification activities and results when computers are used to comply with the core CGTP requirements for its intended use. Section 1271.190(d)(2) requires documentation of all facility cleaning and sanitation activities performed to prevent contamination of HCT/Ps. Section 1271.195(d) requires documentation of environmental control and monitoring activities. Section 1271.200(e) requires documentation of equipment maintenance, cleaning, sanitizing, calibration, and other activities. Section 1271.210(d) requires documentation of the receipt, verification, and use of each supply or reagent. Section 1271.230(a) requires documentation of validation activities when the results of a process cannot be fully verified by subsequent inspection and tests. Section 1271.230(c) requires documentation of the review and evaluation of a process and revalidation of the process, if necessary, when any changes to a validated process occur. Section 1271.260(d) and (e) requires documentation of any corrective action taken when proper storage conditions are not met and documentation of storage temperatures for HCT/Ps. Section 1271.265(c)(1) requires documentation that release criteria have been met before distribution of an HCT/P. Section 1271.265(c)(3) requires documentation of any departure from a procedure at the time of its occurrence. Section 1271.265(e) requires documentation of the receipt, predistribution shipment, distribution, and packaging and shipping of HCT/Ps. Section 1271.270(a) requires documentation of each step in manufacturing required in part 1271, subparts C and D. Section 1271.270(e) requires documentation of the name and address, and a list of responsibilities of any establishment that performs a manufacturing step for an establishment. Section 1271.290(d) and (e) require documentation of a method for recording the distinct identification code and type of each HCT/P distributed to a consignee to enable tracking from the consignee to the donor and to enable tracking from the donor to the consignee or final disposition. Section 1271.320(b) requires an establishment to maintain a record of each complaint that it receives, that contains relevant information for proper review and evaluation.

Respondents to this information collection are establishments that recover, process, store, label, package, or distribute any HCT/P, or perform donor screening or testing. The estimates provided below are based on the most recent available information from FDA's database system and trade organizations. The hours per response and hours per record are based on data provided by the Eastern Research Group, or FDA experience with similar recordkeeping or reporting requirements.

There are an estimated 2,281 HCT/P establishments (conventional tissue, eye tissue, peripheral blood stem cell, stem cell products from cord blood, reproductive tissue, and sperm banks),

including 692 manufacturers of HCT/P products regulated under the Federal Food, Drug, and Cosmetics Act and section 351 of the PHS Act (42 U.S.C. 262), that have registered and listed with FDA. In addition, we estimate that 251 new establishments have registered with FDA (§ 1271.10(b)(1) and (b)(2) and § 1271.25(a) and (b)). There are an estimated 2,230 listing updates (§§ 1271.10(b)(2), 1271.21(c)(ii), and 1271.25(c)) and 565 location/ownership amendments (§ 1271.26).

Under § 1271.55(a), an estimated total of 2,167,396 HCT/Ps (which include conventional tissues, eye tissues, hematopoetic stem cells/progenitor cells, and reproductive cells and tissues) and an estimated total of 2,026,024 non-reproductive cells and tissues (total HCT/Ps minus reproductive cells and tissues) are distributed per year by an estimated 1,589 establishments (2,281 - 692 = 1,589 establishments with approved applications).

Under § 1271.60(c) and (d)(2), FDA estimates that 1,375 establishments shipped an estimated 286,000 HCT/Ps under quarantine, and that an estimated 18 establishments requested an exemption from or alternative to any requirement under part 1271, subpart C or D, specifically under § 1271.155(a).

Under § 1271.290(c) and § 1271.370(b) and (c), an estimated 1,694 non-reproductive HCT/P establishments label each of their 2,026,024 HCT/Ps with certain information. These establishments are also required to inform their consignees in writing of the requirements for tracking and of their established tracking system under § 1271.290(f).

FDA estimates 38 HCT/P establishments submitted 76 adverse reaction reports involving a communicable disease (§ 1271.350(a)(1)).

FDA estimates that 251 new establishments will create SOPs, and that 2,281 establishments will review and revise existing SOPs annually.

FDA estimates that 1,141 HCT/P establishments (2,281 x 50% = 1,141) and 847 non-reproductive HCT/P establishments (1,694 x 50% = 847) record and justify a departure from the procedures (§§ 1271.47(d) and 1271.265(c)(3)).

Under § 1271.50(a), HCT/P establishments are required to have a documented medical history interview about the donor's medical history and relevant social behavior as part of the donor's relevant medical records for each of the estimated total of 91,240 donors (which include conventional tissue donors, eye tissue donors, peripheral and cord blood stem cell donors, and reproductive cell and tissue donors), and the estimated total of 86,394 non-reproductive cells and tissue donors (total donors minus reproductive cell and tissue donors).

FDA estimates that 684 HCT/P establishments (2,281 x 30% = 684) document an urgent medical need for an HCT/P and notify the physician using the HCT/P (§ 1271.60(d)(3) and (d)(4) and § 1271.65(b)(3)(iii)).

FDA also estimates that 1,824 HCT/P establishments (2,281 x 80% = 1,824) have to maintain records for an average of 2 contract establishments that perform a manufacturing process step for them (§ 1271.270(e)) and 1,141 HCT/P establishments maintain an average of 5 complaint records annually (§ 1271.320(b)).

In some cases, the estimated burden may appear to be lower or higher than the burden experienced by individual establishments. The estimated burden in these charts is an estimated average burden, taking into account the range of impact each regulation may have.

In the **Federal Register** of March 11, 2010 (75 FR 11545) FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received on the information collection.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
1271.10(b)(1) and 1271.21(b)[2]	2,281	1	2,281	.5	1,141
1271.10(b)(1) and (b)(2), 1271.21(a), and 1271.25(a) and (b)[2]	251	1	251	.75	188
1271.10(b)(2), 1271.21(c)(2)(ii), and 1271.25(c)[2]	2,230	1	2,230	.50	1,115
1271.26[2]	565	1	565	.25	141
1271.55(a)	1,589	1,364	2,167,396	.50	1,083,698
1271.60(c) and (d)(2)	1,375	208	286,000	.50	143,000
1271.155(a)	18	1	18	3	54
1271.290(c)	1,694	1,196	2,026,024	.08	168,835
1271.290(f)	1,694	1	1,694	1	1,694
1271.350(a)(1) and (a)(3)	38	2	76	1	76
1271.370(b) and (c)	1,694	1,196	2,026,024	.25	506,506
Total					1,906,448

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Using Form FDA 3356.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Record	Total Hours
New SOPs[2]	251	1	251	48	12,048
SOP Update[2]	2,281	1	2,281	24	54,744
1271.47(d)	1,141	1	1,141	1	1,141
1271.50(a)	2,281	40	91,240	5	456,200
1271.55(d)(1)	2,281	40	91,240	1	91,240
1271.55(d)(2)	2,281	1	2,281	1	2,281
1271.55(d)(4)	2,281	1	2,281	120	273,720
1271.60(d)(3) and (d)(4), and 1271.65(b)(3)(iii)	684	1	684	2	1,368
1271.155(f)	18	1	18	.25	5
1271.160(b)(3) and (b)(6)	1,694	12	20,328	1	20,328
1271.160(d)	1,694	12	20,328	1	20,328
1271.190(d)(2)	1,694	12	20,328	1	20,328
1271.195(d)	1,694	12	20,328	1	20,328
1271.200(e)	1,694	12	20,328	1	20,328
1271.210(d)	1,694	12	20,328	1	20,328
1271.230(a)	1,694	12	20,328	1	20,328
1271.230(c)	1,694	1	1,694	1	1,694
1271.260(d)	1,694	12	20,328	.25	5,082
1271.260(e)	1,694	365	618,310	.083	51,526
1271.265(c)(1)	1,694	1,196	2,026,024	.083	168,835
1271.265(c)(3)	847	1	847	1	847
1271.265(e)	1,694	1,196	2,026,024	.083	168,835
1271.270(a)	1,694	1,196	2,026,024	.25	506,506
1271.270(e)	1,824	2	3,648	.30	1,824
1271.290(d) and (e)	1,694	51	86,394	.25	21,599
1271.320(b)	1,141	5	5,705	1	5,705
Total					1,967,496

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Sections 1271.47(a), 1271.85(b)(2), 1271.160(b)(2) and (d)(1), 1271.180(a), 1271.190(d)(1), 1271.200(b), 1271.200(c), 1271.230(a), 1271.250(a), and 1271.265(e).

Dated: July 2, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–16804 Filed 7–8–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0122]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Focus Groups About Drug Products, as Used by the Food and Drug Administration

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by August 9, 2010.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or e-mailed to *oira_submission@omb.eop.gov*. All comments should be identified with the OMB control number 0910–new and title Focus Groups About Drug Products, as Used by the Food and Drug Administration. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Elizabeth Berbakos, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–3792, *Elizabeth.berbakos@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Focus Groups About Drug Products, As Used By the Food and Drug Administration—(OMB Control Number 0910–New)

Focus groups provide an important role in gathering information because they allow for a more indepth understanding of individuals' attitudes, beliefs, motivations, and feelings than do quantitative studies. Focus groups serve the narrowly defined need for direct and informal opinion on a specific topic and as a qualitative research tool have three major purposes:

- To obtain information that is useful for developing variables and measures for quantitative studies,
- To better understand people's attitudes and emotions in response to topics and concepts, and
- To further explore findings obtained from quantitative studies.

FDA will use focus group findings to test and refine its ideas and to help develop messages and other communications, but will generally conduct further research before making important decisions such as adopting new policies and allocating or redirecting significant resources to support these policies.

FDA's Center for Drug Evaluation and Research, Office of the Commissioner, and any other Centers or Offices conducting focus groups about regulated drug products may need to conduct focus groups on a variety of subjects related to consumer, patient, or healthcare professional perceptions and use of drug products and related materials, including but not limited to, direct-to-consumer prescription drug promotion, physician labeling of prescription drugs, Medication Guides, over-the-counter drug labeling, emerging risk communications, patient labeling, online sales of medical products, and consumer and professional education.

In the **Federal Register** of March 22, 2010, (75 FR 13548), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received on the information collection.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

No. of Respondents	Number of Responses per Respondent	Total Annual Responses (hours)	Hours per Response	Total Hours
1,440	1	1,440	1.75	2,520

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

Annually, FDA projects about 20 focus group studies using 160 focus groups with an average of 9 persons per group, and lasting an average of 1.75 hours each. FDA is requesting this burden for unplanned focus groups so as not to restrict the agency's ability to gather information on public sentiment for its proposals in its regulatory and communications programs.

Dated: July 1, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–16769 Filed 7–8–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0306]

Agency Information Collection Activities; Proposed Collection; Comment Request; "The Dairy Practitioner's Role in Residue Avoidance Survey"

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and to allow 60 days for public comment in response to the notice. This notice solicits comments on FDA's "The Dairy Practitioner's Role in Residue Avoidance Survey."

DATES: Submit either electronic or written comments on the collection of information by September 7, 2010.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov*. Submit written

comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Denver Presley, Jr., Office of information Management, Food and Drug Administration, 350 Piccard Dr., P150–400B, 301–796–3793.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

"The Dairy Practitioner's Role in Residue Avoidance Survey" (OMB Control Number—0910–NEW)

The Food and Drug Administration (FDA), through its Center for Veterinary Medicine (CVM), regulates the manufacture and distribution of food additives and drugs that will be given to animals. FDA is responsible for investigating veterinary drug residue violations in meats and providing regulatory action when necessary. In connection with this mission, the CVM Office of Surveillance and Compliance (OSC) develops programs to promote veterinary drug residue awareness and avoidance in order to reduce the risk of drug residues in safeguarding the public health. Information will be collected to determine the current state of veterinary drug residue avoidance in the dairy industry.

The United States Department of Agriculture (USDA), Food Safety and Inspection Service (FSIS) and FDA are responsible for collecting data on tissue residues of animal drugs. Information from this survey will be analyzed and used to: (1) Identify the respondent's level of awareness of the veterinary drug residues in dairy beef; (2) assess the current level of participation in the existing residue avoidance programs i.e., the Food Animal Residue Avoidance Database and Dairy Beef Quality Assurance Program; (3) identify risk factors currently associated with drug residues in dairy tissues; and (4) identify the best way to disseminate drug residue avoidance information to dairy producers. Information from this study will be used to shape the Agency's efforts to develop educational materials and to identify ways in which the Agency can optimize resources in the area of drug residue avoidance. Further, the findings will be presented in a descriptive report and informational sheets will be disseminated to animal health officials, dairy producers, and veterinarians. Participation in this survey is voluntary. It is up to the individual dairy practitioner to determine if participation is desirable.

"The Dairy Practitioner's Role in Residue Avoidance Survey" will be comprised of a one time study that will employ a web-based self-administered survey instrument, followed by mailing of the same survey in a paper self-administered mode to increase coverage and response rate. The instrument will collect information on the respondent's knowledge of drug residues in dairy beef and experience with drug residues at their clients' dairy farms. The study will be disseminated via the American Association of Bovine Practitioners (AABP) e-mail list-serve. Mail and electronic correspondence promotional material will be disseminated throughout the process to increase response rates.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

Study	No. of respondents	Annual Frequency per response	Total Annual Responses	Hours per Response	Total Hours
Survey	2,890	1	2,890	.33	953.7
Total					

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

There will be 2,890 respondents for a one-time survey total of 2,890 annual responses. The hours per response is estimated to be .33 hours. Thus the total annual burden is estimated to be 953.7 hours. A 60 percent response rate is expected.

Dated: July 1, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–16806 Filed 7–8–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0124]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Requirements Under the Comprehensive Smokeless Tobacco Health Education Act of 1986, as Amended by the Family Smoking Prevention and Tobacco Control Act

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (the PRA).

DATES: Fax written comments on the collection of information by August 9, 2010.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or e-mailed to *oira_submission@omb.eop.gov*. All comments should be identified with the OMB control number 0910–NEW and title "Requirements Under the Comprehensive Smokeless Tobacco Health Education Act of 1986, as Amended by the Family Smoking Prevention and Tobacco Control Act." Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Jonna Capezzuto, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–3794, *Jonnalynn.Capezzuto@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Requirements Under the Comprehensive Smokeless Tobacco Health Education Act of 1986, as Amended by the Family Smoking Prevention and Tobacco Control Act—(OMB Control Number 0910–NEW)

On June 22, 2009, the President signed the Tobacco Control Act (Public Law 111–31) into law. The Smokeless Tobacco Act (15 U.S.C. 4402), as amended by section 204 of the Tobacco Control Act, requires that manufacturers, packagers, importers, distributors, and retailers (in limited circumstances) of smokeless tobacco products include one of four specified health warning label statements on product packages and in advertisements.[1] The Smokeless Tobacco Act, as amended, also requires smokeless tobacco product manufacturers, importers, distributors, and certain retailers to submit a plan to FDA specifying the method to rotate, display, and distribute the specified health warning label statements required to appear in advertising and packaging. FDA is required to review each plan submitted and approve the plan if it provides for rotation, display, and distribution of warnings in compliance with the requirements of the Smokeless Tobacco Act. To the best of FDA's knowledge, all of the affected companies have previously submitted similar plans to the Federal Trade Commission (FTC), which had authority to implement the requirements of the Smokeless Tobacco Act prior to the Tobacco Control Act's amendments. However, because the requirements of the Smokeless Tobacco Act have been revised and because FDA now has authority to implement the Smokeless Tobacco Act, each affected company will be required to submit a new plan to FDA instead of FTC. The Tobacco Control Act's amendments to the Smokeless Tobacco Act are effective on June 22, 2010.

On August 7, 2007, FTC published a 30-day notice (72 FR 44138) announcing an opportunity for public comment and that the information collection would be sent to OMB for review. Based on FTC's previous experience with the submission of rotational plans and FDA's experience with smokeless tobacco companies (e.g., correspondence associated with user fees under section 919 of the Federal Food, Drug, and Cosmetic Act, as amended by the Tobacco Control Act), FDA estimates that there are 14 companies affected by this information collection. To account for the entry of new smokeless tobacco companies who may be affected by this information collection, FDA is estimating the total number of respondents to be 20.

When FTC originally implemented the rotational plan requirements in 1986, the Smokeless Tobacco Council, Inc., indicated that the six companies it represented would require 700–800 hours in total (133 hours each) to complete an initial rotational plan, involving multiple brands, multiple brand varieties, and multiple forms of both packaging and advertising. When FTC requested an extension of their PRA clearance in 2007, FTC decreased the estimate for submitting an initial plan from 143 hours to 60 hours, accounting for increased computerization and improvements in electronic communication over the subsequent 20 years since the Smokeless Tobacco Act was enacted. FDA believes the estimate of 60 hours to complete an initial rotational plan continues to be reasonable. However, because the requirements of the new Smokeless Tobacco Act are unfamiliar to industry, FDA is increasing the time estimate for submitting initial plans to 100 hours.

In the **Federal Register** of March 16, 2010 (75 FR 12552), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received on this information collection.

FDA estimates the burden of this collection of information as follows:

[1] The warnings themselves disclose information completely supplied by the Federal Government. As such, the disclosure does not constitute a "collection of information" as it is defined in the regulations implementing the PRA, nor, by extension, do the financial resources expended in relation to it constitute paperwork "burden." (*See* 5 CFR 1320.3(c)(2).)

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

Activity	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
Submission of rotational plans for health warning label statements	20	1	20	100	2,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: July 2, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–16805 Filed 7–8–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control

Special Emphasis Panel (SEP): Preparedness and Emergency Response Learning Centers (PERLC) Panel, Request for Applications (RFA) TP10–1001, Initial Review

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), announces the aforementioned meeting:

Times and Dates: 8:30 a.m.–5 p.m., July 27, 2010 (Closed). 8:30 a.m.–5 p.m., July 28, 2010 (Closed). 8:30 a.m.–5 p.m., July 29, 2010 (Closed).

Place: The W Atlanta Hotel-Perimeter, Perimeter Center West, Atlanta, Georgia 30346, Telephone: (770) 396–6800.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5, U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Section 10(d) of Public Law 92–463.

Matters To Be Discussed: The meeting will include the initial review, discussion, and evaluation of applications received in response to "Preparedness and Emergency Response Learning Centers (PERLC) Panel, RFA TP10–1001."

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Shoukat Qari, Senior Scientific Program Official, Extramural Research Program, Office of Public Health Preparedness and Response, 1600 Clifton Road, Mailstop D–44, Atlanta, Georgia 30333, Telephone: (404) 639–7938, E-mail: *SQari@cdc.gov.*

The Director, Management Analysis and Services Office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: July 2, 2010.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2010–16741 Filed 7–8–10; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of Federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Identification of Cancer Stem Cells

Description of Invention: Cancer stem cells (CSC) are thought to be responsible for cancer initiation, maintenance, and therapeutic failure. A hallmark of stem cells is self-renewal via asymmetric cell division (ACD) into daughter stem-cells and cells predestined for differentiation. Demonstration of fundamental stem-cell's traits such as ACD in cancers is lacking. Label retaining cells are thought to be enriched for stem-like cells. Label retaining cells are thought to be the results of either very slow cycling cells and/or cells undergoing ACD. This invention is directed to the identification, isolation and purification of cancer stem cells by detecting asymmetrically dividing cells and/or label retaining cells. Detection of asymmetric cell division via non-random chromosomal cosegregation (ACD–NRCC) in various human cancers defines a unique and novel class of universal cancer stem cells, and potentially suggests a novel mechanism of carcinogenesis. The isolation of CSC might be used as a basis for a potential new strategy in cancer therapeutics. The invention also might have some implications in genetics and regenerative medicine.

Applications

- This invention may provide a novel way to target various cancers for treatment.
- This invention maybe also useful in regenerative medicine, i.e. spinal cord injury (regeneration of neurons), Alzheimer (regeneration of neurons) and Parkinson's disease regeneration of neurons).

Development Status: Pre-clinical stage of development.

Market

- Cancer is the second leading cause of death in the U.S. The National Cancer Institute estimates the overall annual costs for cancer in the U.S. at $107 billion; $37 billion for direct medical costs, $11 billion for morbidity costs (cost of lost productivity), and $59 billion for mortality costs.
- According to statistics gathered by the National Institutes of Health, more than 10,000 Americans experience spinal cord injuries each year and more than 200,000 are living with permanent paralysis in their arms or legs due to spinal cord injury.
- Parkinson's disease affects some four million patients worldwide. Approximately 50,000 Americans are diagnosed with Parkinson's disease each year. Alzheimer Disease is estimated to affect 5.09 million patients by 2010.

Inventors: Itzhak Avital, Hong-Wu Xin, Danielle M. Hari (NCI)

Publication: Manuscript submitted.

Patent Status: U.S. Provisional Application No. 61/342,642 filed 16 Apr 2010 (HHS Reference No. E–122–2010/0–US–01).

Licensing Status: Available for licensing.

Licensing Contact: Betty B. Tong, Ph.D.; 301–594–6565; *tongb@mail.nih.gov.*

Collaborative Research Opportunity: The Center for Cancer Research, Surgery Branch, National Cancer Institute, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize our unique method for isolating cancer stem cells. We are seeking interested parties who would be interested in collaboration with the goal of developing cancer stem cell cell-lines for personalized targeted therapies, drug testing and finding novel targets for cancer treatments. In addition, we would like to collaborate with parties interested in developing normal (not cancer) adult tissue stem-cell cell-lines for adult tissue regeneration such as Parkinson's disease, liver failure, Alzheimer, *etc.* Please contact John Hewes, Ph.D. at 301–435–3121 or *hewesj@mail.nih.gov* for more information.

Human Single-Domain Antibodies (dAbs) Against Insulin-Like Growth Factor 1 Receptor (IGF–1R) or Its Ligands, IGF–1 and IGF–2

Description of Invention: Insulin-like growth factor (IGF) mediated signaling has been implicated in the development of several epithelial cancers, such as prostate, breast, and colorectal cancers. This technology consists of human single domain antibodies (dAbs) that bind to human insulin-like growth factor 1 receptor (IGF–1R) or its ligands, IGF–1 and IGF–2. These dAbs are comprised of only a single variable domain of an antibody with a human framework and three complementarity determining regions (CDRs). Several of these antibodies inhibit the IGF signaling pathway so they may be therapeutic candidates for the treatment of IGF-related cancers.

Applications

- A cancer therapeutic agent that inhibits the IGF-mediated signaling pathway.
- A diagnostic employing the detection of insulin-like growth factor 1 receptor (IGF–1R) or its ligands, IGF–1 and IGF–2, in a sample.

Advantages

- dAbs are about 10-fold smaller than IgG antibodies and exhibit dramatically increased penetration into solid tumors.
- dAbs can be produced in high yields at low cost, have favorable biophysical properties, and are well suited to engineering.
- dAbs are bioactive as monomers or can be linked into larger molecules to create drugs with prolonged serum half-lives or other pharmacological activities.
- dAbs can be fused to other polypeptides or other drugs to provide fusion proteins or conjugates.
- Human framework reduces potential for host immune reactions.

Market

- Cancer is the second most common cause of death in the US, exceeded only by heart disease. Survival varies greatly by cancer type and stage at diagnosis. The most recent estimate of the economic impact of cancer is that it costs the U.S. some $228.1 billion annually. Hence, there is a need for the development of medical products that can improve the treatment of cancer patients.
- In the U.S., over 2.4 million new cancer cases are diagnosed yearly. A large proportion of these diagnoses are due to carcinomas of the breast, prostate, colon, lung, pancreas, and bladder. Monoclonal antibodies are increasingly being used to treat these cancers leading to sales of $13.6 billion in 2008 with a market share of 28.6% of total sales.

Development Status: Early-stage development.

Inventors: Dimiter S. Dimitrov and Weizao Chen (NCI).

Publications: Chen W, Zhu Z, Feng Y, Dimitrov DS. A large human domain antibody library combining heavy and light chain CDR3 diversity. Mol Immunol. 2010 Jan;47(4):912–921. [PubMed: 19883941].

Patent Status: U.S. Provisional Application No. 61/249,476 filed 07 Oct 2009 (HHS Reference No. E–232–2009/0–US–01).

Licensing Status: Available for licensing.

Licensing Contact: Whitney Hastings; 301–451–7337; *Whitney.Hastings2@nih.gov.*

Collaborative Research Opportunity: The Center for Cancer Research Nanobiology Program (CCRNP), National Cancer Institute, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize the dAbs that exhibit potent inhibitory activities against the human IGF signaling pathway. Please contact John Hewes, Ph.D. at 301–435–3121 or *hewesj@mail.nih.gov* for more information.

Dated: July 2, 2010.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2010–16800 Filed 7–8–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Diagnostic H5N1 Avian Influenza Virus Peptides

Description of Invention: The recent spread of highly pathogenic H5N1 avian influenza viruses among poultry and transmission of these viruses to humans raises concerns of a potential influenza pandemic. There is a need to track the spread of these viruses both in the animal and human populations to avert or reduce the impact of any potential influenza pandemic as well as to know the actual number (accurate surveillance) of people infected with H5N1, including individuals with subclinical H5N1 infection.

The subject technology is a specific combination of H5N1 peptides useful for assays to detect antibodies generated

against a wide range of different H5N1 strains. The combination of peptides was able to specifically detect anti-H5N1 antibodies from serum samples of H5N1 survivors at early and later times post infection while excluding antibodies generated in individuals infected with other strains of influenza virus. Also, the peptides did not react with sera from individuals vaccinated with H5N1 vaccine, in contrast to the strain-specific detection of anti-H5N1 antibodies in sera from infected individuals. Immunoassays using the H5N1 peptide combination provide highly specific, sensitive and reproducible methods for diagnosing H5N1 infection in humans and animals.

Applications: Diagnostics for influenza virus specific antibodies in humans and animals.

Advantages: High specificity, sensitivity, and reproducibility.

Development Status: Data obtained from clinical samples can be provided upon request.

Market: Influenza virus diagnostics.

Inventors: Hana Golding and Surender Khurana (FDA).

Patent Status

- U.S. Patent Application No. 12/664,052 filed 10 Dec 2009 (HHS Reference No. E–236–2007/3–US–03).
- U.S. Provisional Patent Application No. 61/325,073 filed 16 Apr 2010 (HHS Reference No. E–093–2010/0–US–01).

Licensing Status: Available for licensing.

Licensing Contact: Kevin W. Chang, PhD; 301–435–5018; changke@mail.nih.gov.

Bacterially Expressed Influenza Virus Recombinant HA Proteins for Vaccine and Diagnostic Applications

Description of Invention: Pandemic H1N1 influenza virus is a recently emergent strain of influenza virus that the World Health Organization (WHO) estimates has killed at least 14,711 people worldwide. Avian influenza viruses are emerging health threats with pandemic potential. Due to their global health implications, there has been a massive international effort to produce protective vaccines against these influenza virus strains. Currently, influenza virus vaccines are produced in chicken eggs, a production method that is disadvantaged by lengthy vaccine production times and by inability to meet large-scale, global demands.

The subject technologies are specific recombinant HA proteins from H1N1, H5N1, and other strains of influenza virus produced in bacteria. The HA proteins properly fold, form oligomers, bind fetuin, agglutinate red blood cells and induce strong neutralizing antibody titers in several in vivo animal models. The key advantages of this technology are that expression of these proteins in bacteria reduces the vaccine production time and offers the ease of scalability for global usage, an issue with current production methods. The recombinant HA proteins can also be used for diagnostic applications.

Applications

- Vaccines for the prevention of influenza infection.
- Diagnostics for influenza virus specific antibodies.

Advantages

- Novel vaccine candidates.
- Rapid production time.

Development Status: In vitro and *in vivo* data can be provided upon request.

Market

- Vaccines.
- Diagnostics.

Inventors: Hana Golding and Surender Khurana (FDA).

Publications: Manuscripts are available for review under a Confidential Disclosure Agreement.

Patent Status

- U.S. Provisional Patent Application No. 61/257,785 filed 03 Nov 2009 (HHS Reference No. E–032–2010/0–US–01).
- U.S. Provisional Patent Application No. 61/325,216 filed 16 Apr 2010 (HHS Reference No. E–032–2010/1–US–01).

Licensing Status: Available for licensing.

Licensing Contact: Kevin W. Chang, PhD; 301–435–5018; *changke@mail.nih.gov.*

Substituted IL–15

Description of Invention: Interleukin–15 (IL–15) is an immune system modulating protein (cytokine) that stimulates the proliferation and differentiation of T-lymphocytes. In the clinical context, IL–15 is being investigated for use in the treatment of diseases such as cancer. In vitro manufacture of IL–15 can be problematic.

The invention relates to substituted IL–15 amino acid sequences of one or more amino acids that are predicted to reduce or eliminate deamidation of a specific aspargine amino acid residue found within the IL–15 protein. Deamidation can lead to protein degradation and interfere with the pharmaceutical purification and processing of IL–15. The invention also provides potential substituted gene sequences that encode the substituted IL–15 amino acid sequences. The substituted IL–15 amino acid sequences may advantageously facilitate the refolding, purification, storage, characterization, and clinical testing of IL–15.

Applications: IL–15 immunotherapies.

Advantages: Potential decreased immunogenicity of pharmacologically active IL–15 expressed in *E. coli.*

Development Status: Concept Development Phase.

Market: Cancer immunotherapy; IL–15 based immunotherapies.

Inventors: David F. Nellis *et al.* (NCI/SAIC).

Patent Status: PCT Application No. PCT/US09/42355 filed 30 Apr 2009, which published as WO 2009/135031 on 05 Nov 2009 (HHS Reference No. E–123–2008/0–PCT–02).

Licensing Status: Available for licensing.

Licensing Contact: Kevin W. Chang, PhD; 301–435–5018; changke@mail.nih.gov.

Collaborative Research Opportunity: The National Cancer Institute Biological Research Branch is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize the topic of this technology. Please contact John D. Hewes, PhD at 301–435–3121 or hewesj@mail.nih.gov for more information.

Dated: July 2, 2010.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2010–16801 Filed 7–8–10; 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; Integrative Cancer Biology in the Tumor Microenvironment (U01).

Date: July 22, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Sherwood Githens, PhD, Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Blvd., Room 8146, Bethesda, MD 20892, 301–435–1822, *githenss@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Innovative and Early Stage Development of Emerging Technologies in Biospecimen Science.

Date: October 21, 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, Scientific 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*.

(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: July 1, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–16803 Filed 7–8–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; 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 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 Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel.

Date: November 4, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda, Maryland, Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Ruth Grossman, DDS, Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, 6707 Democracy Boulevard, Room 960, Bethesda, MD 20892, 301–496–8775, *grossmanrs@mail.nih.gov*.

Dated: July 1, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–16809 Filed 7–8–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; 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 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 Institute of Dental and Craniofacial Research Special Emphasis Panel; Review U01 Revision.

Date: July 15, 2010.

Time: 11 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jayalakshmi Raman, PhD, Scientific Review Officer, Scientific Review Branch, National Institute of Dental and Craniofacial Research, One Democracy Plaza, Room 670, Bethesda, MD 20892–4878, 301–594–2904, *ramanj@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the intramural research review cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: July 1, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–16813 Filed 7–8–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Committee on Organ Transplantation; 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: Advisory Committee on Organ Transplantation.

Date and Times: August 19, 2010, 8:30 a.m. to 4:45 p.m.; August 20, 2010, 8:30 a.m. to 3:30 p.m.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, Maryland 20814.

Status: The meeting will be open to the public.

Purpose: Under the authority of 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended, and 42 CFR 121.12 (2000), Advisory Committee on Organ Transplantation (ACOT) was established to assist the Secretary in enhancing organ donation, ensuring that the system of organ transplantation is grounded in the best available medical science, and assuring the public that the system is as effective and equitable as possible, and, thereby, increasing public confidence in the integrity and effectiveness of the transplantation system. ACOT is composed of up to 25 members, including the Chair. Members are serving as Special Government Employees and have diverse backgrounds in fields such as organ donation, health care public policy, transplantation medicine and surgery, critical care medicine and other medical specialties involved in the identification and referral of donors, non-physician transplant professions, nursing, epidemiology, immunology, law and bioethics, behavioral sciences, economics and statistics, as well as representatives of transplant candidates, transplant recipients, organ donors, and family members.

Agenda: The morning of August 19, 2010, (8:30 a.m. to 11:30 a.m.) will be devoted to an orientation session for new members. The

full Committee meeting will convene at 1 p.m. ACOT will hear presentations on the Organ Procurement and Transplantation Network (OPTN) Kidney and Liver Allocation Policies, Reports on Living Donor Studies, Report on Donor Potential Study, Kidney Paired Donor Exchange Pilot Project, Report and Conclusions of the Expert Panel on Circulatory Death Criteria, the National Kidney Foundation's "End the Wait" Initiative, and Summary of Breakthrough Collaborative Issues/Donation and Transplantation Community of Practice. Agenda items are subject to change as priorities indicate.

After the presentations and Committee discussions, members of the public will have an opportunity to provide comments. Because of the Committee's full agenda and the timeframe in which to cover the agenda topics, public comment will be limited. All public comments will be included in the record of the ACOT meeting. Meeting summary notes will be made available on the Department's donation Web site at *http://www.organdonor.gov/acot.html*.

The draft meeting agenda is available on the Department's donation Web site at *http://www.organdonor.gov/acot.html* and at *https://www.team-psa.com/dot/summer2010/ACOT/splash.asp*. Registration can be completed electronically at *https://www.team-psa.com/dot/summer2010/ACOT/splash.asp* or submitted by facsimile to HRM/Professional and Scientific Associates (PSA), the logistical support contractor for the meeting, at fax number (703) 234–1701 ATTN: Brittany Carey. Individuals without access to the Internet who wish to register may call Brittany Carey with HRM/PSA at (703) 889–9033.

FOR FURTHER INFORMATION CONTACT: Patricia Stroup, Executive Secretary, Healthcare Systems Bureau, Health Resources and Services Administration, 5600 Fishers Lane, Room 12–105, Rockville, Maryland 20857; telephone (301) 443–1127.

Dated: July 2, 2010.

Sahira Rafiullah,

Director, Division of Policy and Information Coordination.

[FR Doc. 2010–16822 Filed 7–8–10; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; 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 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 Institute of Neurological Disorders and Stroke Special Emphasis Panel; Translational Stroke.

Date: July 29, 2010.

Time: 10:30 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Shanta Rajaram, PhD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS/Neuroscience Center, 6001 Executive Blvd., Suite 3208, Msc 9529, Bethesda, MD 20852, 301–435–6033, *rajarams@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: July 1, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–16815 Filed 7–8–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney 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.

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 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 Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Autoimmune Microbiome in Diabetes Ancillary Studies.

Date: July 29, 2010.

Time: 4:15 p.m. to 5:15 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Carol J. Goter-Robinson, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 748, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7791, *goterrobinsonc@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: July 1, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–16812 Filed 7–8–10; 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; Neuroprosthetic Arms Control.

Date: July 27, 2010.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Robert C Elliott, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3130, MSC 7850, Bethesda, MD 20892, 301–435–3009, *elliotro@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel;

Fellowships: AIDS Predoctoral and Postdoctoral.

Date: August 3–4, 2010.

Time: 8 a.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: Hilary D Sigmon, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, (301) 594–6377, *sigmonh@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Project: NeuroAIDS.

Date: August 4–5, 2010.

Time: 8 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Eduardo A Montalvo, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435–1168, *montalve@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS Molecular Biology and Opportunistic Infections.

Date: August 5, 2010.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Shiv A. Prasad, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, 301–443–5779, *prasads@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Urology.

Date: August 6, 2010.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ryan G. Morris, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4205, MSC 7814, Bethesda, MD 20892, 301–435–1501, *morrisr@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Roadmap HTS Assay Development.

Date: August 9, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Plaza Hotel, 10 Thomas Circle, NW., Washington, DC 20005.

Contact Person: Ping Fan, MD, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5154, MSC 7840, Bethesda, MD 20892, 301–408–9971, *fanp@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Brain Disorders and Clinical Neuroscience.

Date: August 10–11, 2010.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jerry L Taylor, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5202, MSC 7846, Bethesda, MD 20892, 301–435–1175, *taylorje@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: July 1, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–16808 Filed 7–8–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; 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 on Aging Special Emphasis Panel; ARRA—MIND MRI.

Date: July 26, 2010.

Time: 1:30 p.m. to 2:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212. Bethesda, MD 20892. (Telephone Conference Call).

Contact Person: Ramesh Vemuri, PhD, Chief, Scientific Review Office, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–402–7700, *rv23r@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research; 93.701, ARRA Related Biomedical Research and Research Support Awards, National Institutes of Health, HHS)

Dated: July 1, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–16802 Filed 7–8–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Intertek USA, Inc., 1000 Port Carteret Drive Building C, Carteret, NJ 07008, has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories: *http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/.*

DATES: The accreditation and approval of Intertek USA, Inc., as commercial gauger and laboratory became effective on April 16, 2010. The next triennial inspection date will be scheduled for April 2013.

FOR FURTHER INFORMATION CONTACT: Anthony Malana, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: June 29, 2010.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2010–16714 Filed 7–8–10; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Inspectorate America Corporation, as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Inspectorate America Corporation, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Inspectorate America Corporation, 6175 Hwy 347, Beaumont, TX 77705, has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories: *http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/*

DATES: The accreditation and approval of Inspectorate America Corporation, as commercial gauger and laboratory became effective on March 10, 2010. The next triennial inspection date will be scheduled for March 2013.

FOR FURTHER INFORMATION CONTACT: Anthony Malana, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: June 29, 2010.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services .

[FR Doc. 2010–16726 Filed 7–8–10; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Intertek USA, Inc., 152 Blades Lane, Suite C, Glen Burnie, MD 21061, has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories: *http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/.*

DATES: The accreditation and approval of Intertek USA, Inc., as commercial gauger and laboratory became effective on April 01, 2010. The next triennial inspection date will be scheduled for April 2013.

FOR FURTHER INFORMATION CONTACT: Anthony Malana, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: June 29, 2010.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2010–16731 Filed 7–8–10; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Intertek USA, Inc., 116 Bryan Road Suite 101, Wilmington, NC 28412, has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories: *http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/.*

DATES: The accreditation and approval of Intertek USA, Inc., as commercial gauger and laboratory became effective on April 15, 2010. The next triennial inspection date will be scheduled for April 2013.

FOR FURTHER INFORMATION CONTACT: Anthony Malana, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: June 29, 2010.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2010–16730 Filed 7–8–10; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Intertek USA, Inc., 109 Sutherland Drive, Chickasaw, AL 36611, has been approved to gauge and accredited to test petroleum and petroleum products in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories: *http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/.*

DATES: The accreditation and approval of Intertek USA, Inc., as commercial gauger and laboratory became effective on April 07, 2010. The next triennial inspection date will be scheduled for April 2013.

FOR FURTHER INFORMATION CONTACT: Anthony Malana, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: June 29, 2010.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2010–16728 Filed 7–8–10; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2010–0266]

Collection of Information Under Review by Office of Management and Budget; OMB Control Numbers: 1625–0007, 1625–0074, 1625–0084, 1625–0093, and 1625–0102

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day Notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this request for comments announces that the U.S. Coast Guard is forwarding five Information Collection Requests (ICRs), abstracted below, to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB) requesting an extension of its approval for the following collections of information: (1) 1625–0007, Characteristics of Liquid Chemicals Proposed for Bulk Water Movement; (2) 1625–0074, Direct User Fees for Inspection or Examination of U.S. and Foreign Commercial Vessels; (3) 1625–0084, Audit Reports under the International Safety Management Code; (4) 1625–0093, Facilities Transferring Oil or Hazardous Materials in Bulk—Letter of Intent and Operations Manual; and (5) 1625–0102, National Response Resource Inventory. Our ICRs describes the information we seek to collect from the public. This notice describes the information we seek to collect. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard on or before August 9, 2010.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2010–0266] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT) or to OIRA. To avoid duplication, please submit your comments by only one of the following means:

(1) *Online:* (a) To Coast Guard docket at *http://www.regulation.gov.* (b) To OIRA by e-mail via: *oira_submission@omb.eop.gov.*

(2) *Mail:* (a) DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001. (b) To OIRA, 725 17th Street, NW., Washington, DC 20503, to the attention of the Desk Officer for the Coast Guard.

(3) *Hand Delivery:* To DMF address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax.* (a) To DMF, 202–493–2251. (b) To OIRA at 202–395–5806. To ensure your comments are received in a timely manner, mark the fax, attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for these Notices. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

Copies of the ICRs are available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from:

Commandant (CG–611), Attn Paperwork Reduction Act Manager, U.S. Coast Guard, 2100 2nd St., SW., Stop 7101, Washington, DC 20593–7101.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Arthur Requina, Office of Information Management, telephone 202–475–3523, or fax 202–475–3929, for questions on these documents. Contact Ms. Renee V. Wright, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION: The Coast Guard invites comments on whether these ICRs should be granted based on it being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of information subject to the collections; and (4) ways to minimize the burden of the collections on respondents, including the use of automated collection techniques or other forms of information technology.

Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICRs. They must also contain the docket number of this request, [USCG–

2010–0266]. For your comments to OIRA to be considered, it is best if they are received on or before August 9, 2010.

Public participation and request for comments: We encourage you to respond to this request by submitting comments and related materials. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the "Privacy Act" paragraph below.

Submitting comments: If you submit a comment, please include the docket number [USCG–2010–0266], indicate the specific section of the document to which each comment applies, providing a reason for each comment. We recommend you include your name, mailing address, an e-mail address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission. You may submit comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8–½ 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. In response to your comments, we may revise the ICRs or decide not to seek an extension of approval for these collections. The Coast Guard and OIRA will consider all comments and material received during the comment period.

Viewing comments and documents: Go to *http://www.regulations.gov* to view documents mentioned in these Notices as being available in the docket. Click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG–2010–0266" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the DMF in room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone can search the electronic form of all comments received in 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 the Privacy Act statement regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day Notice (75 FR 20616, April 20, 2010) as required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments.

Information Collection Requests

1. *Title:* Characteristics of Liquid Chemicals Proposed for Bulk Water Movement.

OMB Control Number: 1625–0007.

Type of Request: Extension of a currently approved collection.

Respondents: Manufacturers of chemicals.

Abstract: Title 46 CFR parts 30 to 40, 151, 153, and 154 govern the transportation of hazardous materials. The chemical industry constantly produces new materials that must be moved by water. Each having unique characteristics requiring special attention to their mode of shipment.

Forms: None.

Burden Estimate: The estimated burden has increased from 78 hours to 600 hours a year.

2. *Title:* Direct User Fees for Inspection or Examination of U.S. and Foreign Commercial Vessels.

OMB Control Number: 1625–0074.

Type of Request: Extension of a currently approved collection.

Respondents: Owners of vessels.

Abstract: The Omnibus Budget Reconciliation Act of 1990 [Pub. L. 101–508], which amended 46 U.S.C. 2110, requires the Coast Guard to collect user fees from inspected vessels. To properly collect and manage these fees, the Coast Guard must have requisite current identification information to ensure efficiency.

Forms: None.

Burden Estimate: The estimated burden hours has decreased from 4,268 hours to 4,160 hours a year.

3. *Title:* Audit Reports under the International Safety Management (ISM) Code.

OMB Control Number: 1625–0084.

Type of Request: Extension of a currently approved collection.

Respondents: Owners, operators of vessels, and organizations authorized to issue ISM Code certificates for the United States.

Abstract: Title 46 U.S.C. 3203 authorizes the Coast Guard to prescribe regulations regarding safety management systems. The rules for those systems, hence the safe operation of vessels are contained in 33 CFR part 96.

Forms: None.

Burden Estimate: The estimated burden has increased from 16,873 hours to 18,610 hours a year.

4. *Title:* Facilities Transferring Oil or Hazardous Materials in Bulk—Letter of Intent and Operations Manual.

OMB Control Number: 1625–0093.

Type of Request: Extension of a currently approved collection.

Respondents: Operators of facilities that transfer oil or hazardous materials in bulk.

Abstract: Under 33 U.S.C. 1321 and Executive Order 12777, the Coast Guard is authorized to prescribe regulations to prevent the discharge of oil/hazardous substances from facilities and to contain such discharges. The Letter of Intent is contained in 33 CFR 154.110 and the Operations Manual is contained in 33 CFR part 154 subpart B.

Forms: None.

Burden Estimate: The estimated burden has increased from 53,960 hours to 90,076 hours a year.

5. *Title:* National Response Resource Inventory.

OMB Control Number: 1625–0102.

Type of Request: Extension of a currently approved collection.

Respondents: Oil spill removal organizations.

Abstract: Section 4202 of the Oil Pollution Act of 1990 (Pub. L. 101–380) requires the Coast Guard to compile and maintain a comprehensive list of spill removal equipment. This collection helps fulfill the requirement.

Forms: None.

Burden Estimate: The estimated burden remains 1,296 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: July 2, 2010.

M.B. Lytle,

Captain, U.S. Coast Guard, Acting Assistant Commandant for Command, Control, Communications, Computers and Information Technology.

[FR Doc. 2010–16720 Filed 7–8–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2010–0231]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625–0089

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day Notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this request for comments announces that the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB) requesting, a re-instatement with change, of its approval for the following collection of information: 1625–0089, National Recreational Boating Survey. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Please submit on or before August 9, 2010.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2010–0231] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT) or to OIRA. To avoid duplication, please submit your comments by only one of the following means:

(1) *Electronic submission.* (a) To Coast Guard docket at *http://www.regulation.gov.* (b) To OIRA by e-mail via: *oira_submission@omb.eop.gov.*

(2) *Mail or Hand delivery.* (a) DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001. Hand deliver between the hours of 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329. (b) To OIRA, 725 17th Street, NW., Washington, DC 20503, attention Desk Officer for the Coast Guard.

(3) *Fax.* (a) To DMF, 202–493–2251. (b) To OIRA at 202–395–5806. To ensure your comments are received in a timely manner, mark the fax, attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at Room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

A copy of the ICR is available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–611), ATTN Paperwork Reduction Act Manager, U.S. Coast Guard, 2100 2nd St., SW., STOP 7101, Washington, DC 20593–7101.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Arthur Requina, Office of Information Management, telephone 202–475–3523, or fax 202–475–3929, for questions on these documents. Contact Ms. Renee V. Wright, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION: The Coast Guard invites comments on whether this ICR should be granted based on it being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of information subject to the collections; and (4) ways to minimize the burden of the collections on respondents, including the use of automated collection techniques or other forms of information technology.

Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2010–0231]. For your comments to OIRA to be considered, it is best if they are received on or before August 9, 2010.

Public participation and request for comments: We encourage you to respond to this request by submitting comments and related materials. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the "Privacy Act" paragraph below.

Submitting comments: If you submit a comment, please include the docket number [USCG–2010–0231], indicate the specific section of the document to which each comment applies, providing a reason for each comment. We recommend you include your name, mailing address, an e-mail address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission. You may submit comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. If you submit them by mail or 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. In response to your comments, we may revise the ICR or decide not to seek an extension of approval for this collection. The Coast Guard and OIRA will consider all comments and material received during the comment period.

Viewing comments and documents: Go to *http://www.regulations.gov* to view documents mentioned in this Notice as being available in the docket. Click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG–2010–0231" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the DMF in Room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone can search the electronic form of all comments received in 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 the Privacy Act statement regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day Notice (75 FR 19413, April 14, 2010) as required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments.

Information Collection Request

Title: National Recreational Boating Survey.

OMB Control Number: 1625–0089.

Type of Request: Re-instatement with change.

Respondents: Recreational boating participants and owners of recreational vessels.

Abstract: The Federal Boat Safety Act of 1971 determines the framework of the Coast Guard Recreational Boating Safety Program. This Program, as set forth in 46 U.S.C., Chapter 131, requires the Coast Guard to "encourage greater State participation and uniformity in boating safety efforts, and particularly to permit the States to assume a greater share of boating safety education, assistance, and enforcement activities." (See 46 U.S.C. 13102.) The Coast Guard Office of Boating Safety achieves these goals by providing timely and relevant information on subject activities that occur in each respective jurisdiction.

The boating information provided by the Coast Guard enables each State agency to tailor and implement safety initiatives addressing specific needs of boaters in local jurisdictions. The primary objective of this collection is to provide the Coast Guard with the required information in a format suitable to effectively manage the Program.

Forms: None.

Burden Estimate: This is a biennial requirement. In the year the survey is conducted, the burden is estimated to be 10,880 hours.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: July 2, 2010.

M.B. Lytle,

Captain, U.S. Coast Guard, Acting Assistant Commandant for Command, Control, Communications, Computers and Information Technology.

[FR Doc. 2010–16719 Filed 7–8–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Approval of Intertek USA, Inc., as a Commercial Gauger

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of approval of Intertek USA, Inc., as a commercial gauger.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.13, Intertek USA, Inc., 214 N. Gulf Blvd., Freeport, TX 77541, has been approved to gauge petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.13. Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquires regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories: *http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/.*

DATES: The approval of Intertek USA, Inc., as commercial gauger became effective on February 17, 2010. The next triennial inspection date will be scheduled for February 2013.

FOR FURTHER INFORMATION CONTACT: Anthony Malana, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: June 29, 2010.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2010–16733 Filed 7–8–10; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3313–EM; Docket ID FEMA–2010–0002]

Texas; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of Texas (FEMA–3313–EM), dated June 29, 2010, and related determinations.

DATES: *Effective Date:* June 29, 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, in a letter dated June 29, 2010, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in certain areas of the State of Texas resulting from Tropical Storm Alex beginning on June 27, 2010, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq. ("the Stafford Act"). Therefore, I declare that such an emergency exists in the State of Texas.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program. This assistance excludes regular time costs for subgrantees' regular employees.

Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Bradley Harris, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the State of Texas have been designated as adversely affected by this declared emergency:

Aransas, Atascosa, Bee, Bexar, Brooks, Cameron, Comal, Duval, Guadalupe, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, Live Oak, McMullen, Medina, Nueces, Refugio, San Patricio, Starr, Webb, Willacy, Wilson, and Zapata Counties for emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program.

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. 2010–16705 Filed 7–8–10; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2010–0455]

Environmental Impact Statement; Fort Hamer Bridge, Manatee County, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of intent to prepare a National Environmental Policy Act (NEPA) Environmental Impact Statement (EIS); request for comments; notice of public scoping meeting.

SUMMARY: The U.S. Coast Guard announces its intent to prepare an EIS for a proposed new bridge (Fort Hamer Bridge) crossing over the Manatee River in Manatee County, Florida. The proposed location for the Fort Hamer Bridge is in northeast Manatee County adjacent to Fort Hamer Park and will connect Fort Hamer Road and Upper Manatee River Road.

We request your comments on environmental concerns related to a new bridge over the Manatee River in Manatee County, Florida. This includes suggesting analyses, methodologies and possible sources of data or information related to a new bridge.

The Coast Guard will hold a public scoping meeting for citizens to provide oral and written comments relating to the proposed Fort Hamer Bridge and the preparation of an EIS. This meeting will be open to the public.

DATES: *Comment period:* Comments and related material must either be submitted to our online docket via *http://www.regulations.gov* on or before August 23, 2010, or reach the Docket Management Facility by that date.

Public meeting: A public scoping meeting will be held on Tuesday, August 17, from 4 p.m. to 8 p.m. to provide an opportunity for oral comments. If you would like to make an oral presentation at the meeting or submit written materials as part of the meeting record please provide your information identified by docket number USCG–2010–0455 to either the online docket via *http://www.regulations.gov* or the Docket Management Facility no later than August 3, 2010 using any one of the four methods listed under addresses. Requests to make oral comments or to submit written comments and related material may also be submitted to Coast Guard personnel specified at that meeting.

ADDRESSES: The public scoping meeting will be held at the Carlos E. Haile Middle School, 9501 E. State Road 64, Bradenton, Florida 34212–7240 and can be contacted at (941) 714–7240.

You may submit written comments identified by docket number USCG–2010–0455 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 methods. For instructions on submitting comments, see the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: If you have questions regarding this notice, please contact Mr. Randall Overton, U.S. Coast Guard, telephone 305–415–6749, e-mail *randall.d.overton@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Ms. 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 the scoping process by submitting comments and related material. The purpose of the scoping process is to ensure that the full range of issues related to the proposed action are addressed, and all significant issues identified, comments and suggestions are invited from all interested parties. 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 notice (USCG–2010–0455) and provide a reason for each suggestion or recommendation. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission. You may submit your comments and material online, or by fax, mail or hand delivery, but please use only one of these means.

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 "Document Type" drop down menu select "Notices" and insert "USCG–2010–0455" in the "Keyword" box. Click "Search" 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.

Viewing the comments: To view the comments as well as documents submitted to 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–2010–0455 and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also view the docket online by visiting 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, system of records notice regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

Information on service for individuals with disabilities: For information on facilities or services for individuals with disabilities or to request special assistance at the public meeting contact Mr. Randall Overton, U.S. Coast Guard, telephone 305–415–6749, e-mail *randall.d.overton@uscg.mil.*

Background and Purpose

The proposed bridge crossing is a priority project in the Financially Feasible Plan of the Sarasota-Manatee Metropolitan Planning Organization's (SMMPO) 2030 Long Range Transportation Plan. The project's Web site is *http://www.forthamerbridge.com.* According to the SMMPO, the proposed bridge is needed to provide an alternate

north/south route to the east of Interstate Highway 75 (I–75) and enhance emergency service access to northeast Manatee County. Further, a new bridge will serve to improve the level of service to the existing network of north Manatee County roadways as development expands through the Parrish area and northward in Manatee County. The proposed location for the Fort Hamer Bridge is in northeast Manatee County adjacent to Fort Hamer Park and will connect Fort Hamer Road and Upper Manatee River Road.

Alternatives under consideration include: (1) Taking no action; and (2) various build alternatives that satisfy the purpose and need. Build alternatives may include low, mid, and high-level fixed bridges, alternatives to the east, west and center of the project corridor, and other alternatives that may result from the scoping process. We are requesting your comments on environmental concerns that you may have related to a new bridge in northeast Manatee County. This includes suggesting analyses and methodologies for use in the EIS or possible sources of data or information we should consider.

Public Scoping Meeting

The Public Scoping Meeting is open to the public and will start with an informal open house, followed by an overview presentation and a formal public comment period.

At the open house, Coast Guard personnel will be available to provide more information about the National Environmental Policy Act (NEPA), EIS process, and the Fort Hamer Bridge design project. Project graphics providing basic information about the project and the NEPA EIS process will be on display during the informal portion of the meeting.

Attendees at the meeting, who wish to present testimony and have not previously made a request to do so, will follow those having submitted a request, as time permits. If a large number of persons wish to speak, the presiding officer may limit the time allotted to each speaker. Conversely, the public meeting may end early if all present wishing to speak have done so.

A court reporter will be present during both the informal open house and the formal public comment period to record verbal comments from the public. The public can submit written comments related to the EIS and the proposed action at any time during the meeting. Verbal comments will be recorded and transcribed, and the transcription will be placed in the public docket along with any written statements that may be submitted during the meeting. These comments and statements will be addressed by the Coast Guard as part of the EIS.

Scoping Process

Public scoping is an early and open process for determining the scope of issues to be addressed in this EIS and for identifying the issues related to the proposed action that may have a significant effect on the project environment. The scoping process begins with publication of this notice and ends after the Coast Guard has:

- Invited the participation of Federal, State, and local agencies, any affected Indian tribe, and other interested persons;
- Requested the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the Federal Highway Administration, and the United States Army Corps of Engineers to serve as cooperating agencies in the preparation of this EIS. With this Notice of Intent, we are asking Federal, State, and local agencies with jurisdiction or special expertise with respect to environmental issues in the project area, in addition to those we have already contacted, to formally cooperate with us in the preparation of this EIS;
- Determined the scope and the issues to be analyzed in depth in the EIS;
- Allocated responsibility for preparing the EIS components;
- Indicated any related environmental assessments or environmental impact statements that are not part of this EIS;
- Identified other relevant environmental review and consultation requirements, such as Coastal Zone Management Act consistency determinations, and threatened and endangered species and habitat impacts;
- Indicated the relationship between timing of the environmental review and other aspects of the application process; and
- Exercised our option under 40 CFR 1501.7(b) to hold the public scoping meeting announced in this notice.

Once the scoping process is complete, the Coast Guard will prepare a draft EIS, and we will publish a **Federal Register** notice announcing its public availability. If you wish to be mailed or e-mailed the announcement of the EIS's notice of availability, please contact the person named in **FOR FURTHER INFORMATION CONTACT** or send a request to be added to our contact mailing list along with your name and mailing address or an e-mail address online, by fax, mail, or hand delivery according to the "Submitting comments" instructions above. Please include the docket number for this notice (USCG–2010–0455) in your request. If you provide comments on this notice, we will automatically add your contact information to our contact mailing list and you will automatically be sent an announcement of the draft EIS's notice of availability. We will provide the public with an opportunity to review and comment on the draft EIS. After the Coast Guard considers those comments, we will prepare the final EIS and similarly announce its availability and solicit public review and comment.

Dated: July 2, 2010.

Dana A. Goward,

Director, Office of Assessment, Integration and Risk Management.

[FR Doc. 2010–16721 Filed 7–8–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2489–09; DHS Docket No. USCIS 2010–0032]

RIN 1615–ZA95

Extension of the Designation of El Salvador for Temporary Protected Status and Automatic Extension of Employment Authorization Documentation for Salvadoran TPS Beneficiaries

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security (DHS).

ACTION: Notice.

SUMMARY: This Notice announces that the Secretary of Homeland Security has extended the designation of El Salvador for temporary protected status (TPS) for 18 months from its current expiration date of September 9, 2010, through March 9, 2012. This Notice also sets forth procedures necessary for nationals of El Salvador (or aliens having no nationality who last habitually resided in El Salvador) with TPS to re-register and to apply for an extension of their employment authorization documents (EADs) with U.S. Citizenship and Immigration Services (USCIS). Re-registration is limited to persons who previously registered for TPS under the designation of El Salvador and whose applications have been granted or remain pending. Certain nationals of El Salvador (or aliens having no nationality who last habitually resided in El Salvador) who have not previously

applied for TPS may be eligible to apply under the late initial registration provisions.

New EADs with a March 9, 2012, expiration date will be issued to eligible TPS beneficiaries who timely re-register and apply for EADs. Given the timeframes involved with processing TPS re-registration applications, the Department of Homeland Security recognizes the possibility that all re-registrants may not receive new EADs until after their current EADs expire on September 9, 2010. Accordingly, this Notice automatically extends the validity of EADs issued under the TPS designation of El Salvador for 6 months, through March 9, 2011, and explains how TPS beneficiaries and their employers may determine which EADs are automatically extended.

DATES: The extension of the TPS designation of El Salvador is effective September 10, 2010, and will remain in effect through March 9, 2012. The 60-day re-registration period begins July 9, 2010, and will remain in effect until September 7, 2010.

FOR FURTHER INFORMATION CONTACT:

- For further information on TPS, including guidance on the application process and additional information on eligibility, please visit the USCIS Web site at *http://www.uscis.gov.* Select "Temporary Protected Status" from the homepage. You can find detailed information about this TPS extension on our Web site at the Salvadoran Questions & Answers Section.
- You can also contact the TPS Operations Program Manager, Status and Family Branch, Service Center Operations Directorate, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue, NW., Washington, DC 20529–2060, telephone (202) 272–1533. This is not a toll-free call. **Note:** The phone number provided here is solely for questions regarding this TPS notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 1–800–375–5283 (TTY 1–800–767–1833).
- Further information will also be available at local USCIS offices upon publication of this Notice.

SUPPLEMENTARY INFORMATION:

Abbreviations and Terms Used in This Document

Act—Immigration and Nationality Act
DHS—Department of Homeland Security
DOS—Department of State
EAD—Employment Authorization Document
OSC—U.S. Department of Justice, Office of Special Counsel for Immigration Related Unfair Employment Practices
Secretary—Secretary of Homeland Security
TPS—Temporary Protected Status
USAID—U.S. Agency for International Development
USCIS—U.S. Citizenship and Immigration Services

What is Temporary Protected Status?

- TPS is an immigration status granted to eligible nationals of a country designated for TPS under the Act (or to persons without nationality who last habitually resided in the designated country).
- During the period for which the Secretary has designated a country for TPS, TPS beneficiaries are eligible to remain in the United States and may obtain work authorization, so long as they continue to meet the terms and conditions of their TPS status.
- The granting of TPS does not lead to permanent resident status.
- When the Secretary terminates a country's TPS designation, beneficiaries return to the same immigration status they maintained before TPS (unless that status has since expired or been terminated) or to any other status they may have obtained while registered for TPS.

What authority does the Secretary of Homeland Security have to extend the designation of El Salvador for TPS?

Section 244(b)(1) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1254a(b)(1), authorizes the Secretary, after consultation with appropriate agencies of the government, to designate a foreign State (or part thereof) for TPS.[1] The Secretary may then grant TPS to eligible nationals of that foreign State (or aliens having no nationality who last habitually resided in that State). Section 244(a)(1)(A) of the Act, 8 U.S.C. 1254a(a)(1)(A).

At least 60 days before expiration of the TPS designation, the Secretary, after consultation with appropriate agencies of the government, must review the conditions in a foreign State designated for TPS to determine whether the conditions for the TPS designation continue to be met and, if so, must determine the length of an extension of the TPS designation. Section 244(b)(3)(A), (C) of the Act, 8 U.S.C. 1254a(b)(3)(A), (C). If the Secretary determines that the foreign State no longer meets the conditions for the TPS designation, the Secretary must terminate the designation. Section 244(b)(3)(B) of the Act, 8 U.S.C. 1254a(b)(3)(B).

When was El Salvador designated for TPS?

On March 9, 2001, the Attorney General designated El Salvador for TPS based on an environmental disaster within that country, specifically a series of earthquakes that occurred in 2001. 66 FR 14214. *See* section 244(a)(b)(1)(B) of the Act, 8 U.S.C. 1254a(b)(1)(B). The last extension of TPS for El Salvador was announced on October 1, 2008, based on the Secretary's determination that the conditions warranting the designation continued to be met. 73 FR 57128. This announcement is the seventh extension of TPS for El Salvador.

Why is the Secretary extending the TPS designation for El Salvador through March 9, 2012?

Over the past year, DHS and the Department of State (DOS) have continued to review conditions in El Salvador. Based on this review, the Secretary has determined that an 18-month extension is warranted because there continues to be a substantial, but temporary, disruption of living conditions in El Salvador resulting from the series of earthquakes that struck the country in 2001, and El Salvador remains unable, temporarily, to adequately handle the return of its nationals.

The 2001 earthquakes resulted in the loss of over a thousand lives, displacement of thousands more, the extensive destruction of physical infrastructure and severe damage to the country's economic system. *See* 66 FR 14214 (March 9, 2001) (describing devastation caused by earthquakes). El Salvador's recovery from the earthquakes is still incomplete.

As of February 2007, 136,988 houses had been reconstructed or repaired, not quite 50% of the total number that were destroyed or damaged. The housing program funded by the European Union was completed in March 2007, with a total of 5,482 houses constructed. As of June 2008, the housing program funded by Inter-American Development Bank to construct 3,500 homes was underway with an expected completion date by the middle of 2009, but information on whether that goal was met is unavailable. DOS also reports that of the 276,000 homes destroyed in 2001, only approximately half have been rebuilt to

[1] As of March 1, 2003, in accordance with section 1517 of title XV of the Homeland Security Act of 2002 (HSA), Public Law 107–296, 116 Stat. 2135, any reference to the Attorney General in a provision of the Immigration and Nationality Act describing functions transferred under the HSA from the Department of Justice to the Department of Homeland Security "shall be deemed to refer to the Secretary" of Homeland Security. *See* 6 U.S.C. 557 (2003) (codifying HSA, tit. XV, sec. 1517).

date with the assistance of programs sponsored by USAID, other international donors, and the Salvadoran government. While the USAID programs were officially completed in 2006, other donor efforts have lagged. A significant number of families are still living in temporary housing.

In the immediate aftermath of the earthquakes, several hospitals and 113 of 361 health facilities were severely damaged; these numbers represented 55% of the country's capacity to deliver health services. In June 2003, the Salvadoran legislature approved borrowing $142.6 million for the reconstruction of hospitals. Reconstruction of only two of the damaged hospitals has been completed. The Salvadoran government has slowly worked to rebuild the other priority hospitals, but reconstruction of five hospitals is only half complete, and the rebuilding of one, the Maternity Hospital in San Salvador, apparently has yet to begin.

More recent natural disasters have delayed the recovery from the 2001 earthquakes. Tropical Storm Stan in October 2005 brought widespread flooding, loss of homes, and destruction of crops and infrastructure across the country. The eruption of the Santa Ana volcano that same month also caused localized destruction of communities and crops in the surrounding areas. A series of earthquakes in late 2006 resulted in the displacement of an additional 2,000 families whose homes were destroyed. In 2009, Hurricane Ida caused extensive damage to crops, homes, roads, bridges, and other infrastructure. This recent hurricane also resulted in over 190 deaths and displaced more than 14,000 people in November 2009.

Due to the unfinished recovery from the earthquakes, other recent destructive environmental events and its weak economy, El Salvador cannot adequately handle the return of hundreds of thousands of Salvadorans who currently have TPS but no other immigration status in the United States. Their return would further aggravate the country's poor economic situation by increasing unemployment. In addition to the weak economy and the incomplete reconstruction of health facilities, El Salvador is ill-equipped to handle the return of large numbers of its nationals from the United States because of an inadequate road infrastructure that limits access to markets and complicates access to health and education systems. El Salvador also continues to suffer a public security crisis that threatens to undermine sustained development and confidence in democratic governance, as well as increasing levels of violent crime.

Based on this review and after consultation with the appropriate Government agencies, the Secretary finds that:

- The conditions that prompted the March 9, 2001, designation of El Salvador for TPS continue to be met. *See* section 244(b)(3)(A) of the Act, 8 U.S.C. 1254a(b)(3)(A).
- There continues to be a substantial, but temporary, disruption in living conditions in El Salvador as the result of an environmental disaster. *See* section 244(b)(1)(B) of the Act, 8 U.S.C. 1254a(b)(1)(B).
- El Salvador continues to be unable, temporarily, to adequately handle the return of its nationals (or aliens having no nationality who last habitually resided in El Salvador). *See* section 244(b)(1)(B) of the Act, 8 U.S.C. 1254a(b)(1)(B).
- The designation of El Salvador for TPS should be extended for an additional 18-month period. *See* section 244(b)(3)(C) of the Act, 8 U.S.C. 1254a(b)(3)(C).
- There are approximately 217,000 nationals of El Salvador (or aliens having no nationality who last habitually resided in El Salvador) who are eligible for TPS under this extended designation.

Notice of Extension of the TPS Designation of El Salvador

By the authority vested in me as Secretary of Homeland Security under section 244 of the Act, 8 U.S.C. 1254a, I have determined after consultation with the appropriate government agencies that the conditions that prompted designation of El Salvador for temporary protected status (TPS) on March 9, 2001, continue to be met. *See* section 244(b)(3)(A) of the Act, 8 U.S.C. 1254a(b)(3)(A). On the basis of this determination, I am extending the TPS designation of El Salvador for 18 months from September 10, 2010, through March 9, 2012.

Janet Napolitano,
Secretary.

Required Application Forms and Application Fees To Register or Re-Register for TPS

To register or re-register for TPS, an applicant must submit:

1. Form I–821, Application for Temporary Protected Status,

- You only need to pay the Form I–821 application fee if you are filing an application for late initial registration.
- You do not need to pay the Form I–821 fee for a re-registration; and

2. Form I–765, Application for Employment Authorization.

- If you are filing for re-registration, you must pay the Form I–765 application fee if you want an employment authorization document (EAD).
- If you are filing for late initial registration and want an EAD, you must pay the Form I–765 fee only if you are age 14 through 65. No EAD fee is required if you are under the age of 14 or over the age of 65 and filing for late initial TPS registration.
- You do not pay the Form I–765 fee if you are not requesting an EAD.

You must submit both completed application forms together. You may apply for application and/or biometrics fee waivers if you are unable to pay and you can provide proof through satisfactory supporting documentation. For more information on the application forms and application fees for TPS, please visit the USCIS Web site at *http://www.uscis.gov.*

Biometric Services Fee

Biometrics (such as fingerprints) are required for all applicants 14 years of age or older. Those applicants must submit a biometric services fee. For more information on the biometric services fee, please visit the USCIS Web site at *http://www.uscis.gov.*

Mailing Information

Mail your application for TPS to the proper address in Table 1:

TABLE 1—MAILING ADDRESSES

If . . .	Mail to . . .
You are applying for re-registration through US Postal Service	USCIS, Attn: TPS El Salvador, P.O. Box 8635, Chicago, IL 60680–8635.
You are applying for the first time as a late initial registrant through US Postal Service.	USCIS, Attn: TPS El Salvador, P.O. Box 8670, Chicago, IL 60680–8670.

TABLE 1—MAILING ADDRESSES—Continued

If . . .	Mail to . . .
You are using a Non-US Postal Service delivery service for both re-registration and first time late initial registration.	USCIS, Attn: TPS El Salvador, 131 S. Dearborn—3rd Floor, Chicago, IL 60603–5517.
You were granted TPS by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA), and you wish to request an EAD or are re-registering for the first time.	USCIS, Attn: TPS El Salvador, P.O. Box 7332, Chicago, IL 60680–7332.

E-Filing

If you are re-registering for TPS during the re-registration period and you do not need to submit any supporting documents or evidence, you are eligible to file your applications electronically. For more information on e-filing, please visit the *USCIS E-Filing Reference Guide* at the USCIS Web site at *http://www.uscis.gov.*

Employment Authorization Document (EAD)

May I request an interim EAD at my local USCIS office?

No. USCIS will not issue interim EADs to TPS applicants and re-registrants at local offices.

Am I eligible to receive an automatic 6-month EAD extension from September 10, 2010, through March 9, 2011?

To receive an automatic 6-month extension of your EAD:

- You must be a national of El Salvador (or an alien having no nationality who last habitually resided in El Salvador) who has applied for and received an EAD under the designation of El Salvador for TPS, and
- You have not had TPS withdrawn or denied.

This automatic extension is limited to EADs issued on Form I–766, Employment Authorization Document, bearing an expiration date of September 9, 2010. These EADs must also bear the notation "A–12" or "C–19" on the face of the card under "Category."

What documents may a qualified individual show to his or her employer as proof of employment authorization and identity when completing Form I–9?

During the first six months of this extension, qualified individuals who have received a 6-month automatic extension of their EADs by virtue of this **Federal Register** notice may present their extended TPS-based EADs, as described above, to their employers as proof of identity and employment authorization through March 9, 2011. To minimize confusion over this extension at the time of hire or re-verification, qualified individuals may also present a copy of this **Federal Register** notice regarding the automatic extension of employment authorization documentation through March 9, 2011.

After March 9, 2011, TPS beneficiaries may present their EADs on Form I–766 with an extension date of March 9, 2012, to their employers as proof of employment authorization and identity. The EAD will bear the notation "A–12" or "C–19" on the face of the card under "Category." After March 9, 2011, employers may not accept EADs that no longer have a valid date.

Employers should not request proof of Salvadoran citizenship. Employers should accept the EADs as valid "List A" documents. Employers should not ask for additional Form I–9 documentation if presented with an EAD that has been automatically extended or a new valid EAD pursuant to this **Federal Register** notice, and the EAD reasonably appears on its face to be genuine and to relate to the employee. Employees also may present any other legally acceptable document or combination of documents listed on the Form I–9 as proof of identity and employment eligibility.

Note to Employers

Employers are reminded that the laws requiring employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This Notice does not supersede or in any way limit applicable employment verification rules and policy guidance, including those rules setting forth re-verification requirements. For questions, employers may call the USCIS Customer Assistance Office at 1–800–357–2099. Employers may also call the U.S. Department of Justice Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) Employer Hotline at 1–800–255–8155.

Note to Employees

Employees or applicants may call the OSC Employee Hotline at 1–800–255–7688 for information regarding the automatic extension. Additional information is available on the OSC Web site at *http://www.justice.gov/crt/osc/.*

[FR Doc. 2010–16431 Filed 7–8–10; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1919–DR; Docket ID FEMA–2010–0002]

Puerto Rico; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Puerto Rico (FEMA–1919–DR), dated June 24, 2010, and related determinations.

DATES: *Effective Date:* June 24, 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, in a letter dated June 24, 2010, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the "Stafford Act"), as follows:

I have determined that the damage in certain areas of the Commonwealth of Puerto Rico resulting from severe storms and flooding during the period of May 26–31, 2010, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the "Stafford Act"). Therefore, I declare that such a major disaster exists in the Commonwealth of Puerto Rico.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the Commonwealth. Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Justo Hernández, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the Commonwealth of Puerto Rico have been designated as adversely affected by this major disaster:

The municipalities of Arecibo, Barranquitas, Coamo, Corozal, Dorado, Naranjito, Orocovis, Utuado, Vega Alta, and Vega Baja for Public Assistance.

All municipalities in the Commonwealth of Puerto Rico are eligible to apply for assistance under the Hazard Mitigation Grant Program.

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. 2010–16708 Filed 7–8–10; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1918–DR; Docket ID FEMA–2010–0002]

West Virginia; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of West Virginia (FEMA–1918–DR), dated June 24, 2010, and related determinations.

DATES: *Effective Date:* June 24, 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, in a letter dated June 24, 2010, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the "Stafford Act"), as follows:

I have determined that the damage in certain areas of the State of West Virginia resulting from severe storms, flooding, mudslides, and landslides beginning on June 12, 2010, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the "Stafford Act"). Therefore, I declare that such a major disaster exists in the State of West Virginia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas, and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Public Assistance, Hazard Mitigation, and Other Needs Assistance will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Donald L. Keldsen, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of West Virginia have been designated as adversely affected by this major disaster:

Logan, McDowell, Mingo, and Wyoming Counties for Individual Assistance.

Logan, McDowell, Mingo, and Wyoming Counties for Public Assistance.

All counties within the State of West Virginia are eligible to apply for assistance under the Hazard Mitigation Grant Program.

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. 2010–16710 Filed 7–8–10; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1915–DR; Docket ID FEMA–2010–0002]

South Dakota; Amendment No. 3 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 South Dakota (FEMA–1915–DR), dated May 13, 2010, and related determinations.

DATES: *Effective Date:* July 1, 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 South Dakota is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of May 13, 2010.

Deuel, Douglas, Gregory, Hand, Lake, and Tripp Counties 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. 2010–16707 Filed 7–8–10; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2008–0010]

National Fire Academy Board of Visitors

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Committee Management; Notice of Open Federal Advisory Committee Meeting.

SUMMARY: The National Fire Academy Board of Visitors will meet by teleconference on August 2, 2010.

DATES: The teleconference will take place Monday, August 2, 2010, from 10 a.m. to 12 p.m., e.s.t. Comments must be submitted by July 30, 2010.

ADDRESSES: Members of the public who wish to obtain the call-in number, access code, and other information for participation in the public teleconference should contact Teressa Kaas as listed in the **FOR FURTHER INFORMATION CONTACT** section by July 30, 2010, as the number of teleconference lines is limited and available on a first-come, first served basis. Members of the public may also participate by coming to the National Emergency Training Center, Building H, Room 300, Emmitsburg, Maryland. Written material as well as requests to have written material distributed to each member of the committee prior to the meeting should reach Teressa Kaas as listed in the **FOR FURTHER INFORMATION CONTACT** section by July 30, 2010. Comments must be identified by docket ID FEMA–2008–0010 and may be submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: FEMA–RULES@dhs.gov.* Include the docket ID in the subject line of the message.
- *Fax:* 703–483–2999.
- *Mail:* Teressa Kaas, 16825 South Seton Avenue, Emmitsburg, Maryland 21727.

Instructions: All submissions received must include the docket ID for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received by the National Fire Academy Board of Visitors, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Teressa Kaas, 16825 South Seton Avenue, Emmitsburg, Maryland 21727, telephone (301) 447–1117, fax (301) 447–1173, and e-mail *teressa.kaas@dhs.gov.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. (Pub. L. 92–463). The National Fire Academy Board of Visitors will be holding a teleconference for purposes of reviewing National Fire Academy Program activities, including the status of campus maintenance and capital improvements, the budget update, the Academy update, Board discussions and new items. This meeting is open to the public.

The Chairperson of the National Fire Academy Board of Visitors shall conduct the teleconference in a way that will, in her judgment, facilitate the orderly conduct of business. During its teleconference, the committee welcomes public comment; however, comments will be permitted only during the public comment period. The Chairperson will make every effort to hear the views of all interested parties. Please note that the meeting may end early if all business is completed.

Information on Services for Individuals with Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Teressa Kaas as soon as possible.

Dated: June 28, 2010.

Denis G. Onieal,

Acting Deputy United States Fire Administrator, United States Fire Administration, Federal Emergency Management Agency.

[FR Doc. 2010–16704 Filed 7–8–10; 8:45 am]

BILLING CODE 9111–45–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5417–N–01]

Administrative Guidelines; Subsidy Layering Reviews for Proposed Section 8 Project-Based Voucher Housing Assistance Payments Contracts

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: This document provides Administrative Guidelines which qualified Housing Credit Agencies (HCAs) as defined under Section 42 of the Internal Revenue Code of 1986 (IRC), must follow in implementing subsidy layering reviews in accordance with the requirements of Section 2835(a)(1)(M)(i) of the Housing and Economic Recovery Act of 2008 (HERA). In certain instances, described below, HUD will follow these Guidelines in implementing subsidy layering reviews to satisfy the requirements of Section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 (HUD Reform Act or HRA). The requirements in this Notice, which implement the requirements of Section 2835(a)(1)(M)(i) of HERA, do not supersede the subsidy layering requirements of other Federal programs.

Section 102(d) of the HUD Reform Act was enacted to ensure that Housing projects receiving HUD assistance do not receive excessive compensation by combining various forms of HUD program assistance with assistance from other Federal, State, or local agencies (other Government Assistance). Section 2835 (a)(1)(F) of HERA provides that for project-based voucher housing assistance payments (HAP) contracts for existing housing, a subsidy layering review in accordance with section 102(d) of the HRA shall not be required. Under HERA, when project-based voucher assistance is proposed for newly constructed and rehabilitated structures, subsidy layering reviews may be satisfied if the applicable State or local agency has conducted such a review. HUD has defined these agencies to be qualified housing credit agencies (HCA), which may include State housing finance agencies, participating jurisdictions under the HOME program, or other State housing agencies that meet the definition of a HCA as defined under Section 42 of the IRC of 1986.

This Notice sets forth the guidelines HCAs must use in conducting subsidy layering reviews for newly constructed and rehabilitated structures combining

other forms of government assistance, and Section 8 project-based voucher assistance.

FOR FURTHER INFORMATION CONTACT: Michael Dennis, Deputy Director, Office of Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4228, Washington, DC 20410; telephone number 202–402–3882 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

A. The Housing Economic Recovery Act of 2008

HERA (Pub. L.110–289) was enacted July 30, 2008. HERA made numerous revisions to the Section 8 project-based voucher program. On November 24, 2008 (73 FR 71037), HUD published a **Federal Register** Notice to provide information about HERA's applicability to HUD's public housing and Section 8 tenant-based and project-based voucher programs. That Notice provides an overview of key provisions of HERA that affect HUD's public housing programs, and identifies those provisions that are self-implementing requiring no action on the part of HUD for participants to commence taking action to be in compliance, and those provisions that require implementing regulations or guidance on the part of HUD. The November 24, 2008, Notice states that the HERA provision relating to the elimination of subsidy layering reviews for existing housing is self-implementing; the provision relating to State or Local agencies performing subsidy layering reviews for project-based voucher HAP contracts for new construction and rehabilitated projects is not self-implementing. The Notice states that guidance on how such reviews must be conducted would be forthcoming and this Notice provides such guidance.

B. Section 102 of the HUD Reform Act of 1989

24 CFR part 4 implements section 102 of the HRA, (42 U.S.C. 3545) and contains a number of provisions designed to ensure greater accountability and integrity in the way in which the Department makes assistance available under certain of its programs. Section 4.13 of 24 CFR requires HUD to certify, in accordance with section 102(d) of the HRA, that assistance made available by the Department for a specific housing project will not be more than is necessary to make the assisted activity feasible after taking into account assistance from other government sources. In order to make that certification, a subsidy layering review must be performed. HERA eliminates the certification requirement of 24 CFR 4.13 for new construction and rehabilitated housing under the project-based voucher program where the applicable State or local agency has performed a subsidy layering review. Certification under section 102(d) of the HRA is still required, however where HUD conducts the review.

C. Section 911 of the Housing Community Development Act of 1992

Section 911 of the Housing Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992) (HCDA), allows State HCAs to perform subsidy layering review certifications to satisfy the requirements of section 102(d) of the HRA for projects utilizing or expecting to utilize low-income housing tax credits (LIHTCs). To date, however, the Department has not delegated its authority to HCAs for subsidy layering reviews required for covered projects receiving Section 8 project-based vouchers. While Section 911 of the HCDA is a discretionary provision that PIH has not implemented for projects receiving project-based voucher assistance, section 2835(a)(1)(F) of HERA is mandatory and shall be satisfied pursuant to HERA and these Administrative Guidelines, instead of Section 911.

II. Certification

A. HUD's Certification Requirements Pursuant to 102(d) of the HUD Reform Act

24 CFR 4.13 states that before HUD makes any assistance subject to the subpart available with respect to a housing project for which other government assistance is, or is expected, to be made available, HUD will determine, and execute a certification, that the amount of the assistance is not more than is necessary to make the assisted activity feasible after taking account of the other government assistance. This review certifies no overlap of government subsidies when combining HUD housing assistance and forms of other Federal, State or local government assistance. Where a HCA has performed a subsidy layering review for a project that has been allocated LIHTCs and the subsidy layering review took into consideration the proposed project-based voucher assistance, section 2835(a)(1)(F) of HERA eliminates the need for the HRA section 102(d) certification requirement. However, HUD's obligation to certify in accordance with 102(d) of the HRA and implementing regulations at 24 CFR 4.13 still exists where a review has not been substituted in accordance with the Guidelines contained in this Notice.

In addition, since a HCA is designated for the purpose of allocating and administering the LIHTC program under section 42 of IRC, and there will be cases where there are other forms of government assistance involved in proposed project-based voucher projects that do not include LIHTC, in those cases where the HCA is not able to conduct such reviews, HUD will conduct subsidy layering reviews and make the required HRA section 102(d) certification in accordance with 24 CFR 4.13 for such projects. HUD will also conduct the review where there is no HCA available, or the applicable HCA has declined to perform the subsidy layering review.

B. HCA Certification Under HERA

With the enactment of HERA, a HRA section 102(d) certification is not required by the applicable HCA performing the review. These Guidelines require that HCAs make an initial certification to HUD when the agency notifies HUD of its intent to participate. The HCA certification provides that the HCA will, among other things, properly apply the Guidelines which HUD establishes. In addition, after a subsidy layering review has been performed or where one has already been performed, HCAs must certify that the total assistance provided to the project is not more than is necessary to provide affordable housing (Appendix B).

III. Intent To Participate

A HCA must notify HUD of its intent to participate before any subsidy layering reviews are performed pursuant to this Notice. Questions or requests for clarification relating to subsidy layering reviews for units under the project-based voucher program and the implementation of these Guidelines should be addressed to HUD Headquarters, Section 8 Financial Management Division, and should be answered prior to an HCA's notification to HUD of its intent to participate.

A. Letter to HUD

An interested HCA must apprise HUD of its intent to perform subsidy layering reviews for newly constructed and rehabilitated projects that will receive project-based voucher assistance by

sending a brief letter (Appendix A), executed by an authorized official of the HCA informing HUD that it (1) has reviewed these Administrative Guidelines; (2) understands its responsibilities under these Administrative Guidelines; and (3) certifies that it will perform the subsidy layering review as it relates to project-based voucher assistance in accordance with all statutory, regulatory and Guideline requirements. Such letters should be forwarded via e-mail to the Section 8 Financial Management Division at HUD Headquarters at the following address: *pih.financial.management.division@hud.gov.*

B. HUD Acknowledgement

Once HUD has been notified of an HCA's intention to participate, HUD will acknowledge that participation by a written letter to the HCA, and post the agency's name on the Office of Public and Indian Housing's Web site as a participating agency. Once an HCA's intent to participate has been acknowledged by HUD through the response letter, that agency may perform subsidy layering reviews, and certify such reviews have been performed, for proposed project-based voucher HAP contracts for newly constructed or rehabilitated units in accordance with the Agency's existing requirements, provided such requirements are in substantial compliance with these Guidelines.

C. Revocation of Participation

If HUD determines that a HCA has failed to substantially comply with these Guidelines, or statutory or regulatory requirements, HUD may revoke the HCA's authority to perform subsidy layering reviews for proposed project-based voucher HAP contracts. HUD will inform the HCA in writing of such determination.

D. HUD Participation

HUD will follow these Guidelines in conducting the required subsidy layering reviews, and issue a HRA section 102(d) certification pursuant to such review, for projects in cases where the HCA's authority has been revoked by HUD; in cases where an HCA opts to not accept the responsibilities pursuant to section 2835(a)(1)(F) of HERA; and in those cases where project-based voucher assistance is combined with other government assistance that does not include LIHTCs, and the HCA does not have the authority to conduct such review.

IV. Definitions

Category 1 Subsidy Layering Review—Subsidy layering review for proposed project-based voucher HAP contracts where the HCA will conduct the review and it will consider project-based voucher assistance.

Category 2 Subsidy Layering Review—Proposed project-based voucher HAP contracts where a subsidy layering review has been performed by an HCA without consideration of project-based voucher assistance.

Covered Assistance and Affected HUD Programs includes any contract, grant, loan, cooperative agreement or other form of assistance, including the insurance or guarantee of a loan or mortgage, that is provided under a program administered by the Department for use in, or in connection with, a specific housing project. Assistance provided under Section 8(o)(13) of the U.S. Housing Act of 1937 (42 U.S.C. 1437f) (project-based vouchers) for new construction or rehabilitated projects is considered "covered assistance" under section 102(d) of the HRA for subsidy layering review purposes.

Other government assistance is defined to include any loan, grant, guarantee, insurance, payment, rebate, subsidy, credit, tax benefit, or any other form of direct or indirect assistance from the Federal government, a State, or a unit of general local government, or any agency or instrumentality thereof.

Substantial Compliance—For purposes of making the HERA certification, a HCA may perform subsidy layering reviews for proposed project-based voucher HAP contracts for newly constructed and rehabilitated units in accordance with the Agency's existing requirements, provided such requirements are in substantial compliance with these Guidelines. To be in substantial compliance, the Agency's guidelines shall be at least as stringent as these Guidelines, and require equivalent disclosures from the ownership entity.

V. Public Housing Authority (PHA) Responsibilities

A. When Subsidy Layering Reviews Are Required

PHAs must request a subsidy layering review when a new construction or rehabilitation project has been selected pursuant to program regulations at 24 CFR part 983 and the project combines other forms of governmental assistance. As part of the selection process, the PHA must require information regarding all HUD and/or other Federal, State or local governmental assistance to be disclosed by the project owner. Form HUD–2880 (Appendix C) may be used for this purpose, but is not required. The PHA must also instruct the owner to complete and submit a disclosure statement even if no other governmental assistance has been received or is anticipated. The statement must be submitted with the owner's application for project-based vouchers. The PHA must also inform the owner that if any information changes on the disclosure, either by the addition or deletion of other governmental assistance, the project owner must submit a revised disclosure statement. If before or during the HAP contract, the owner receives additional HUD or other governmental assistance for the project that results in an increase in project financing in an amount that is equal to or greater than 10 percent of the original development budget, the Owner must report such changes to the PHA and the PHA must notify the HCA, or HUD (if there is no participating HCA in their jurisdiction), that a further subsidy layering review is required.

B. Requesting Performance of Subsidy Layering Reviews

The PHA must request a subsidy layering review through the participating HCA. A list of participating HCAs will be posted on HUD's Office of Public Housing's Web site and updated periodically. If an HCA is not designated in the PHA's jurisdiction, the PHA should contact the Office of Public Housing and Voucher Programs, Financial Management Division. The PHA will be informed if there is in fact an HCA in their jurisdiction that will conduct the review or if the PHA must submit the required documentation to HUD Headquarters for the subsidy layering review.

C. Providing Documents Required for Review

The PHA is responsible for collecting all required documentation from the owner. The documentation required is contained within Appendix D. The PHA is also responsible for providing the HCA with all documents required for the subsidy layering review. The documents must be forwarded to the HCA with a cover letter. If the initial submission to the HCA is incomplete, the HCA is in need of further documentation, or if new information becomes available, the PHA must provide the documentation to the HCA during the review process.

The PHA should contact the HCA to determine whether any documents the PHA is required to provide are already in the possession of the HCA. If the most recent copies of documents the PHA has collected from the owner are already in the HCA's possession, the PHA must state in its cover letter to the HCA which documents are not included because the HCA has informed it that the documents are already in the HCA's possession. The PHA must still maintain a complete set of the required documents with the project file for

quick reference by either HUD or the PHA.

D. Subsidy Layering Review Timing and Outcome

In accordance with program regulations at 24 CFR 983.55, a PHA may not provide project-based voucher assistance until after the required subsidy layering review has been performed in accordance with these Guidelines. Therefore, before entering into an Agreement To Enter into Housing Assistance Payments Contract (AHAP), the PHA must await the outcome of the subsidy layering review. All other pre-AHAP requirements must also be satisfied before AHAP execution (*e.g.,* environmental review). If the HCA with jurisdiction over the project has conducted the subsidy layering review, the HCA must certify to HUD that the project-based voucher assistance is in accordance with HUD subsidy layering requirements. The HCA must provide a copy of the certification to the PHA to signify to the agency that the subsidy layering review has been completed and a determination has been made that the project-based voucher assistance does not result in excessive government assistance. The PHA may proceed to execute an AHAP at that time.

If the subsidy layering review results in excessive public assistance, the HCA will notify HUD, in writing, with a copy to the PHA, of the outcome. The notification will include either a recommendation to reduce the LIHTC allocation, proposed amount of PBV assistance, or other assistance, or a recommendation to permanently withhold entering into an AHAP for the proposed project. HUD will consult with the HCA and the PHA prior to issuing its final determination either adopting the HCA' s recommendation or revising the recommendation. Once the PHA receives HUD's final decision, the PHA must notify the owner in writing of the outcome.

If HUD conducts the review, HUD is responsible for making the required HRA section 102(d) certification pursuant to 24 CFR 4.13. If it is determined that the project-based voucher assistance does not result in excessive government subsidy, HUD will notify the PHA in writing. If it is determined that combining housing assistance payment subsidy under the project-based voucher program with other governmental assistance results in excessive public assistance, HUD will require that the PHA reduce the level of project-based voucher subsidy or inform the owner that the provision of project-based voucher assistance shall not be provided.

VI. Subsidy Layering Review Categories—Overview

A. Category 1—Proposed Project-Based Voucher HAP Contracts Where the HCA's Subsidy Layering Review Includes Proposed Project-Based Voucher Assistance

Section 2835(a)(1)(F) of HERA provides that a subsidy layering review in accordance with section 102(d) of the HRA is not required if a subsidy layering review has been conducted by a qualified HCA. Section 42(m)(2) of the IRC mandates that HCAs ensure that the amount of housing tax credit awarded to a project is the minimum amount necessary for the project to be placed-in-service as affordable rental housing. As part of its Section 42(m)(2) review, the HCA considers all Federal, State, and local subsidies which apply to the project. In making the determination that the LIHTC dollar amount allocated to a project does not exceed the amount the HCA determines is necessary for the financial feasibility of the project, the HCA must evaluate and consider the sources and uses of funds and the total financing planned for the project, the proceeds expected to be generated by reason of the LIHTC, the percentage of the LIHTC dollar amount used for project costs, and the reasonableness of the developmental and operational costs of the project. The subsidy layering review Guidelines under this Notice are similar to those required under the IRC section 42(m)(2) review.

The amendment made to the requirements of HRA section 102(d) pursuant to section 2835(a)(1)(F) of HERA (for purposes of project-based voucher assistance), alleviates the duplication of subsidy layering reviews (that consider the same factors for the same reasons) by both HUD and HCAs. The only other review element that an HCA must consider with the addition of project-based voucher assistance to a proposed project, is the effect the operational support provided by the project-based vouchers will have on the HCA's analysis in regards to the level of subsidy required to make the project feasible without over compensation. HCAs must therefore analyze the operating pro forma that reflects the inclusion of the project-based voucher assistance as part of the subsidy layering review process. The operational support analysis will consider the debt coverage ratio (DCR) and the amount of cash-flow generated by an individual project to determine if excess funding exists within the total development budget.

In light of the above, when a proposal for project-based voucher assistance is contemporaneous with the application for or award of LIHTCs, the subsidy layering review required by these Guidelines may be fulfilled by the IRC section 42(m)(2) review, if such review substantially complies with the subsidy layering review requirements under this Notice. The Department expects that in most cases it will. If the IRC section 42(m)(2) review substantially complies with the requirements of a subsidy layering review under this Notice, the HCA may make the required certification (Appendix B) to HUD without conducting an additional subsidy layering review pursuant to these Guidelines. If the HCA can not make the required certification because the operation pro forma was not reviewed as part of its IRC section 42(m)(2) review in the manner required by these Guidelines, the HCA must perform the limited review as described in section VII. B. of this Notice, and if necessary reduce the subsidy source within its control— (*i.e.,* the total tax credit allocation amount) or promptly notify HUD of a recommendation to reduce the project-based voucher units or subsidy.

Where HUD conducts the review, for the reasons previously stated, in addition to evaluating the operational budget, HUD must analyze whether certain development costs (specifically general condition, over-head, profits, and developer's fee) are or were excessive. If it is determined that such costs are excessive, HUD will reduce the amount of project-based voucher assistance to a level that will sustain the projects viability without overcompensation. HUD will notify the PHA before any action to reduce the project based vouchers units due to issues of overcompensation.

B. Category 2—Proposed Project-Based Voucher HAP Contracts Where Subsidy Layering Review Has Been Performed by Qualified HCA Without Consideration of Project-Based Voucher Assistance

Where a subsidy layering review has been conducted by a HCA on a proposed project-based voucher project for purposes of allocating LIHTCs which may have also included other forms of government assistance, but such review did not consider project-based voucher assistance (*e.g.,* project-based vouchers were obtained subsequent to the LIHTC allocation), the HCA may conduct a limited review with an emphasis on the operational aspects of the project in accordance with Section VII. B. of these Guidelines.

Although project-based voucher projects under Category 2 must undergo a limited subsidy layering review, the HCA must still be able to certify when

combining HUD and other governmental assistance, including project-based voucher assistance, that the project is not receiving excessive compensation. The HCA will be able to make this certification if the review performed as required by section 42(m)(2) of the IRC substantially complied with these Guidelines. In addition to ensuring there is no excessive subsidy, the review must also consider whether there is any duplicative forms of assistance (*i.e.,* rental assistance from some other State, Federal or local source). If it is found that there is duplicative rental assistance for the same unit, the unit does not qualify for project-based voucher assistance, and the HCA must apprise the PHA of such finding. For purposes of this analysis, LIHTC units are not considered duplicative rental assistance.

VII. Subsidy Layering Review Guidelines—Procedural Description

Subsidy layering reviews are required prior to the execution of an AHAP for new construction and projects that will undergo rehabilitation, if the project combines project-based voucher assistance with other governmental assistance. When an HCA has conducted a subsidy layering review in connection with the allocation of LIHTC, the standards used by the HCA must substantially comply with these Guidelines. When HUD is conducting the subsidy layering review, it will follow these Guidelines and use the Subsidy Layering Review Analysis form (Appendix E).

A. Category 1 Subsidy Layering Reviews

For Category 1 projects, HCAs will review all proposed sources and uses of funds. HCAs will also consider all loans, grants, or other funds provided by parties other than HUD and will assess the reasonableness of any escrow or reserve (*i.e.,* maintenance, operational, and replacement reserves) proposed for the project, even if such reserves do not affect the amount of subsidy allowed under applicable program rules.

1. Development Standards—In General

a. Safe Harbor

Safe Harbor standards are generally applicable development standards. Although the safe harbor standards can be exceeded under certain circumstances, projects for which the owner's documented development costs and fees are within the safe harbor standards can move forward without further justification. If any of the owner's costs and/or fees exceed the safe harbor limits, but are within the maximum allowable amount, additional justification and documentation are required.

b. Maximum Allowable Amounts

Maximum Allowable Amounts by comparison are those that cannot be exceeded under any circumstances. If values provided by the project owner exceed the maximum allowable amounts, reductions must be made in either the proposed amount of PBV assistance, or the LIHTC equity to bring the values below the maximum allowable amounts before the HCA can make its certification to HUD and where HUD is performing the review, before the HRA section 102(d) certification can be made. In the case of LIHTC syndication proceeds, if the values provided by the project owner are lower than the minimum LIHTC price, the PHA shall not enter into an AHAP with the owner unless the LIHTC allocation is reduced to bring the value of the tax credits at or above the minimum LIHTC price.

Between the safe harbor standard and the maximum allowable amounts for each of the factors considered in the review is a range in which values may be acceptable if, in the opinion of the reviewer, they are justified based on project size, characteristics, location, and risk factors. Additional documentation must be requested from the project owner that demonstrates the need for values that exceed the safe harbor standards. If the review is being conducted by an HCA, instead of HUD, project costs exceeding the safe harbor standards must be consistent with the HCA's published qualified allocation plan. Under no circumstances may costs exceed the total maximum allowable amounts.

For all projects falling within category 1, the reviewer (either an HCA, or HUD) must evaluate development costs to determine whether pre-development cost associated with the construction of the project is within a reasonable range, taking into account project size, characteristics, locations and risk factors; whether over-head, builder's profit and developer's fee are also within a reasonable range, taking into account project size, characteristics, locations and risk factors.

2. Equity Capital and Syndication Proceeds—In General

If the project involves the use of LITHCs, the subsidy layering review must also include an analysis of the equity that is made available to the project through the syndication or sale of LIHTCs. The amount of equity capital contributed by investors to a project partnership shall not be less than the amount generally contributed by investors in current market conditions, as determined by the HCA. The HCA must act during the development process to ensure that syndication proceeds going into the project are kept within an acceptable range.

3. Safe Harbor Percentage Allowances

HCAs will use the following safe harbor standards which HUD has established for subsidy layering analysis purposes for project-based voucher HAP contracts: The percentage allowances may be negotiated between the safe harbor and maximum allowable amounts with the project sponsor and the individual HCAs to reflect their assessment of the market and to respect their qualified allocation plan. Any approved fees that exceed safe harbor amounts must be justified by special circumstances.

a. Standard (1)

General Condition safe harbor—six percent (6%) of construction contract amount.

b. Standard (2)

Over-head safe harbor—two percent (2%) of construction contract amount.

c. Standard (3)

Builder's Profit: Safe harbor—six percent (6%) of construction contract amount.

The total allowed or allowable Safe Harbor percentages for General Conditions, Overhead and Builder's Profit are based on hard construction costs and the maximum combined costs shall not be more than 14% of the hard construction cost.

d. Standard (4)

Developer's fee: Safe harbor—twelve percent (12%) of the total development cost (profit and overhead);

The maximum allowable developer's fee is 15% of the project costs (profit and overhead).

4. Net Syndication Proceeds

LIHTCs safe harbor shall be determined by the HCA conducting the review based on the equity market in its State. The HCA must carefully consider the equity market and establish and enforce reasonable equity pricing assumptions. If the amount of equity going into the project from the syndication of tax credits is below the current market price limit without satisfactory documentation of the reasons for the lower amounts, the PHA shall not enter into the AHAP with the owner.

5. When Development Costs Are Excessive

If the costs for builder's profit, or developer's fee, exceed the safe harbor values without satisfactory documentation for the need for higher costs, either the HCA or HUD will take the actions outlined below:

a. HCA Performing Review

In cases where a HCA is performing the review, the HCA must reduce the subsidy source within its control, *i.e.,* the total tax credit allocation amount, whenever necessary to balance the project's sources and uses.

b. HUD Performing Review

Where HUD is performing the review and it is determined that after evaluating allowable sources and uses that the combination of assistance will result in excessive subsidy, HUD will reduce the proposed amount of PBV assistance.

6. When Development Costs Are Within Safe Harbor

If all Safe Harbor standards are met, the HCA must examine the effect project-based voucher assistance will have on the operations pro forma before making its LIHTC allocation. If the Safe Harbor and operational standards (discussed in sub-section 8 directly below) are met, the HCA must submit its certification to HUD with a copy to the applicable PHA along with its sources and uses statement. If HUD is conducting the review, HUD will make the determination and notify the PHA that an AHAP may be signed.

7. Operations Standards

a. Debt Coverage Ratio

In addition to the analysis of the development budget as part of the subsidy layering review process, the HCA must also evaluate the project's 15-year operating pro forma and apply the standards discussed below and contained within the Operations section of Appendix E. Project-based voucher assistance and the amount of cash flow the project-based voucher rent amounts will generate for a given project must be carefully analyzed. The HCA must analyze the project's projected Debt Cover Ratio (DCR) over a 15-year period (the maximum initial term of the project-based voucher HAP contract). The DCR is determined to ensure that the net-income for the project is sufficient to cover all repayable debt (*i.e.,* non-forgivable loans) over the life of the debt. In order to determine realistic costs over a 15-year period, the HCA must use appropriate trending assumptions for their market area. Generally, operating expenses should be trended at 3% to 7% per year and rent increases should be trended at 2% to 5% per year for the first 5 years and 5% for each year thereafter.

The minimum DCR is 1.10 and the maximum DCR may be up to 1.45 provided cash flow for the project does not exceed the limit established in accordance with section VII.A.7.b. of this Notice.

If it is projected that the DCR will not fall below the minimum DCR, the project should have sufficient cash flow to pay all project operating expenses; pay all amortized debt on the project, and have an acceptable percentage of the required debt service available for other uses. In addition, the established DCRs should ultimately provide sufficient cash-flow to subsidize very low-income and extremely low-income families through the project-based voucher program that the LIHTC program is unable to reach.

If the DCR exceeds the maximum stated above, there may be government assistance in the project which is more than necessary to make the project feasible.

Since variances in such things as vacancy rate, operating cost increases, and rent increases all affect the net operating income of a project, the HCA must perform further trending analysis to determine whether the number of proposed project-based vouchers should be reduced or whether the proposed rent amounts should be reduced. For example, if over the 15-year period the DCR begins to decrease and at some point it falls below the minimum of 1.10, all trending assumptions and costs should be re-visited before recommending a reduction in the project-based voucher subsidy. After further analysis, if the DCR is still at a level above the maximum allowable level, the HCA may either reduce the LIHTC allocation amount (for category 1 projects) or recommend to HUD the appropriate PBV subsidy amount including supporting documentation. HUD will require that the PHA reduce the level of project-based voucher subsidy. When HUD is performing the review, HUD will, if necessary, reduce the voucher units or monthly project-based voucher rents proposed by the PHA.

b. Cash-Flow

In addition to determining an acceptable DCR, actual cash flow to the project must also be analyzed. Cash-flow is determined after ensuring all debt can be satisfied and is defined as total income to the project minus total expenses. If the cash flow (minus any acceptable reserve amounts) exceeds 10% of total expenses, the cash generated from the project-based voucher assistance may be greater than is necessary to provide affordable housing. If the cash-flow is greater than 10% of the total operating expenses, the HCA must require the owner to re-visit the operating pro-forma to bring cash flow to a level that does not exceed 10% of the total operating expenses. If the owner declines, the HCA shall recommend to HUD a reduction in the project-based voucher rents or the number of project-based voucher units. Any recommendation shall include documentation to support the HCA's recommendation. When HUD performs the review, and cash flow is greater than 10% of the total operating expenses, HUD will notify the PHA of its determination and instruct the PHA to require the owner to re-visit the operating pro-forma to bring the cash flow to a level that does not exceed 10% of the total operating expenses. If the owner declines, HUD will notify the PHA of the maximum number of project-based voucher units that may be approved and the maximum project-based voucher rent amounts that may be approved.

B. Category 2 Subsidy Layering Reviews

Projects falling within Category 2 shall only be required to undergo a limited review. The limited review shall consist of a review of the 15-year Operations Pro Forma and a review to ensure there is no duplicative assistance (as stated above in section VI.B.). The Operating Standards outlined in section VII.A.7. above shall be used for Category 2 subsidy layering reviews. Where it is determined that the inclusion of project-based voucher assistance will result in governmental assistance that is more than necessary to provide affordable housing, the HCA will make a recommendation, including supporting documentation, to HUD as to the appropriate PBV subsidy amount. If HUD is performing the review, HUD will, if necessary, reduce the voucher units or monthly project-based voucher rents proposed by the PHA.

VIII. Monitoring

HUD may perform quality control reviews of subsidy layering reviews performed by participating HCAs. The quality control reviews will examine the following:

- Whether all required documents and materials were available to the reviewer.

• Whether the values were correctly determined to be inside or outside of the approvable range.

• If values were above the safe harbor standards, whether sufficient documentation was available to the reviewer to justify the higher costs.

• If necessary, whether subsidy was reduced correctly.

If it is determined that any required documentation was not provided, or that any portion of the review was performed incorrectly, HUD may require appropriate corrective action.

Dated: July 2, 2010.

Milan Ozdinec,

Deputy Assistant Secretary for Office of Public Housing and Voucher Programs.

Appendix A—HCA's Notice of Intent To Participate

[_____, 20__]

U.S. Department of Housing and Urban Development, 451 7th Street, SW., Room 4232, Washington, DC 20410, By: E-mail: *pih.financial. management.division@hud.gov.*

Re: HCA's Intent To Participate—Subsidy Layering Reviews for Proposed Project-Based Voucher Housing Assistance Payments Contracts

Ladies and Gentlemen:

The undersigned, a qualified Housing Credit Agency as defined under Section 42 of the Internal Revenue Code of 1986, hereby notifies the United States Department of Housing and Urban Development that it intends to conduct Subsidy Layering Reviews pursuant to *HUD's Administrative Guidelines for Proposed Section 8 Project-Based Voucher Housing Assistance Payments Contracts,* for the purpose of ensuring that the combination of assistance under the Section 8 Project-Based Voucher Program with other Federal, State, or Local assistance does not result in excessive compensation. By signifying our intent to participate, the _____(name of agency) hereby certifies that:

The required personnel have reviewed the above cited statutes, the **Federal Register** Notice—*Administrative Guidelines: Subsidy Layering Reviews for Proposed Section 8 Project-Based Voucher Housing Assistance Payments Contracts, and 24 CFR Section 983.55.*

The agency understands its responsibilities under the above cited statutes and the Guidelines; the agency certifies it will perform subsidy layering reviews in accordance with all statutory, regulatory and Guideline Requirements, as well as any future HUD Notices, Directives, or other program information.

By executing this Intent To Participate, the undersigned acknowledges that its participation will continue unless and until, the Department of Housing and Urban Development revokes this intent or _____(name of agency) informs HUD, in writing, upon 30 days notice of its decision to withdraw its intent to participate.

This Notice of Intent to Participate is hereby executed and dated as of the date first listed above. By executing this Notice of Intent, the _____(name of agency) certifies that, upon HUD approval, the _____(name of agency) shall immediately assume the responsibility of performing subsidy layering reviews for proposed Section 8 Project-based Voucher Housing Assistance Payments Contracts.

The Undersigned requests that the Department of Housing and Urban Development please direct all inquiries and correspondence relating to this Notice to:

[UNDERSIGNED NAME AND TITLE]
[STREET ADDRESS]
[CITY], [STATE] [ZIP]
Attention of: [NAME], [TITLE]
By Phone—[XXX–XXX–XXXX]
By Fax—[XXX–XXX–XXXX]
By E-mail—[e-mail address]

[NAME OF AGENCY]

By: _____

Name:

Title:

The completed, signed, and dated Notice of Intent to Participate should be sent as a PDF attachment to an e-mail message addressed to Miguel Fontanez at *pih.financial. management.division@hud.gov.* The e-mail message subject line should read "Submission of Notice of Intent to Participate."

For questions concerning the submission and receipt of the e-mail please call (202) 708–2934.

Appendix B—HCA Certification

For purposes of the provision of Section 8 Project Based Voucher Assistance authorized pursuant to 42 U.S.C. 8(o)(13), pursuant to section 2835(a)(1)(M)(i) of the Housing and Economic Recovery Act of 2008 (HERA), Section 102 of the Department of Housing and Urban Development Reform Act of 1989, and in accordance with HUD's Administrative Guidelines, all of which address the prevention of excess governmental subsidy, I hereby certify that the Section 8 project-based voucher assistance provided by the United States Department of Housing and Urban Development to _____, located in _____, is not more than is necessary to provide affordable housing after taking into account other government assistance.

_____

Name of HCA

_____

Printed Name of Authorized HCA Certifying Official

_____

Signature of Authorized HCA Certifying Official

_____

Date

Appendix C—HUD Form 2880

BILLING CODE 4210–67–P

Applicant/Recipient Disclosure/Update Report

U.S. Department of Housing and Urban Development

OMB Approval No. 2510-0011 (exp. 10/31/2012)

Instructions. (See Public Reporting Statement and Privacy Act Statement and detailed instructions on page 2.)

Applicant/Recipient Information

Indicate whether this is an Initial Report ☐ **or an Update Report** ☐

1. Applicant/Recipient Name, Address, and Phone (include area code):	2. Social Security Number or Employer ID Number:
3. HUD Program Name	4. Amount of HUD Assistance Requested/Received

5. State the name and location (street address, City and State) of the project or activity:

Part I Threshold Determinations

1. Are you applying for assistance for a specific project or activity? These terms do not include formula grants, such as public housing operating subsidy or CDBG block grants. (For further information see 24 CFR Sec. 4.3).
   ☐ **Yes** ☐ **No**

2. Have you received or do you expect to receive assistance within the jurisdiction of the Department (HUD), involving the project or activity in this application, in excess of $200,000 during this fiscal year (Oct. 1 - Sep. 30)? For further information, see 24 CFR Sec. 4.9
   ☐ **Yes** ☐ **No.**

If you answered "**No**" to either question 1 or 2, **Stop**! You do not need to complete the remainder of this form. ***However***, you must sign the certification at the end of the report.

Part II Other Government Assistance Provided or Requested / Expected Sources and Use of Funds.

Such assistance includes, but is not limited to, any grant, loan, subsidy, guarantee, insurance, payment, credit, or tax benefit.

Department/State/Local Agency Name and Address	Type of Assistance	Amount Requested/Provided	Expected Uses of the Funds

(**Note**: Use Additional pages if necessary.)

Part III Interested Parties. You must disclose:

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
2. any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds $50,000 or 10 percent of the assistance (whichever is lower).

Alphabetical list of all persons with a reportable financial interest in the project or activity (For individuals, give the last name first)	Social Security No. or Employee ID No.	Type of Participation in Project/Activity	Financial Interest in Project/Activity ($ and %)

(**Note**: Use Additional pages if necessary.)

Certification

Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 of Title 18 of the United States Code. In addition, any person who knowingly and materially violates any required disclosures of information, including intentional non-disclosure, is subject to civil money penalty not to exceed $10,000 for each violation.

I certify that this information is true and complete.

Signature: X	Date: (mm/dd/yyyy)

Public reporting burden for this collection of information is estimated to average 2.0 hours 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. This agency may not conduct or sponsor, and a person is not required to respond to, a collection information unless that collection displays a valid OMB control number.

Privacy Act Statement. Except for Social Security Numbers (SSNs) and Employer Identification Numbers (EINs), the Department of Housing and Urban Development (HUD) is authorized to collect all the information required by this form under section 102 of the Department of Housing and Urban Development Reform Act of 1989, 42 U.S.C. 3531. Disclosure of SSNs and EINs is optional. The SSN or EIN is used as a unique identifier. The information you provide will enable HUD to carry out its responsibilities under Sections 102(b), (c), and (d) of the Department of Housing and Urban Development Reform Act of 1989, Pub. L. 101-235, approved December 15, 1989. These provisions will help ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. They will also help ensure that HUD assistance for a specific housing project under Section 102(d) is not more than is necessary to make the project feasible after taking account of other government assistance. HUD will make available to the public all applicant disclosure reports for five years in the case of applications for competitive assistance, and for generally three years in the case of other applications. Update reports will be made available along with the disclosure reports, but in no case for a period generally less than three years. All reports, both initial reports and update reports, will be made available in accordance with the Freedom of Information Act (5 U.S.C. §552) and HUD's implementing regulations at 24 CFR Part 15. HUD will use the information in evaluating individual assistance applications and in performing internal administrative analyses to assist in the management of specific HUD programs. The information will also be used in making the determination under Section 102(d) whether HUD assistance for a specific housing project is more than is necessary to make the project feasible after taking account of other government assistance. You must provide all the required information. Failure to provide any required information may delay the processing of your application, and may result in sanctions and penalties, including imposition of the administrative and civil money penalties specified under 24 CFR §4.38.

Note: This form only covers assistance made available by the Department. States and units of general local government that carry out responsibilities under Sections 102(b) and (c) of the Reform Act must develop their own procedures for complying with the Act.

Instructions

Overview.

A. Coverage. You must complete this report if:
   (1) You are applying for assistance from HUD for a specific project or activity **and** you have received, or expect to receive, assistance from HUD in excess of $200,000 during the during the fiscal year;
   (2) You are updating a prior report as discussed below; or
   (3) You are submitting an application for assistance to an entity other than HUD, a State or local government if the application is required by statute or regulation to be submitted to HUD for approval or for any other purpose.

B. **Update reports (filed by "Recipients" of HUD Assistance): General**. All recipients of covered assistance must submit update reports to the Department to reflect substantial changes to the initial applicant disclosure reports.

Line-by-Line Instructions.

Applicant/Recipient Information.
All applicants for HUD competitive assistance, must complete the information required in blocks 1-5 of form HUD-2880:

1. Enter the full name, address, city, State, zip code, and telephone number (including area code) of the applicant/recipient. Where the applicant/recipient is an individual, the last name, first name, and middle initial must be entered.
2. Entry of the applicant/recipient's SSN or EIN, as appropriate, is optional.
3. Applicants enter the HUD program name under which the assistance is being requested.
4. Applicants enter the amount of HUD assistance that is being requested. Recipients enter the amount of HUD assistance that has been provided and to which the update report relates. The amounts are those stated in the application or award documentation. NOTE: In the case of assistance that is provided pursuant to contract over a period of time (such as project-based assistance under section 8 of the United States Housing Act of 1937), the amount of assistance to be reported includes all amounts that are to be provided over the term of the contract, irrespective of when they are to be received.
5. Applicants enter the name and full address of the project or activity for which the HUD assistance is sought. Recipients enter the name and full address of the HUD-assisted project or activity to which the update report relates. The most appropriate government identifying number must be used (e.g., RFP No.; IFB No.; grant announcement No.; or contract, grant, or loan No.) Include prefixes.

Part I. Threshold Determinations - Applicants Only

Part I contains information to help the applicant determine whether the remainder of the form must be completed. **Recipients filing Update Reports should not complete this Part.**

If the answer to ***either*** questions 1 or 2 is No, the applicant need not complete Parts II and III of the report, but must sign the certification at the end of the form.

Part II. Other Government Assistance and Expected Sources and Uses of Funds.

A. Other Government Assistance. This Part is to be completed by both applicants and recipients for assistance and recipients filing update reports. Applicants and recipients must report any other government assistance involved in the project or activity for which assistance is sought. Applicants and recipients must report any other government assistance involved in the project or activity. Other government assistance is defined in note 4 on the last page. For purposes of this definition, other government assistance is expected to be made available if, based on an assessment of all the circumstances involved, there are reasonable grounds to anticipate that the assistance will be forthcoming.

   Both applicant and recipient disclosures must include all other government assistance involved with the HUD assistance, as well as any other government assistance that was made available before the request, but that has continuing vitality at the time of the request. Examples of this latter category include tax credits that provide for a number of years of tax benefits, and grant assistance that continues to benefit the project at the time of the assistance request.

   The following information must be provided:

   1. Enter the name and address, city, State, and zip code of the government agency making the assistance available.
   2. State the type of other government assistance (e.g., loan, grant, loan insurance).
   3. Enter the dollar amount of the other government assistance that is, or is expected to be, made available with respect to the project or activities for which the HUD assistance is sought (applicants) or has been provided (recipients).
   4. Uses of funds. Each reportable use of funds must clearly identify the purpose to which they are to be put. Reasonable aggregations may be used, such as "total structure" to include a number of structural costs, such as roof, elevators, exterior masonry, etc.

B. Non-Government Assistance. Note that the applicant and recipient disclosure report must specify all expected sources and uses of funds - both from HUD ***and any other source*** - that have been or are to be, made available for the project or activity. Non-government sources of

funds typically include (but are not limited to) foundations and private contributors.

Part III. Interested Parties.

This Part is to be completed by both applicants and recipients filing update reports. Applicants must provide information on:

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
2. any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds $50,000 or 10 percent of the assistance (whichever is lower).
   Note: A financial interest means any financial involvement in the project or activity, including (but not limited to) situations in which an individual or entity has an equity interest in the project or activity, shares in any profit on resale or any distribution of surplus cash or other assets of the project or activity, or receives compensation for any goods or services provided in connection with the project or activity. Residency of an individual in housing for which assistance is being sought is not, by itself, considered a covered financial interest.

The information required below must be provided.

1. Enter the full names and addresses. If the person is an entity, the listing must include the full name and address of the entity as well as the CEO. Please list all names alphabetically.
2. Entry of the Social Security Number (SSN) or Employee Identification Number (EIN), as appropriate, for each person listed is optional.
3. Enter the type of participation in the project or activity for each person listed: i.e., the person's specific role in the project (e.g., contractor, consultant, planner, investor).
4. Enter the financial interest in the project or activity for each person listed. The interest must be expressed both as a dollar amount and as a percentage of the amount of the HUD assistance involved.

Note that if any of the source/use information required by this report has been provided elsewhere in this application package, the applicant need not repeat the information, but need only refer to the form and location to incorporate it into this report. (It is likely that some of the information required by this report has been provided on SF 424A, and on various budget forms accompanying the application.) If this report requires information beyond that provided elsewhere in the application package, the applicant must include in this report all the additional information required.

Recipients must submit an update report for any change in previously disclosed sources and uses of funds as provided in Section I.D.5., above.

Notes:

1. All citations are to 24 CFR Part 4, which was published in the Federal Register. [April 1, 1996, at 63 Fed. Reg. 14448.]
2. Assistance means any contract, grant, loan, cooperative agreement, or other form of assistance, including the insurance or guarantee of a loan or mortgage, that is provided with respect to a specific project or activity under a program administered by the Department. The term does not include contracts, such as procurements contracts, that are subject to the Fed. Acquisition Regulation (FAR) (48 CFR Chapter 1).
3. See 24 CFR §4.9 for detailed guidance on how the threshold is calculated.
4. "Other government assistance" is defined to include any loan, grant, guarantee, insurance, payment, rebate, subsidy, credit, tax benefit, or any other form of direct or indirect assistance from the Federal government (other than that requested from HUD in the application), a State, or a unit of general local government, or any agency or instrumentality thereof, that is, or is expected to be made, available with respect to the project or activities for which the assistance is sought.
5. For the purpose of this form and 24 CFR Part 4, "person" means an individual (including a consultant, lobbyist, or lawyer); corporation; company; association; authority; firm; partnership; society; State, unit of general local government, or other government entity, or agency thereof (including a public housing agency); Indian tribe; and any other organization or group of people.

Appendix D—Documents To Be Submitted by the PHA to the Applicable HCA or HUD Headquarters for Subsidy Layering Reviews

1. Narrative description of the project. This should include the total number of units, including bedroom distribution. If only a portion of the units will receive project-based voucher assistance, this information is needed for both the project as a whole, and for the assisted portion.

2. Sources and Uses of Funds Statement

Sources: List each source separately, indicate whether loan, grant, syndication proceeds, contributed equity, *etc.* Sources should generally include only permanent financing. If interim financing or a construction loan will be utilized, details should be included in a narrative (item 3 below).

Uses: Should be detailed. Do not use broad categories such as "soft costs." Acquisition costs should distinguish the purchase price from related costs such as appraisal, survey, titled and recording, and related legal fees. Construction and rehabilitation should include builder's profit and overhead as separate items.

3. Narrative describing details of each funding source. For loans, details should include principle, interest rate, amortization, term, and any accrual, deferral, balloon or forgiveness provisions. If a lender, grantor, or syndicator is imposing reserve or escrow requirements, details should be included in the narrative. If a lender will receive a portion of the net cash flow, either as additional debt service or in addition to debt service, this should be disclosed in the narrative.

4. Commitment Letters from lenders or other funding sources evidencing their commitment to provide funding to the project and disclosing significant terms. Loan agreements and grant agreements are sufficient to meet this requirement.

5. Appraisal Report. The appraisal should establish the "as is" value of the property, before construction or rehabilitation, and without consideration of any financial implications of tax credits or project-based voucher assistance.

An appraisal establishing value after the property is built or rehabilitated is not acceptable unless it also includes an "as is" valuation.

6. Stabilized Operating Proforma. Should include projected rental, commercial, and miscellaneous income, vacancy loss, operating expenses, debt service, reserve contributions and cash flow.

The analysis must be projected over a 15 year period. Income and expenses must be trended at ____ percent.

7. Tax Credit Allocation Letter. Issued by the State tax credit allocation agency, this letter advises the developer of the amount of LIHTCs reserved for the project.

8. Historic Tax Credits. Some projects in designated historical districts may receive an additional one time historic tax credit. When applicable, the amount of the historic tax credit should be disclosed.

9. Equity Contribution Schedule. If equity contributed to the project will be paid in installments over time, a schedule should be provided showing the amount and timing of planned contributions.

10. Bridge Loans. If the financing plan includes a bridge loan so that proceeds can be paid up front when equity contributions are planned over an extended period, appropriate details should be provided.

11. Standard disclosure and perjury statement

12. Identity of Interest Statement

13. PHA commitment letter for project-based voucher assistance

14. Proposed project-based voucher gross rent amounts

Appendix E

Subsidy Layering Analysis Form

SUBSIDY LAYERING ANALYSIS SUMMARY — Appendix E

Project Name, Sponsor and Phase Information

Number of units

SUMMARY: Subsidy Layering Guideline Standards (Note A)	This Project	"Safe Harbor" Standard	"Ceiling" Standard
1. Builder Profit/General Condition/Over-head		6%,2%,6%	14% Gen Cond + OH&P
2. Developer Fee		12.0%	15.0%
3. Net Equity Proceeds		$0.80	Market rate
4. Debt Coverage Ratio		1.10	1.45

Calculation of Net Equity Proceeds from Syndication (Guideline Standard 3)

(a) Gross LIHTC Equity Syndication Proceeds from Investor

(b) Equity Proceeds Not Available for Project Uses

(i) Bridge Financing Costs (on loans to be repaid by equity) **(Note A)**

(A) Bridge loan interest

(B) Bridge loan costs other than interest (lender legal, bank fees, etc.)

(ii) Other Syndication Fees and Expenses **(Note B)**

(A) Ownership entity organizational and legal cost

(B) Syndication fees paid from gross syndication proceeds

(C) Tax credit fees (to LIHTC-awarding agency, etc.)

(D) Other syndication fees and costs (accounting, cost certification, etc.)

(E) Total deductions from equity syndication proceeds -

(c) Amount of Equity Contribution Per Dollar of Tax Credit to the Project

(i) Net Equity Proceeds as of the Placed-in-Service Date (a(i) minus b(ii)(E))

(ii) Enter amount of annual tax credit allocation (from tax credit award letter):

(iii) Multiply by 10 (LIHTC award amont is annual allocation per year for 10 years) X 10

(iv) Equals total LIHTC allocation to project over 10 years: $ -

(v) Multiplied by investor's ownership percentage: X

(vi) Equals LIHTC allocation to the investor:

(vii) Net proceeds (c(i)), divided by LIHTC allocation to investor (c(vi)), yields net equity per dollar of =

Calculation of Debt Coverage Ratio (guideline standard 4)

(a) Net Operating Income

(i) Total Operating Income

(ii) minus Total Operating Expenses

(iii) Equals NOI

(b) Debt Coverage Ratio

(i) Debt Service

(II) Net Operating Income (4.(a)(iii) above) divided by Debt Service equals DCR:

(c) Cash Flow

(i)Annual Reserve contributions

(ii) Cash Flow (4.a.iii minus 4.b.i minus 4.c.i)

(iii) Cash Flow as a percentage of Expenses (4.c.ii divided by 4.a.ii)

Notes:

A. Analysis must confirm that only reasonable, market-rate bridge loan interest and costs are recognized (to avoid excess profits that may result when loans are not negotiated through arm's-length transactions).

B. Syndication expenses are total costs (other than bridge loan interest and costs) incurred by the owner in obtaining cash for the sale of tax credits to investors. Include only those expenses incurred because of the extraordinary legal, organizational and accounting services and activities associated with utilizing tax credits.

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Appendix F—Sources and Uses Statement (Sample Format)

SOURCES

Debt Sources

Mortgage—

Loans—

Other Loans (specify)—

Other (Specify)—

Equity Sources

Grants available for project uses—

Estimated Net Syndication Proceeds—

Additional Owner Equity Necessary [1]—

Other Equity Sources (specify)

Total Sources $_____

[1] This line may be used for the additional amount needed from the owner to balance sources against uses when no additional monies are available from other sources.

Project Uses

Mortgage Replacement Cost Uses—
Total Land Improvements—
Total Structures—
General Requirements—
Builder's General Overhead—
Builder's Profit [2]—
Architects' Fees—
Bond Premium—
Other Fees—
Construction interest—
Taxes—
Examination Fee—
Inspection Fee—
Financing Fee—
FNMA/GNMA Fee—
Title & Recording—
Legal—
Organization—
Cost Certification Fee—
Contingency Reserve (Sub Rehab)—
BSPRA/SPRA (if applicable)—
Acquisition Costs—

Subtotal Mortgageable Replacement Cost Uses $_____

Non-Mortgage Uses

(i.e. Uses Payable by Sources Other than the Mortgage) [3]
Working Capital Reserve or [4]—
Operating Deficit Reserve [5]—

Subtotal Non-Mortgageable Uses $_____

Total Project Uses $_____

Estimated Net Syndication Proceeds

The HCA may use this format before completing the Net Syndication Proceeds estimate line above on the Sources and Uses Statement, and must use this format to reflect final allocation determination assumptions.

Total Tax Credit Allocation-$_____
Estimated Gross Syndication Proceeds-$_____
Syndication Expenses:
Accountant's Fee-$_____
Syndicator's Fee-$_____
Attorney's Fee [6]-$_____
HCA Fee-$_____
Organizational Expense [7]-$_____
Other (Specify)-$_____
Subtotal Syndication Expenses-$_____ [8]
Bridge Loan Costs less Interest (if applicable)-$_____
Adjustment for Early and Late Installments (See Glossary, Net Syndication Proceeds Estimate for adjustment explanation)-$_____
Total Reductions from Gross-$_____
Estimated Net Syndication Proceeds-$_____

[FR Doc. 2010–16827 Filed 7–8–10; 8:45 am]

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[2] Builder's Profit for non-Identity-of-Interest cases (a SPRA allowance may also be added below). See also Standard #1 safe harbor and ceiling standard alternatives before completing. The Mortgage Use lines relating to Builder's Profit and Developer's Fee may be left blank if alternative funding standards are used, and the amounts are reflected below.

[3] Note that syndication expenses are included below in the estimation of *Net* tax credit proceeds for this Statement, and therefore, are not included within this Statement.

[4] Only Letter of Credit Costs may be included if the reserve is funded by a Letter of Credit.

[5] Indicate the full cash reserve amount if funded by LIHTC proceeds. Indicate only the costs of obtaining a Letter of Credit for the reserve if funded by a Letter of Credit at initial closing.

[6] Such fees may not duplicate legal nor title work charges already recognized. Therefore, only fees associated with the additional legal service associated with LIHTC projects should be recognized here by the HCA.

[7] Such expenses may not include Organizational expenses which are already included, and should not be duplicated. Therefore, only extraordinary organizational expenses incurred because of the additional LIHTC-associated application preparation activities should be included here.

[8] *See* Guideline Standard #3 for separate safe harbor and ceiling limitations for private and public offerings.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. 5378–N–03]

Notice of Proposed Information Collection; Comment Request (Economic Opportunities for Low- and Very Low-Income Persons): Withdrawal of Notice

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice, withdrawal.

SUMMARY: The Office of Fair Housing and Equal Opportunity, Economic Opportunity Division is announcing the withdrawal of the Economic Opportunity for Low- and Very Low-Income Persons (Section 3) proposed information collection published June 23, 2010. The proposed information collection materials are being withdrawn until final comments are received within HUD. Subsequent notice regarding these proposed information collection materials will be published at that time.

DATES: The withdrawal is effective July 9, 2010.

FOR FURTHER INFORMATION CONTACT: Staci Gilliam, Director, Economic Opportunity Division, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451 7th Street, SW., Room 4116, Washington, DC 20410; telephone 202–402–3468, (this is not a toll-free number). Hearing or speech-impaired individuals may access this number TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8399.

SUPPLEMENTARY INFORMATION: This Notice is withdrawing the previous proposed information collection notice regarding Economic Opportunity for Low and Very Low-Income Persons (Section 3), published June 23, 2010. Recipient agencies should continue to use the current version of form HUD 60002 until further notice.

Title of Proposed Notice: Economic Opportunity for Low-and Very Low-Income Persons.

Office: Fair Housing and Equal Opportunity.

OMB Control Number: 2529–0043.

Description of Information Collection: This is a withdrawal of a proposed information collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: July 1, 2010.

Staci Gilliam Hampton,

Director, Economic Opportunity Division.

[FR Doc. 2010–16701 Filed 7–8–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5375–N–26]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Kathy Ezzell, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were

reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for "off-site use only" recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Rita, Division of Property Management, Program Support Center, HHS, room 5B–17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Air Force:* Mr. Robert Moore, Air Force Real Property Agency, 143 Billy Mitchell Blvd., San Antonio, TX 78226, (210) 925–3047; *Coast Guard:* Commandant, United States Coast Guard, Attn: Jennifer Stomber, 2100 Second St., SW., Stop 7901, Washington, DC 20593–0001; (202) 475–5609; *Energy:* Mr. Mark Price, Department of Energy, Office of Engineering & Construction Management, MA–50, 1000 Independence Ave, SW., Washington, DC 20585: (202) 586–5422; *GSA:* Mr. Gordon Creed, Acting Deputy Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th & F Streets, NW., Washington, DC 20405; (202) 501–0084; *Interior:* Mr. Michael Wright, Acquisition & Property Management, Department of the Interior, 1849 C Street, NW., Washington, DC 20240: (202) 208–5399; *Navy:* Mr. Albert Johnson, Director of Real Estate, Department of the Navy, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave., SW., Suite 1000, Washington, DC 20374; (202) 685–9305; (These are not toll-free numbers).

Dated: July 1, 2010.

Mark R. Johnston,

Deputy Assistant Secretary for Special Needs.

Title V, Federal Surplus Property Program Federal Register Report For 07/09/2010

Suitable/Available Properties

Building

Colorado

Bldg. 6506
US Air Force Academy
El Paso CO 80840
Landholding Agency: Air Force
Property Number: 18201020019
Status: Unutilized
Comments: 2222 sq. ft.

New York

Bldg. 606
NSU Saratoga Springs
Scotia NY 12302
Landholding Agency: Navy
Property Number: 77201020019
Status: Excess
Comments: 137,409 sq. ft on 5.76 acres; most recent use: Navy exchange and storage

Ohio

Army Reserve Center
5301 Hauserman Rd.
Parma Co: Cuyahoga OH 44130
Landholding Agency: GSA
Property Number: 54201020009
Status: Excess
GSA Number: I–D–OH–842
Comments: 29, 212, and 6,097 sq. ft.; most recent use: office, storage, classroom, and drill hall; water damage on 2nd floor; and wetland property

2LT George F. Pennington USARC
2164 Harding Hwy. E.
Marion OH 43302
Landholding Agency: GSA
Property Number: 54201020010
Status: Excess
GSA Number: I–D–OH–838
Comments: 4,396 and 1,325 sq. ft; current use: office and storage; asbestos identified

Washington

Fox Island Naval Lab
630 3rd Ave.
Fox Island Co: Pierce WA 98333
Landholding Agency: GSA
Property Number: 54201020012
Status: Surplus
GSA Number: 9–D–WA–1245
Comments: 6405 sq. ft.; current use: office and lab

West Virginia

Harley O. Staggers Bldg.
75 High St.
Morgantown WV 26505
Landholding Agency: GSA
Property Number: 54201020013
Status: Excess
GSA Number: 4–G–WV–0557
Comments: 57,600 sq. ft; future owners must maintain exposure prevention methods (details in deed); most recent use: P.O. and federal offices

Unsuitable Properties

Building

California

Bldgs. 3053, 3135, 3591, 3592
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77201020022
Status: Excess
Reasons: Secured Area

Bldg. 210
Coast Guard Training Center
Petaluma CA 94952
Landholding Agency: Coast Guard

Property Number: 88201020002
Status: Unutilized
Reasons: Extensive deterioration Secured Area

Bldg. 220
Coast Guard Training Center
Petaluma CA 95452
Landholding Agency: Coast Guard
Property Number: 88201020003
Status: Unutilized
Reasons: Secured Area

Maryland

Bldg. 1353
Naval Air Station
Patuxent River MD
Landholding Agency: Navy
Property Number: 77201020016
Status: Excess
Reasons: Extensive deterioration

Massachusetts

Albano House
Minute Man Natl Hist Park
Concord MA 01742
Landholding Agency: Interior
Property Number: 61201020013
Status: Unutilized
Reasons: Extensive deterioration

Nevada

4 Bldgs.
Naval Air Station
Fallon NV 89496
Landholding Agency: Navy
Property Number: 77201020017
Status: Underutilized
Directions: 305, 306, 310, and 319
Reasons: Extensive deterioration

New Jersey

Bldg. 544
Naval Weapons Station
Colts Neck NJ 07722
Landholding Agency: Navy
Property Number: 77201020018
Status: Unutilized
Reasons: Extensive deterioration, Secured Area, Within 2000 ft. of flammable or explosive material

New Mexico

4 Bldgs.
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41201020010
Status: Unutilized
Directions: 03–1525, 03–1540, 15–0027, 21–8002
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

9 Bldgs.
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41201020011
Status: Unutilized
Directions: 33–0129, 35–0250, 36–0005, 36–0006, 37–0006, 37–0008, 37–0009, 37–0019, 37–0020
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

12 Bldgs.
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41201020012
Status: Unutilized
Directions: 41–0004, 43–0020, 43–0037, 43–0045, 46–0001, 46–0036, 46–0075, 46–0119, 46–0178, 46–0201, 46–0342, 48–0203
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

4 Bldgs.
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41201020013
Status: Unutilized
Directions: 55–0125, 57–0041, 57–0077, 57–0082
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

3 Bldgs.
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41201020014
Status: Unutilized
Directions: 63–0113, 63–0114, 64–0045
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

New York

Bldg. 480A
Brookland Nat'l Lab
Upton NY 11973
Landholding Agency: Energy
Property Number: 41201020009
Status: Excess
Reasons: Extensive deterioration Within 2000 ft. of flammable or explosive material

Oregon

Lowell Admin. Compound
60 South Pioneer St.
Lowell OR 97452
Landholding Agency: GSA
Property Number: 54201020011
Status: Excess
GSA Number: 9–D–OR–077
Reasons: Floodway

Virgin Islands

Plot 327
Christiansted VI
Landholding Agency: Interior
Property Number: 61201020014
Status: Unutilized
Reasons: Floodway

Washington

Bldg. 17A
Naval Air Station
Oak Harbor WA 98278
Landholding Agency: Navy
Property Number: 77201020020
Status: Excess
Reasons: Extensive deterioration

5 Bldgs.
Naval Air Station
Oak Harbor WA 98278
Landholding Agency: Navy
Property Number: 77201020021
Status: Excess
Directions: 2506, 2744, 2745, 2746, and 2809
Reasons: Secured Area, Extensive deterioration

Land

Colorado

3 Parcels
5679, 5859, 6104
Olathe CO 81425
Landholding Agency: Interior
Property Number: 61201020012
Status: Excess
Reasons: Other—landlocked

[FR Doc. 2010–16507 Filed 7–8–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5386–N–06]

Privacy Act of 1974; Notice of a Computer Matching Program Between the Department of Housing and Urban Development (HUD) and the United States Department of Agriculture (USDA)

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice of a computer matching program between the HUD and the USDA.

SUMMARY: In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503), and the Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs (June 19, 1989, 54 FR 25818), and OMB Bulletin 89–22, "Instructions on Reporting Computer Matching Programs to the OMB, Congress and the Public," HUD is issuing a public notice of its intent to conduct a recurring computer matching program with the USDA to utilize a computer information system of HUD, the Credit Alert Interactive Verification Reporting System (CAIVRS), with the USDA's debtor files. Additionally, the record to be matched section was updated to reflect HUD's new Privacy Act Systems of Records involved in the CAIVRS matching program. This update does not change the authority and the objectives of the existing HUD and USDA computer matching program.

DATES: *Effective Date:* The effective date of the matching program shall begin *August 9, 2010* or 40 days from the date copies of the signed (by both HUD and USDA's Data Integrity Boards (DIBs)) computer matching agreement is sent to both Housing of Congress and the OMB, whichever is later, providing no comments are received which will result in a contrary determination.

Comments Due Date: August 9, 2010.

ADDRESSES: Interested persons are invited to submit comments regarding this notice to the Rules Docket Clerk, Office of General Counsel, HUD, 451 Seventh Street, SW., Room 10276, Washington, DC 20410.

Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: From the "Recipient Agency" contact the Departmental Privacy Act Officer, HUD, 451 Seventh Street, SW., Room 2256, Washington, DC 20410, telephone number (202) 619–9057. From the "Source Agency" contact Ava Nickens, Management Analyst, Office of the Chief Financial Officer, U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, DC 20250, telephone number (202) 720–2794. (These are not toll-free numbers.) A telecommunication device for hearing- and speech-impaired individuals (TTY) is available at (800) 877–8339 (Federal Information Relay Service).

SUPPLEMENTARY INFORMATION: HUD's data in the CAIVRS database includes delinquent debt information from the Department of Education, Veterans Affairs, Justice, and the Small Business Administration. This match will allow prescreening of applicants for debts owed or loans guaranteed by the Federal government to ascertain if the applicant is delinquent in paying a debt owed to or insured by the federal government for HUD or USDA direct or guaranteed loans. Before granting a loan, the lending agency and/or the authorized lending institution will be able to interrogate the CAIVRS debtor files which contains the Social Security Numbers (SSNs) of HUD's delinquent debtors and defaulters and defaulted debtor records of the USDA and verify that the loan applicant is not in default or delinquent on a direct or guaranteed loans of participating federal programs of either agency. As a result of the information produced by this match, the authorized users may not deny, terminate, or make a final decision of any loan assistance to an applicant or take other adverse action against such applicant, until an officer or employee of such agency has independently verified such information.

Reporting of a Matching Program

In accordance with "The Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503), as amended, and OMB, Congress and the Public;" copies of this notice and report are being provided to the OMB, the Senate Committee on Homeland Security and Governmental Affairs, and the House Committee on Oversight and Government Reform.

Authority

The matching program will be conducted pursuant to "The Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503)," as amended, and OMB Circular A–129 (Revised January 1993), Policies for Federal Credit Program and Non-Tax Receivables. One of the purposes of all Executive departments and agencies-including HUD-is to implement efficient management practices for Federal credit programs. OMB Circular A–129 was issued under the authority of the Budget and Accounting Act of 1921, as amended; the Budget and Accounting Act of 1950, as amended; the Debt Collection Act of 1982, as amended; and, the Deficit Reduction Act of 1984, as amended.

Objectives To Be Met by the Matching Program

The matching program will allow USDA access to a system which permits prescreening of applicants for loans owed or guaranteed by the federal government to ascertain if the applicant is delinquent in paying a debt owed to or insured by the Government. In addition, HUD will be provided access to USDA debtor data for prescreening purposes.

Records To Be Matched

HUD will use records from its systems of records HUD/SFH–01, Single Family Default Monitoring System; HUD/SFH–02, Single Family Insurance System CLAIMS Subsystem; HUD/HS–55, Debt Collection Asset Management System; and HUD/HS–59, Single Family Mortgage Asset Recovery Technology. The debtor files for programs involved are included in these systems of records. HUD's debtor files contain information on borrowers and co-borrowers who are currently in default (at least 90 days delinquent on their loans) or who have had their partial claim subordinate mortgage called due and payable and it has not been repaid in full or who have any outstanding claims paid during the last three years on a Title I insured or guaranteed home mortgage loan. The USDA will provide HUD with debtors files contained in its system of records entitled, Applicant/Borrower of Grantee File (USDA/FMHA1). HUD is maintaining USDA's records only as a ministerial action on behalf of USDA, not as a part of HUD's systems of records noted above. USDA's data contain information on individuals who have defaulted on their guaranteed loans. The USDA will retain ownership and responsibility for their system of records that they place with HUD. HUD serves only as a record location and routine use recipient for USDA's data.

Notice Procedures

HUD and the USDA will notify individuals at the time of application (ensuring that routine use appears on the application form) for guaranteed or direct loans that their records will be matched to determine whether they are delinquent or in default on a federal debt. HUD and USDA will also publish notices concerning routine use disclosures in the **Federal Register** to inform individuals that a computer match may be performed to determine a loan applicant's credit status with the federal government.

Categories of Records/Individuals Involved

The debtor records include these data elements: SSN, claim number, program code, and indication of indebtedness. Categories of records include: Records of claims and defaults, repayment agreements, credit reports, financial statements, and records of foreclosures. Categories of individuals include: Former mortgagors and purchasers of HUD-owned and home improvement loan debtors who are delinquent or default on their loans or who have had their partial claim subordinate mortgage called due and payable and it has not been repaid in full.

Period of the Match

Matching is expected to begin at least 40 days from the date copies of the signed (by both HUD and USDA's Data Integrity Boards) computer matching agreement are sent to both Houses of Congress or at least 30 days from the date this notice is published in the **Federal Register**, which ever is later, providing no comments are received which would result in a contrary determination. The matching program will be in effect and continue for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other in writing to terminate or modify the agreement.

Dated: July 1, 2010.

Jerry E. Williams,

Chief Information Officer.

[FR Doc. 2010–16699 Filed 7–8–10; 8:45 am]

BILLING CODE 4210–67–P

INTER-AMERICAN FOUNDATION

Sunshine Act; Board Meeting

TIME AND DATE: July 12, 2010; 2 p.m.–3:30 p.m.

PLACE: 901 N. Stuart Street, Tenth Floor, Arlington, Virginia 22203.

STATUS: Closed session as provided in 22 CFR 1004.4(f).

MATTERS TO BE CONSIDERED:

- Executive Session.

PORTIONS TO BE CLOSED TO THE PUBLIC:

- Executive Session to discuss Candidates for Presidential Position—Closed session as provided in 22 CFR 1004.4(f).

CONTACT PERSON FOR MORE INFORMATION: Jennifer Hodges Reynolds, General Counsel, (703) 306–4301.

Dated: June 30, 2010.

Jennifer Hodges Reynolds,

General Counsel.

[FR Doc. 2010–16869 Filed 7–7–10; 4:15 pm]

BILLING CODE 7025–01–P

DEPARTMENT OF THE INTERIOR

National Park Service

30-Day Notice of Intention To Request Clearance of Collection of Information; Opportunity for Public Comment

AGENCY: National Park Service, Interior.

ACTION: Notice and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 and 5 CFR Part 1320, Reporting and Record Keeping Requirements, the National Park Service (NPS) invites public comments on an extension of a currently approved information collection (Office of Management and Budget (OMB) Control # 1024–0029).

The National Park Service published the 60-day **Federal Register** notice to solicit public comments on these information collection requirements on January 29, 2010 (75 FR 4838). The comment period closed on March 30, 2010. No comments were received on this notice.

DATES: Public comments on the Information Collection Request (ICR) will be accepted on or before August 9, 2010.

ADDRESSES: You may submit comments directly to the Desk Officer for the Department of the Interior (OMB #1024–0029), Office of Information and Regulatory Affairs, OMB, by fax at 202/395–5806, or by electronic mail at *OIRA_DOCKET@omb.eop.gov.* Please also send a copy of your comments to Ms. Jo A. Pendry, Chief, Commercial Services Program, National Park Service, 1849 C Street, NW., (2410), Washington, DC 20240, by fax at 202/371–2090, or electronically to *jo_pendry@nps.gov.*

FOR FURTHER INFORMATION CONTACT: Jo A. Pendry, phone: 202–513–7156 or at the address above. You are entitled to a copy of the entire ICR package free-of-charge.

SUPPLEMENTARY INFORMATION:

Title: Concessioner Annual Financial Report, 36 CFR Part 51, Subpart I.

OMB Control Number: 1024–0029.

Expiration Date of Approval: July 31, 2010.

Type of Request: Extension of a currently approved information collection.

Affected Public: Businesses.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: Annually.

Description of Need: The regulations at 36 CFR Part 51 primarily implement Title IV, Section 407 of the National Parks Omnibus Management Act of 1998 (Pub. L. 105–391 or the Act), which requires that the Secretary of the Interior exercise authority in a manner consistent with a reasonable opportunity for a concessioner to realize a profit on his operation as a whole commensurate with the capital invested and the obligations assumed. It also requires that franchise fees be determined with consideration to the opportunity for net profit in relation to both gross receipts and capital invested. The financial information being collected is necessary to provide insight into and knowledge of the concessioner's operation so that franchise fees can be determined in a timely manner and without an undue burden on the concessioner.

NPS has submitted a request to OMB to renew approval of the collection of information in 36 CFR Part 51, Subpart I regarding Annual Financial Reports. NPS is requesting a 3-year term of approval for this collection activity. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Estimate of Burden: Form 10–356—Approximately 16 hours per response. Form 10–356a—Approximately 4 hours per response.

Estimated Number of Respondents: Form 10–356—150 responses. Form 10–356a—350 responses.

Estimated Number of Responses per Respondent: One.

Estimated Total Annual Burden on Respondents: 3,800 hours.

Comments are invited on: (1) The practical utility of the information being gathered; (2) the accuracy of the burden hour estimate; (3) ways to enhance the quality, utility, and clarity of the information being collected; and (4) ways to minimize the burden to respondents, including use of automated information collection techniques or other forms of information technology. 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. Please refer to OMB control number 1024–0029 in all correspondence.

Dated: July 2, 2010.

Cartina Miller,

NPS Information Collection Clearance Officer.

[FR Doc. 2010–16832 Filed 7–8–10; 8:45 am]

BILLING CODE 4312–53–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R9–MB–2010–N073; 91200–1231–9BPP–L2]

Draft Supplemental Environmental Impact Statement on the Issuance of Annual Regulations Permitting the Hunting of Migratory Birds

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service or we) has prepared a draft supplemental environmental impact statement (SEIS) for the issuance of annual regulations permitting the hunting of migratory birds. The SEIS analyzes a range of management alternatives for addressing the hunting of migratory birds. The analysis provided in the draft SEIS is intended to: inform the public of the proposed action and alternatives; address public comments we received during the scoping period; and disclose the direct, indirect, and cumulative environmental effects of the proposed action and each of the alternatives. We invite the public to comment on the draft SEIS.

DATES: In order to ensure that we are able to consider your comments, we must receive them on or before March 26, 2011.

ADDRESSES: You may submit comments on the draft SEIS by one of the following methods:

- *U.S. mail or hand-delivery:* Pacific Flyway Representative, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, 911 NE. 11th Ave., Portland, OR 97232.
- *E-mail: huntingeis@fws.gov.*
- *Fax:* 503–231–6162.

You may inspect comments during normal business hours at the office of the Pacific Flyway Representative, 911 NE. 11th Ave., Portland, OR 97232. The draft SEIS is available by either writing to the street address indicated above or by viewing on our Web site at *http://www.fws.gov/migratorybirds.*

FOR FURTHER INFORMATION CONTACT: Robert Trost, Pacific Flyway Representative, Division of Migratory Bird Management, (503) 231–6162; or Robert Blohm, Chief, Division of Migratory Bird Management, (703) 358–1714.

SUPPLEMENTARY INFORMATION: On September 8, 2005, and again on March 9, 2006, the Service published notice in the **Federal Register** (70 FR 53376 and 71 FR 12216, respectively) announcing that we intended to prepare a supplemental environmental impact statement for the issuance of annual regulations permitting the hunting of migratory birds. In those notices, we invited public comments on the scope and substance of the SEIS, particular issues the SEIS should address and why, and options or alternatives we should consider. Please refer to the notices (70 FR 53376 and 71 FR 12216) for further information about our regulatory process pertaining to the hunting of migratory birds.

We received public comments on the notices, considered those comments, and developed a draft SEIS that we are making available through this notice. We are publishing this notice in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), its implementing regulations (40 CFR Parts 1500 to 1508), and Service procedures for compliance with those regulations.

The draft SEIS evaluates seven components of the proposed action regarding how we establish the annual regulations for the hunting of migratory birds. The first six components deal with the fall-winter hunting season and include:

(1) *Schedule and timing of the general regulatory process.* Promulgation of annual hunting regulations relies on a well-defined process of monitoring, data collection, and scientific assessment. At key points during that process, Flyway Technical Committees, Flyway Councils, and the public review and provide valuable input on technical assessments or other documents related to proposed regulatory frameworks. After we adopt final regulatory frameworks, each State selects its seasons, usually following its own schedule of public hearings and other deliberations. After State selections are completed, the Service adopts them as Federal regulations through publication in the **Federal Register.** In the draft SEIS, we present four alternatives regarding the schedule and timing of the general regulatory process.

(2) *Frequency of review and adoption of duck regulatory packages.* Duck regulatory packages are the set of framework regulations that apply to the general duck hunting seasons. Packages include opening and closing dates, season lengths, daily bag limits, and shooting hours. Current regulatory packages contain a set of frameworks for each of the four flyways and a set of four regulatory alternatives: restrictive (relatively short seasons and low daily bag limits), moderate (intermediate season lengths and daily bag limits), liberal (longer seasons and higher daily bag limits), and closed. In the draft SEIS, we present two alternatives regarding how frequently duck regulatory packages should be reviewed and adopted.

(3) *Stock-specific harvest strategies.* Harvest strategies have been developed for stocks deemed not biologically capable of sustaining the same harvest levels that jointly managed stocks are capable of sustaining, or whose migration and distribution do not conform to patterns followed by the most commonly harvested species. The draft SEIS presents three alternatives regarding the use of stock-specific harvest strategies.

(4) *Special regulations.* Special regulations differ from stock harvest strategies because they entail additional days of harvest opportunity outside the established frameworks for general seasons. Special regulations are employed to provide additional harvest opportunity on overabundant species, species that are lightly harvested and can sustain greater harvest pressure, or stocks whose migration and distribution provide opportunities outside the time period in which regular seasons are held. In the draft SEIS, we offer two alternatives concerning the development of special regulations.

(5) *Management scale for the harvest of migratory birds.* We define management scale as the geographic area in which stocks are monitored and harvest is managed. The finer the scale of management employed in harvest management, the higher the cost of monitoring to management agencies. The desire for smaller management scales is driven by the potential for increased harvest opportunity associated with more refined geographic management. The draft SEIS presents three alternatives regarding the scale at which migratory birds should be managed.

(6) *Zones and split seasons.* A zone is a geographic area or portion of a State, with a contiguous boundary, for which an independent season may be selected. A split is a situation where a season is broken into two or more segments with a closed period between segments. The combination of zones and split seasons allows a State to maximize harvest opportunity within the Federal frameworks without exceeding the number of days allowed for a given season. In the draft SEIS, we present two alternatives regarding the use of zones and split seasons.

In addition, the draft SEIS considers a seventh component of the proposed action concerning the subsistence hunting regulations process for Alaska. Regulations governing the subsistence harvest of migratory birds provide a framework that enables the continuation of customary and traditional subsistence uses of migratory birds in Alaska. These regulations are subject to annual review and are developed under a co-management process involving the Service, the Alaska Department of Fish and Game, and Alaska Native representatives. This annual review process establishes regulations that prescribe frameworks for dates when harvesting of birds may occur, species that can be taken, and methods and means that are excluded from use. In the draft SEIS, we offer two alternatives regarding the subsistence harvest of migratory birds in Alaska.

In the draft SEIS, we also discuss the impact of cumulative harvest of migratory bird hunting on national wildlife refuges.

Finally, the draft SEIS provides and analyzes alternatives for each of these seven components with regard to their potential impacts on migratory bird species, other wildlife species, special status species, vegetation, outdoor recreational activities, physical and cultural resources, and the socioeconomic/administrative environment.

Public Comments

We invite interested persons to submit written comments, suggestions, or recommendations regarding the draft SEIS. Before preparation of any final SEIS, we will take into consideration all comments we receive. Those comments, and any additional information we

receive, may lead to a final SEIS that differs from the draft SEIS.

You may submit your comments and materials concerning the draft SEIS by one of the methods listed in the **ADDRESSES** section.

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.

Comments and materials we receive, as well as supporting documentation we used in preparing the draft SEIS, will be available for public inspection, by appointment, during normal business hours, at the office of the Pacific Flyway Representative, 911 NE. 11th Ave., Portland, OR 97232.

Dated: May 6, 2010.

Rowan W. Gould,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 2010–16711 Filed 7–8–10; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLES956000–L14200000–BJ0000–LXSITRST0000]

Eastern States: Filing of Plats of Survey

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Filing of Plats of Survey; Minnesota and Wisconsin.

SUMMARY: The Bureau of Land Management (BLM) will file the plats of survey of the lands described below in the BLM–Eastern States office in Springfield, Virginia, 30 calendar days from the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management-Eastern States, 7450 Boston Boulevard, Springfield, Virginia 22153. Attn: Cadastral Survey.

SUPPLEMENTARY INFORMATION: These surveys were requested by the Bureau of Indian Affairs.

The lands surveyed are:

Fifth Principal Meridian, Minnesota

T. 114 N., R 15 W.

The plat of survey represents the dependent resurvey of a portion of the South and West boundaries, a portion of the subdivisional lines, and the subdivision of Sections 28–33, and the survey of a tract of land in Section 31 and adjusted record meanders in Sections 31 and 32, in Township 114 North, Range 15 West, of the Fifth Principal Meridian, in the State of Minnesota, and was accepted June 22, 2010.

Fourth Principal Meridian, Wisconsin

T. 28 N., R 15 E.

The plat of survey represents the dependent resurvey of a portion of the South boundary, a portion of the subdivisional lines, and the survey of the Casino Tract in Sections 35 and 36, in Township 28 North, Range 15 East, of the Fourth Principal Meridian, in the State of Wisconsin, and was accepted June 21, 2010.

T. 29 N., R 16 E.

The plat of survey represents the dependent resurvey of a portion of the West boundary, a portion of the subdivisional lines, and the subdivision of Section 18, in Township 29 North, Range 16 East, of the Fourth Principal Meridian, in the State of Wisconsin, and was accepted June 22, 2010.

T. 28 N., R 15 E.

The plat of survey represents the survey of the Standing Pines Tract in Section 36, in Township 28 North, Range 15 East, of the Fourth Principal Meridian, in the State of Wisconsin, and was accepted June 21, 2010.

We will place copies of the plats we described in the open files. They will be available to the public as a matter of information.

If BLM receives a protest against a survey, as shown on the plat, prior to the date of the official filing, we will stay the filing pending our consideration of the protest.

We will not officially file the plats until the day after we have accepted or dismissed all protests and they have become final, including decisions on appeals.

Dated: June 25, 2010.

Dominica Van Koten,

Chief Cadastral Surveyor.

[FR Doc. 2010–16737 Filed 7–8–10; 8:45 am]

BILLING CODE 4310–GJ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK930–1310EI–241A]

Notice of National Petroleum Reserve-Alaska Oil and Gas Lease Sale 2010 and Notice of Availability of the Detailed Statement of Sale for Oil and Gas Lease Sale 2010 in the National Petroleum Reserve—Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management's Alaska State Office hereby notifies the public it will hold a National Petroleum Reserve-Alaska oil and gas lease sale bid opening for tracts in the Northeast Planning Area. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid.

DATES: The oil and gas lease sale bid opening will be held at 9 a.m. on Wednesday, August 11, 2010. Sealed bids must be received by 3:45 p.m., Monday, August 9, 2010.

ADDRESSES: The oil and gas lease sale bids will be opened at the Wilda Marston Theater, ZJ Loussac Public Library, 3600 Denali Street, Anchorage, Alaska. Sealed bids must be sent to Carol Taylor (AK932), BLM-Alaska State Office, 222 West 7th Avenue, #13, Anchorage, Alaska 99513–7504.

FOR FURTHER INFORMATION CONTACT: Ted A. Murphy, (907) 271–5076.

SUPPLEMENTARY INFORMATION: All bids must be submitted by sealed bid in accordance with the provisions identified in the Detailed Statement of Sale. They must be received at the BLM-Alaska State Office, ATTN: Carol Taylor (AK932), 222 West 7th Avenue, #13, Anchorage, Alaska 99513–7504, no later than 3:45 p.m., Monday, August 9, 2010.

The Detailed Statement of Sale for the National Petroleum Reserve-Alaska Oil and Gas Lease Sale 2010 will be available to the public immediately after publication of this notice in the **Federal Register**. The Detailed Statement may be obtained from the BLM-Alaska Web site at *http://www.blm.gov/ak,* or by request from the Public Information Center, BLM-Alaska State Office, 222 West 7th Avenue, #13, Anchorage, Alaska 99513–7504, telephone (907) 271–5960.

The Detailed Statement of Sale will include, among other things, a description of the areas to be offered for lease, the lease terms, conditions, special stipulations, required operating procedures, and how and where to submit bids.

Authority: 43 CFR 3131.4–1(a).

Julia Dougan,

Acting Alaska State Director.

[FR Doc. 2010–16829 Filed 7–8–10; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–923–1310–FI; WYW161375]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Under the provisions of the Mineral Leasing Act of 1920, as amended, the Bureau of Land Management (BLM) received a petition for reinstatement from Craig Settle for competitive oil and gas lease WYW161375 for land in Natrona County, Wyoming. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Julie L. Weaver, Chief, Branch of Fluid Minerals Adjudication, at (307) 775–6176.

SUPPLEMENTARY INFORMATION: The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10 per acre or fraction thereof, per year and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $163 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Sections 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the BLM is proposing to reinstate lease WYW161375 effective April 1, 2010, under the original terms and conditions of the lease and the increased rental and royalty rates cited above. The BLM has not issued a valid lease to any other interest affecting the lands.

Julie L. Weaver,

Chief, Branch of Fluid Minerals Adjudication.

[FR Doc. 2010–16764 Filed 7–8–10; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–923–1310–FI; WYW154704]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Under the provisions of the Mineral Lands Leasing Act of 1920, as amended, the Bureau of Land Management (BLM) received a petition for reinstatement from Quaneco LLC for competitive oil and gas lease WYW154704 for land in Uinta County, Wyoming. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Julie L. Weaver, Chief, Branch of Fluid Minerals Adjudication, at (307) 775–6176.

SUPPLEMENTARY INFORMATION: The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10 per acre or fraction thereof, per year and 16–2/3 percent, respectively. The lessee has paid the required $500 administrative fee and $163 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Sections 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW154704 effective December 1, 2009, under the original terms and conditions of the lease and the increased rental and royalty rates cited above. The BLM has not issued a valid lease to any other interest affecting the lands.

Julie L. Weaver,

Chief, Branch of Fluid Minerals Adjudication.

[FR Doc. 2010–16607 Filed 7–8–10; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLIDT03000.L58740000.EU0000. LXSS025D0000; IDI–35904]

Notice of Realty Action; Direct Sale of Public Lands in Minidoka County, ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) proposes to sell four parcels of public land totaling 262.11 acres in Minidoka County, Idaho, to the owners of the surrounding private land for the appraised fair market value of $85,200. The private land surrounding the public land is owned by the Western Mortgage and Realty Company.

DATES: Comments regarding the proposed sale must be received by the BLM by August 23, 2010.

ADDRESSES: Written comments concerning the proposed sale should be sent to Ruth A. Miller, BLM Shoshone Field Manager, 400 West F Street, Shoshone, Idaho 83352.

FOR FURTHER INFORMATION CONTACT: Tara Hagen, Realty Specialist, BLM Shoshone Field Office, 400 West F Street, Shoshone, Idaho 83352 or (208) 732–7205.

SUPPLEMENTARY INFORMATION: The following described public land is being proposed for direct sale to the Western Mortgage and Realty Company in accordance with sections 203 and 209 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1713 and 1719), at not less than the appraised fair market value:

Boise Meridian

T. 6 S., R. 24 E.,
Sec. 30, SW¼SE¼;
Sec. 31, lots 1, 4, 5, and 6, and SE¼SE¼.
T. 7 S., R. 24 E.,
Sec. 4, lots 3 and 4.

The area described contains 262.11 acres in Minidoka County.

The appraised fair market value is $85,200. The public land is identified as suitable for disposal in the 1985 BLM Monument Resource Management Plan (RMP), as amended, and is not needed for any other Federal purposes. The direct sale will allow for the subject parcel to be formally consolidated with adjacent private property, the owner of which currently holds a land use authorization (Cooperative Farm Management Agreement or Land Use Permit) for agricultural purposes. The subject parcels are somewhat isolated and uneconomical to manage due to their location and authorized use for agricultural purposes. Disposal would alleviate the processing and administration of these land use authorizations, as well as generate funding pursuant to the Federal Land Transaction Facilitation Act (FLTFA) that can be utilized to purchase lands with higher resource values.

The public land was identified for disposal in an approved land use plan in effect on July 25, 2000; therefore, proceeds from this sale will be deposited into the Federal Land Disposal Account authorized under section 206 of FLTFA. FLTFA directs the revenues generated from the sale or disposal of public lands identified for disposal in land use plans as of July 25, 2000, to an account that can be used by the BLM, the U.S. Forest Service, the National Park Service, and the U.S. Fish and Wildlife Service to purchase lands located within Federally designated areas or with higher resources from willing sellers.

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 best be served by a direct sale, including the need to recognize an authorized use, such as an existing business which could suffer a substantial economic loss if the tract were purchased by someone other than the authorized user. In accordance with 43 CFR 2710, the BLM authorized officer finds that the public interest would best be served by authorizing the direct sale to the Western Mortgage and Realty Company, which would allow the identified lands to be consolidated with Western Mortgage and Realty Company's adjacent private property to continue to be used for agricultural purposes.

It has been determined that the subject parcel contains no known mineral values; therefore, the BLM proposes that the conveyance of the Federal mineral interests occur simultaneously with the sale of the land. On August 25, 2008, the above described land was segregated from appropriation under the public land laws, including the mining laws. The segregation terminates: (1) Upon issuance of a patent; (2) publication in the **Federal Register** of a termination of the segregation; or (3) 2 years from the date of segregation, whichever occurs first. The lands will not be sold until at least 60 days after the date of publication of this notice in the **Federal Register**.

The Western Mortgage and Realty Company will be required to pay a $50 nonrefundable filing fee for the conveyance of the available mineral interests. Any patent issued will contain the following terms, conditions and reservations:

a. A reservation of right-of-way to the United States for ditches and canals constructed by the authority of the United States under the Act of August 30, 1890, 43 U.S.C. 945;

b. A condition that the conveyance be subject to all valid existing rights of record;

c. A notice and indemnification statement under the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9620(W)), indemnifying and holding the United States harmless from any release of hazardous materials that may have occurred; and

d. additional terms and conditions that the authorized officer deems appropriate.

Detailed information concerning the proposed land sale including the appraisal, planning and environmental documents and a mineral report are available for review at the Shoshone Field Office at the location identified in the **ADDRESSES** section above. Normal business hours are 7:45 a.m. to 4:30 p.m., Monday through Friday, except for Federal holidays.

Public Comments

Public comments regarding the proposed sale may be submitted in writing to the BLM Shoshone Field Manager (see **ADDRESSES** above) on or before August 23, 2010. Comments received in electronic form, such as e-mail or facsimile, will not be considered. Any adverse comments regarding the proposed sale will be reviewed by the BLM Idaho State Director or other authorized official of the Department of the Interior, who may sustain, vacate, or modify this realty action in whole or in part. In the absence of timely filed objections, this realty action will become the final determination of the Department of the Interior.

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 indentifying information, we cannot guarantee that we will be able to do so.

Authority 43 CFR 2711.1–2(a) and (c).

Ruth A. Miller,

Shoshone Field Manager.

[FR Doc. 2010–16712 Filed 7–8–10; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

National Park Service

Yosemite Valley Plan; Yosemite National Park; Mariposa, Madera, and Tuolumne Counties, California; Notice of Revised Record of Decision

SUMMARY: On December 29, 2000, the National Park Service (NPS) executed a Record of Decision selecting Alternative 2 from the Final Yosemite Valley Plan/Supplemental Environmental Impact Statement for implementation (as noticed in the **Federal Register** on January 12, 2001). As explained below, the NPS has subsequently approved a revised Record of Decision for the Final Yosemite Valley Plan and will implement Modified Alternative 2 instead.

Decision: The NPS has approved adoption of a Modified Alternative 2 which consists of completed actions and projects that conform to four broad purposes and goals. These are to restore natural processes in Yosemite Valley, to ameliorate environmental impacts, to preserve cultural resource values, and to continue providing opportunities for high-quality visitor experiences. Excluded from the approved Modified Alternative 2 were certain projects yet to be initiated, including but not limited to consolidation of some parking and facilities in the eastern end of Yosemite Valley, relocation of equestrian facilities, removal of Sugar Pine Bridge, and several traffic recirculation plans. Also revised were Findings of No Significant Impact (FONSI decisions) for Yosemite Lodge area redevelopment and improvements at Curry Village and East Yosemite Valley campgrounds.

Background: In 2006, a lawsuit was filed in the U.S. District Court for the Eastern District of California challenging the 2000 Final Yosemite Valley Plan. Concurrently, the NPS was involved in a separate lawsuit filed by the same plaintiffs challenging the 2005 Merced Wild and Scenic River Comprehensive Management Plan (Merced River Plan). Because the Yosemite Valley Plan and the Merced River Plan were integrally related, the NPS and the plaintiffs agreed to suspend proceedings on the Yosemite Valley Plan lawsuit until the courts reached a final decision on the Merced River Plan lawsuit. In March 2008, the U.S. Court of Appeals for the Ninth Circuit issued a ruling affirming that the 2005 Merced River Plan did not adequately fulfill requirements of the National Environmental Policy Act nor the Wild and Scenic Rivers Act. Following that decision, the NPS and the plaintiffs began settlement discussions to resolve the two lawsuits and to establish a framework for moving forward on a new version of the Merced River Plan. A settlement was reached in September 2009 (the Settlement Agreement is available on the park's Web site: *http://www.nps.gov/yose/parkmgmt/upload/mrpsettlementagreement.pdf*). Pursuant to the Settlement Agreement, the NPS agreed to revise the Record of Decision for the Yosemite Valley Plan, as well as two related FONSI decisions. The three revised documents were filed with the District Court on January 29, 2010.

Copies: Interested parties may review the revised Record of Decision and FONSI decisions on the park's Web site, and copies can also be obtained by contacting the Superintendent, Yosemite National Park, P. O. Box 577, Yosemite, California 95389; via

telephone request at (209) 372–0261; or via e-mail request at *yose_planning@nps.gov.*

Dated: June 7, 2010.

George J. Turnbull,

Acting Regional Director, Pacific West Region.

[FR Doc. 2010–16834 Filed 7–8–10; 8:45 am]

BILLING CODE P

MISSISSIPPI RIVER COMMISSION

Sunshine Act Meetings

AGENCY HOLDING THE MEETINGS: Mississippi River Commission.

TIME AND DATE: 9 a.m., August 13, 2010.

PLACE: On board MISSISSIPPI V at Port of Rosedale, Rosedale, MS.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the Vicksburg District; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

TIME AND DATE: 9 a.m., August 16, 2010.

PLACE: On board MISSISSIPPI V at City Front, Cape Girardeau, MO.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the Memphis District; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

TIME AND DATE: 9 a.m., August 17, 2010.

PLACE: On board MISSISSIPPI V at Mud Island, Memphis, TN.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the Memphis District; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

TIME AND DATE: 9 a.m., August 20, 2010.

PLACE: On board MISSISSIPPI V at Cenac Towing Dock, Houma, LA.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the New Orleans District, and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

CONTACT PERSON FOR MORE INFORMATION: Mr. Stephen Gambrell, telephone 601–634–5766.

George T. Shepard,

Secretary, Mississippi River Commission.

[FR Doc. 2010–16870 Filed 7–7–10; 11:15 am]

BILLING CODE 3720–58–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Information Security Oversight Office

National Industrial Security Program Policy Advisory Committee (NISPPAC)

AGENCY: Information Security Oversight Office (ISOO), National Archives and Records Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act (5 U.S.C. app 2) and implementing regulation 41 CFR 101–6, announcement is made for a meeting of the National Industrial Security Program Policy Advisory Committee. The meeting will be held to discuss National Industrial Security Program policy matters.

DATES: The meeting will be held on July 21, 2010 from 10 a.m. to 12 p.m.

ADDRESSES: National Archives and Records Administration, 700 Pennsylvania Avenue, NW., Archivist's Reception Room, Room 105, Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: David O. Best, Senior Program Analyst, ISOO, National Archives Building, 700 Pennsylvania Avenue, NW., Washington, DC 20408, telephone number (202) 357–5123, or at *david.best@nara.gov.* Contact ISOO at *ISOO@nara.gov* and the NISPPAC at *NISPPAC@nara.gov.*

SUPPLEMENTARY INFORMATION: This meeting will be open to the public. However, due to space limitations and access procedures, the name and telephone number of individuals planning to attend must be submitted to the Information Security Oversight Office (ISOO) no later than Wednesday July 14, 2010. ISOO will provide additional instructions for gaining access to the location of the meeting.

Dated: July 7, 2010.

Mary Ann Hadyka,

Committee Management Officer.

[FR Doc. 2010–16882 Filed 7–8–10; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL FOUNDATION FOR THE ARTS AND HUMANITIES

Submission for OMB Review, Comment Request, Proposed Collection: General Clearance for Guidelines, Applications, and Reporting Forms

AGENCY: Institute of Museum and Library Services, The National Foundation on the Arts and Humanities.

ACTION: Submission for OMB Review, comment request.

SUMMARY: The Institute of Museum and Library Services announces the following information collection has been submitted to the Office of Management and Budget for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). This review helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

A copy of the proposed information collection request, with applicable supporting documentation, may be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Comments must be submitted to the office listed in the *Contact* section below on or before August 7, 2010.

OMB is particularly interested in comments that help the agency to:

• 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.

ADDRESSES: Kim A. Miller, Management Analyst, Institute of Museum and Library Services, 1800 M Street, NW., 9th Floor, Washington, DC 20036. *Telephone:* 202–653–4762; *Fax:* 202–653–4600; or e-mail: *kmiller@imls.gov;* or by teletype (TTY/TDD) for persons with hearing difficulty at 202–653–4614.

SUPPLEMENTARY INFORMATION: The Institute of Museum and Library Services (IMLS) is an independent Federal grant-making agency and is the primary source of federal support for the Nation's 123,000 libraries and 17,500 museums. IMLS provides a variety of grant programs to assist the Nation's museums and libraries in improving their operations and enhancing their services to the public. (20 U.S.C. 9101 *et seq.*).

Current Actions: This notice proposes general clearance of the agency's guideline application and report forms. The 60-day Notice for the "Notice of Continuance for General Clearance for Guidelines, Applications, and Reporting Forms" was published in the **Federal Register** on April 29, 2010 (FR vol. 75, No. 82, pgs. 22631–22632). No comments were received.

Agency: Institute of Museum and Library Services.

Title: IMLS Guidelines, Applications and Reporting Forms.

OMB Number: 3137–0029, 3137–0071.

Agency Number: 3137.

Frequency: Annually, Semi-annually.

Affected Public: State Library Administrative Agencies, museums, libraries, institutions of higher education, library and museum professional associations, and museum and library professionals, Indian tribes (including Alaska native villages, regional corporations, or village corporations), and organizations that primarily serve and represent Native Hawaiians.

Number of Respondents: 6,357

Estimated Time Per Respondent: .08–90 hours

Total Burden Hours: 70,357.

Total Annualized capital/startup costs: 0.

Total Annual Costs: $1,850,383

Contact: Comments should be sent to Office of Information and Regulatory Affairs, *Attn.:* OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503, (202) 395–7316.

Dated: June 30, 2010.

Kim A. Miller,

Management Analyst, Office of Policy, Planning, Research, and Communication.

[FR Doc. 2010–16753 Filed 7–8–10; 8:45 am]

BILLING CODE 7036–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Notice; Submission for OMB Review; Comment Request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. This is the second notice for public comment; the first was published in the **Federal Register** at 75 FR 14633, and four comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. The full submission may be found at: *http://www.reginfo.gov/public/do/PRAMain.* Comments regarding (a) Whether the 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 burden including the validity of the methodology and assumptions used; (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 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 should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725—17th Street, NW., Room 10235, Washington, DC 20503, and to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Room 295, Arlington, VA 22230, or by e-mail to *splimpton@nsf.gov.* Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling 703–292–7556.

NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Under OMB regulations, the agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.

ADDRESSES: Submit written comments to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Room 295, Arlington, VA 22230, or by e-mail to *splimpton@nsf.gov.*

FOR FURTHER INFORMATION CONTACT: Call or write, Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Room 295, Arlington, VA 22230, or by e-mail to *splimpton@nsf.gov.* Individuals who use a telecommunications device 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: An announcement of the NSF request for clearance was published in the **Federal Register** on Friday, March 26, 2010 (Volume 75, Number 58). NSF received four public comments in response to the announcement.

One comment came from Ms. Jean Public of Whitehouse Station, NJ who objected to the information collection. Ms. Public had no specific suggestions for altering the data collection plans other than to discontinue them entirely. Because the comment does not pertain to the collection of information on the required forms for which NSF is seeking OMB approval, NSF is proceeding with the clearance request.

Another comment came from Rachel Blanchard Carpenter at The Brookings Institution. She requested a copy of the HERD pilot test instrument and instructions which were provided to her.

A third comment came from Bob Mullen at the University of Maryland. He requested a copy of the FY 2010 survey instrument. Because the draft of the instrument was not ready at the time of his request, NSF provided a copy of the pilot questionnaire and told him the final 2010 questionnaire would be sent to all institutions later this summer once OMB clearance was obtained.

A final comment came from Tony DeCrappeo and David Kennedy with the Council on Governmental Relations (Attachment 5). They expressed general support for the survey and highlighted two issues for further consideration. The first point was a request for the NSF to carefully weigh the administrative burden of the additional survey items in evaluating the first year of the full rollout of the survey, and to be open to making additional changes should the burden prove too great. NSF has already taken into account the administrative burden expressed by the pilot institutions and eliminated four of the pilot test questions from the FY 2010 survey. NSF will continue to monitor institution concerns during the FY 2010 survey and make adjustments to the survey as necessary in subsequent years.

The second point was a request for more information regarding why the breakdown of institutional funds in Question 1 remains confidential. Confidentiality has been promised from the beginning of data collection for this sub-item in 1978 because many institutional respondents expressed hesitance at releasing information on the unreimbursed indirect costs and cost sharing portion of their R&D expenditures total. The main concerns were that (1) since many institutions do not "book" such expenses in their accounting systems, they were concerned about releasing such estimates that could not be tracked back on a project-by-project basis, and (2) the information would be used to justify lowering indirect cost reimbursement on grants, or to judge public institutions by how well they recovered indirect costs on R&D projects. Respondents felt that both uses would be inappropriate and misleading, because of the variety of types of projects and sponsors represented within the total. Because certain agencies cap their indirect cost reimbursement well below a normal institutional negotiated rate, some amount of unreimbursed costs is necessary and expected. NSF asked about retaining the confidentiality of these sub-items on the redesigned HERD survey during our recent site visits, cognitive testing, and during the pilot test. The majority of respondents preferred keeping the confidentiality for the reasons stated above.

Over the past three years as part of the major survey redesign project, NSF has conducted over 30 institution visits, 40 telephone debriefings at the conclusion of the FY 2009 pilot test, and has also held several workshops and panels with respondents and regular data users. These meetings provided a wealth of information on the impact of the survey's current and planned data requests upon academic respondents. Copies of the summary reports from these activities are available upon request.

Title of Collection: Higher Education Research and Development Survey

OMB Approval Number: 3145–0100

Abstract: The Survey of Research and Development Expenditures at Universities and Colleges originated in fiscal year (FY) 1954 and has been conducted annually since FY 1972. The survey is the academic research and development component of the NSF statistical program that seeks to provide a "central clearinghouse for the collection, interpretation, and analysis of data on the availability of, and the current and projected need for, scientific and technical resources in the United States, and to provide a source of information for policy formulation by other agencies of the federal government," as mandated in the National Science Foundation Act of 1950. Since 2007, NSF has been working on a redesign and expansion of the survey to better reflect the current state of academic R&D. The redesigned survey was renamed the Higher Education R&D Survey and was pilot tested with a random sample of 40 institutions during the FY 2009 survey cycle. Beginning with the FY 2010 cycle, the redesigned survey will be administered to the full population of research-performing academic institutions.

Use of the Information: The proposed project will continue the annual survey cycle for three years. The FY 2010 Higher Education R&D Survey will be administered to an expected minimum of 760 institutions. A shorter version of the survey asking for R&D expenditures by source of funding and character of work (basic, applied, or development) will be administered to the 38 Federally Funded Research and Development Centers.

The Higher Education R&D Survey will provide continuity of statistics on R&D expenditures by source of funding and field of research, with separate data requested on current fund expenditures for research equipment by field. Further breakdowns are collected on funds passed through to subrecipients and funds received as a subrecipient, and on R&D expenditures by field from specific federal agency sources. New items on the survey include R&D expenditures funded from foreign sources, R&D within an institution's medical school, interdisciplinary R&D expenditures, and R&D expenditures by type of funding mechanism (contracts vs. grants) and cost category (salaries, equipment, software, etc.). Other new items request non-expenditure information such as headcounts of research personnel, counts of R&D proposals submitted, and counts and total dollar values of R&D awards.

Data are published in NSF's annual publication series *Academic R&D Expenditures* and are available electronically on the World Wide Web.

The survey is a fully automated web data collection effort and is handled primarily by administrators in university sponsored programs and accounting offices. To minimize burden, institutions are provided with an abundance of guidance and resources on the web, and are able to respond via a downloadable excel spreadsheet if desired. Each institution's record is pre-loaded with the 2 previous years of comparable data that facilitate editing and trend checking. Response to this voluntary survey has exceeded 95 percent each year, and response to the pilot test of the new survey is expected to be 100 percent.

The average burden report for the FY 2009 pilot test institutions was 66 hours, 21 hours of one-time programming and 45 hours of annual reporting burden.

Dated: July 6, 2010.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2010–16752 Filed 7–8–10; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Notice; Submission for OMB Review; Comment Request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and

clearance under the Paperwork Reduction Act of 1995, Pub. L. 104–13. This is the second notice for public comment; the first was published in the **Federal Register** at 75 FR 11941, and no substantial comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. The full submission may be found at: *http://www.reginfo.gov/public/do/PRAMain*. Comments regarding (a) Whether the 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 burden including the validity of the methodology and assumptions used; (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 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 should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725–17th Street, NW. Room 10235, Washington, DC 20503, and to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Room 295, Arlington, VA 22230, or by e-mail to *splimpton@nsf.gov*. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling 703–292–7556.

NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

ADDRESSES: Submit written comments to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Room 295, Arlington, VA 22230, or by e-mail to *splimpton@nsf.gov*.

FOR FURTHER INFORMATION CONTACT: Call or write, Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Room 295, Arlington, VA 22230, or by e-mail to *splimpton@nsf.gov*. Individuals who use a telecommunications device 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:

Title: Generic Clearance for the Evaluation of the National Science Foundation's East Asia and Pacific Summer Institutes and International Research Fellowship Programs.

OMB Control Number: 3145–(NEW).

Abstract. The National Science Foundation (NSF) requests that the Office of Management and Budget (OMB) approve, under the Paperwork Reduction Act of 1995, a three year clearance to conduct data collection efforts for an outcome evaluation of the National Science Foundation's East Asia and Pacific Summer Institutes (EAPSI) and International Research Fellowship (IRFP) Programs.

These two programs offer early career researchers an opportunity to forge collaborative relationships with foreign scientists and engineers, albeit through different interventions. Launched in 1999, EAPSI provides $5,000 of support to U.S. graduate students to spend the summer (two months) conducting research in seven countries in East Asia and the Pacific region. The program is designed to immerse US scholars into the scientific and social culture of the host location. IRFP, established in 1992, provides support to post-graduate scientists (generally a year or two after the receipt of a doctoral degree), for a research experience abroad lasting from 9 to 24 months, with no restriction on geographical area. Awards range from $57,000 to $200,000, depending on the location, cost and duration of the project, and the applicants' family status.

To assess the program effectiveness, NSF has plans to collect data that are designed to explore the fellowship experiences and educational and career outcomes of EAPSI and IRFP fellows as well as the influence of the programs on host scientists and their institutions and on U.S. scientists and their institutions. The primary methods of data collection will include analyses of NSF program records and surveys of fellows, unfunded applicants, U.S. advisors of fellows, and foreign hosts.

Respondents. Individuals or households, Federal Government.

Use of the Information. The purpose of these studies is to provide NSF with outcome data on EAPSI and IRFP program. These data would be used for internal program management and for reporting to stakeholders within and outside of NSF.

Estimated Number of Respondents: 6,266.

Burden on the Public: 2,489.25 hours.

Dated: July 6, 2010.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2010–16760 Filed 7–8–10; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2010–0236]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

SUMMARY: The NRC invites public comment about our intention to request the OMB's approval for renewal of an existing information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* 10 CFR Part 19—Notices, Instructions, and Reports to Workers: Inspection and Investigations.

2. *Current OMB approval number:* 3150–0044.

3. *How often the collection is required:* As necessary in order that adequate and timely reports of radiation exposure be made to individuals involved in NRC-licensed activities.

4. *Who is required or asked to report:* Licensees authorized to receive, possess, use, or transfer material licensed by the NRC.

5. *The number of annual respondents:* 3,844.

6. *The number of hours needed annually to complete the requirement or request:* 31,795.

7. *Abstract:* Title 10 of the code of Federal Regulations, Part 19, requires licensees to advise workers on an annual basis of any radiation exposure in excess of 1 mSv (100 mrem) they may have received as a result of NRC-licensed activities or when certain

conditions are met. These conditions apply during termination of the worker's employment, at the request of the worker, former worker, or when the worker's employer (the NRC licensee) must report radiation exposure information on the worker to the NRC. Part 19 also establishes requirements for instructions by licensees to individuals participating in licensed activities and options available to these individuals in connection with Commission inspections of licensees to ascertain compliance with the provisions of the Atomic Energy Act of 1954, as amended, Title II of the Energy Reorganization Act of 1974, and regulations, orders and licenses there under regarding radiological working conditions.

The worker should be informed of the radiation dose he or she receives because: (a) That information is needed by both a new employer and the individual when the employee changes jobs in the nuclear industry; (b) the individual needs to know the radiation dose received as a result of an accident or incident (if this dose is in excess of the 10 CFR Part 20 limits) so that he or she can seek counseling about future work involving radiation, medical attention, or both, as desired; and (c) since long-term exposure to radiation may be an adverse health factor, the individual needs to know whether the accumulated dose is being controlled within NRC limits. The worker also needs to know about health risks from occupational exposure to radioactive materials or radiation, precautions or procedures to minimize exposure, worker responsibilities and options to report any licensee conditions which may lead to or cause a violation of Commission regulations, and individual radiation exposure reports which are available to him.

Submit, by September 7, 2010, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the burden estimate accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, Maryland 20852. OMB clearance requests are available at the NRC worldwide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice. Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. Comments submitted should reference Docket No. NRC–2010–0236. You may submit your comments by any of the following methods. Electronic comments: Go to *http://www.regulations.gov* and search for Docket No. NRC–2010–0236. Mail comments to NRC Clearance Officer, Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Questions about the information collection requirements may be directed to the NRC Clearance Officer, Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–6258, or by email to *INFOCOLLECTS.Resource@NRC.GOV.*

Dated at Rockville, Maryland, this 1st day of July, 2010.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2010–16757 Filed 7–8–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2010–0141]

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The NRC published a **Federal Register** Notice with a 60-day comment period on this information collection on April 6, 2010 (75 FR 17438).

1. *Type of submission, new, revision, or extension:* Revision.
2. *The title of the information collection:* Policy Statement for the "Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof By States Through Agreement," Maintenance of Existing Agreement State Programs, Request for Information Through the Integrated Materials Performance Evaluation Program (IMPEP) Questionnaire, and Agreement State Participation in IMPEP.
3. *Current OMB approval number:* 3150–0183.
4. *The form number if applicable:* Not applicable.
5. *How often the collection is required:* Every four years for completion of the IMPEP questionnaire in preparation for an IMPEP review. One time for new Agreement State applications. Annually for participation by Agreement States in the IMPEP reviews and fulfilling requirements for Agreement States to maintain their programs.
6. *Who will be required or asked to report:* All Agreement States (37 Agreement States who have signed Agreements with NRC under Section 274b. of the Atomic Energy Act (Act)) plus one Agreement State applicant.
7. *An estimate of the number of annual responses:* 58.
8. *The estimated number of annual respondents:* 38.
9. *An estimate of the total number of hours needed annually to complete the requirement or request:* 286,693 hours (477 hours to complete the IMPEP questionnaires; 396 hours for participation in IMPEP reviews; 4,300 hours for Agreement State applications; and 281,520 hours to maintain Agreement State programs).
10. *Abstract:* The States wishing to become Agreement States are requested to provide certain information to the NRC as specified by the Commission's Policy Statement, "Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof By States Through Agreement." The Agreement States need to ensure that the radiation control program under the Agreement remains adequate and compatible with the requirements of Section 274 of the Act and must maintain certain information. The NRC conducts periodic evaluations through IMPEP to ensure that these

programs are compatible with the NRC's program, meet the applicable parts of the Act, and adequate to protect public health and safety.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, Maryland 20852. OMB clearance requests are available at the NRC worldwide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by August 9, 2010. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date. Christine J. Kymn, Desk Officer, Office of Information and Regulatory Affairs (3150–0183), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be e-mailed to *Christine.J.Kymn@omb.eop.gov* or submitted by telephone at (202) 395–4638.

The NRC Clearance Officer is Tremaine Donnell, (301) 415–6258.

Dated at Rockville, Maryland, this 1st day of July, 2010.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2010–16758 Filed 7–8–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on AP1000

The ACRS Subcommittee on AP1000 will hold a meeting on July 21–22, 2010, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance, with the exception of a portion that may be closed to protect information that is proprietary to Westinghouse and its contractors pursuant to 5 U.S.C. 552b(c)(4).

The agenda for the subject meeting shall be as follows:

Wednesday, July 21, 2010—8:30 a.m. Until 5 p.m. and Thursday, July 22, 2010, 8:30 a.m.–5 p.m.

The Subcommittee will discuss Chapters 2, 3.7, 3.8 and 16 of the Final Safety Evaluation Report (FSER) associated with revisions to the AP1000 Design Control document; Chapters 2 and 16 of the FSER associated with the Combined License Applications referencing the AP1000 design; and action items from previous AP1000 Subcommittee meetings. The Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff, Westinghouse, Southern Nuclear, South Carolina Electric and Gas, and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Weidong Wang (Telephone 301–415–6279 or E-mail *Weidong.Wang@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be e-mailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 14, 2009, (74 FR 58268–58269).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, 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 these references if such rescheduling would result in a major inconvenience.

Dated: June 30, 2010.

Cayetano Santos,

Chief, Reactor Safety Branch A, Advisory Committee on Reactor Safeguards.

[FR Doc. 2010–16759 Filed 7–8–10; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

[OMB Control No. 3206–0160; SF 2809]

Proposed Collection; Request for Comments on a Revised Information Collection

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget (OMB) a request for comments on a revised information collection. This information collection, "Health Benefits Election Form" (OMB Control No. 3206–0160; SF 2809), is used by Federal employees, annuitants other than those under the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS) including individuals receiving benefits from the Office of Workers' Compensation Programs, former spouses eligible for benefits under the Spouse Equity Act of 1984, and separated employees and former dependents eligible to enroll under the Temporary Continuation of Coverage provisions of the FEHB law (5 U.S.C. 8905a). A different form (OPM 2809) is used by CSRS and FERS annuitants whose health benefit enrollments are administered by OPM's Retirement Operations.

Comments Are Particularly Invited on: Whether this collection of information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Approximately 18,000 SF 2809 forms are completed annually. Each form takes approximately 30 minutes to complete. The annual estimated burden is 9,000 hours.

For copies of this proposal, contact Cyrus S. Benson on (202) 606–4808, FAX (202) 606–0910 or via e-mail to *Cyrus.Benson@opm.gov.* Please include a mailing address with your request.

DATES: Comments on this proposal should be received within 60 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to—

Jay Fritz, Program Analysis Officer, Program Planning and Evaluation, Retirement and Benefits/Insurance Operations, U.S. Office of Personnel Management, 1900 E Street, NW., Room 2H22, Washington, DC 20415–3661.

For information regarding administrative coordination contact: Cyrus S. Benson, Team Leader, Publications Team, RB/RM/ Administrative Services, (202) 606–4808.

U.S. Office of Personnel Management.

John Berry,

Director.

[FR Doc. 2010–16778 Filed 7–8–10; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Request for Comments on a Revised Information Collection: (OMB Control No. 3206–0121; OPM FORM 1496A)

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget (OMB) a request for comments on a revised information collection. This information collection, "Application for Deferred Retirement (For persons separated on or after October 1, 1956)" (OMB Control No. 3206–0121; OPM Form 1496A), is used by eligible former Federal employees to apply for a deferred Civil Service annuity.

Comments are particularly invited on: Whether this information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Approximately 2,800 OPM Form 1496A will be completed annually. We estimate it takes approximately 1 hour to complete this form. The annual burden is 2,800 hours.

For copies of this proposal, contact Cyrus S. Benson (202) 606–4808, FAX (202) 606–0910 or via E-mail to *Cyrus.Benson@opm.gov.* Please include a mailing address with your request.

DATES: Comments on this proposal should be received within 60 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to—James K. Freiert (Acting), Deputy Associate Director, Retirement Operations, Retirement and Benefits, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3305, Washington, DC 20415–3500.

For information regarding administrative coordination contact: Cyrus S. Benson, Team Leader, Publications Team, RB/RM/ Administrative Services, U.S. Office of Personnel Management, 1900 E Street, NW., Room 4H28, Washington, DC 20415, (202) 606–4808.

U.S. Office of Personnel Management.

John Berry,

Director.

[FR Doc. 2010–16779 Filed 7–8–10; 8:45 am]

BILLING CODE 6325–38–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12218 and #12219]

Kansas Disaster #KS–00044

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Kansas dated 07/02/2010.

Incident: Flash flooding.

Incident Period: 06/16/2010.

DATES: *Effective Date:* 07/02/2010.

Physical Loan Application Deadline Date: 08/31/2010.

Economic Injury (EIDL) Loan Application Deadline Date: 04/01/2011.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Riley.

Contiguous Counties:

Kansas: Clay, Geary, Marshall, Pottawatomie, Wabaunsee, Washington.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	5.500
Homeowners Without Credit Available Elsewhere	2.750
Businesses With Credit Available Elsewhere	6.000
Businesses Without Credit Available Elsewhere	4.000
Non-Profit Organizations With Credit Available Elsewhere	3.625
Non-Profit Organizations Without Credit Available Elsewhere	3.000
For Economic Injury:	
Businesses & small agricultural cooperatives without credit available elsewhere	4.000
Non-profit organizations without credit available elsewhere	3.000

The number assigned to this disaster for physical damage is 12218 6 and for economic injury is 12219 0.

The State which received an EIDL Declaration # is Kansas.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: July 2, 2010.

Karen G. Mills,

Administrator.

[FR Doc. 2010–16762 Filed 7–8–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[License No. 09/79–0454]

Emergence Capital Partners SBIC, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Emergence Capital Partners SBIC, L.P., 160 Bovet Road, Suite 300, San Mateo, CA 94402,

a Federal Licensee under the Small Business Investment Act of 1958, as amended ("the Act"), in connection with the financing of a small concern, has sought an exemption under section 312 of the Act and section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration ("SBA") Rules and Regulations (13 CFR 107.730). Emergence Capital Partners SBIC, L.P. proposes to provide equity financing to Intacct Corporation, 125 S. Market Street, Suite 600, San Jose, California 95113. The financing is contemplated for working capital and general operating purposes.

The financing is brought within the purview of § 107.730(a)(1) of the Regulations because Emergence Capital Partners, L.P. and Emergence Capital Associates, L.P., Associates of Emergence Capital Partners SBIC, L.P., own more than ten percent of Intacct Corporation. Therefore, Intacct Corporation is considered an Associate of Emergence Capital Partners SBIC, L.P. and this transaction is considered Financing an Associate, requiring prior SBA approval.

Notice is hereby given that any interested person may submit written comments on the transaction within 15 days of the date of this publication to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

Dated: June 18, 2010.

Sean J. Greene,

Associate Administrator for Investment.

[FR Doc. 2010–16763 Filed 7–8–10; 8:45 am]

BILLING CODE P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 29337; File No. 812–13756]

Nationwide Life Insurance Company, et al.; Notice of Application

July 2, 2010.

AGENCY: The Securities and Exchange Commission (the "Commission").

ACTION: Notice of Application for an order pursuant to section 6(c) of the Investment Company Act of 1940, as amended (the "1940 Act") granting exemptions from the provisions of sections 2(a)(32), 22(c), and 27(i)(2)(A) of the 1940 Act and rule 22c–1 thereunder.

APPLICANTS: Nationwide Life Insurance Company ("NWL"); Nationwide Variable Account-II (the "Separate Account"); and Nationwide Investment Services Corporation ("NISC") (collectively, the "Applicants").

SUMMARY OF APPLICATION: Applicants seek an order pursuant to section 6(c) of the 1940 Act granting exemptions from the provisions of sections 2(a)(32), 22(c) and 27(i)(2)(A) of the 1940 Act and rule 22c–1 thereunder to the extent necessary to permit the recapture of certain bonus credits applied to purchase payments made under a certain deferred variable annuity contract ("Current Contract"). Applicants request that the relief under the order extend to any deferred variable annuity contracts substantially similar in all material respects to the Current Contract that NWL may issue in the future (the "Future Contracts") (Current Contract and Future Contracts collectively, the "Contracts"). Applicants also request that the relief in the order extend to any other separate accounts of NWL and its successors in interest that support the Future Contracts ("Other Accounts") and any Financial Industry Regulatory Authority, Inc. ("FINRA") member broker-dealers controlling, controlled by, or under common control with any Applicant, whether existing or created in the future, that in the future may act as principal underwriter for the Contracts ("Other Underwriters").

FILING DATE: The Application was filed on February 18, 2010 and amended on July 1, 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 Secretary of the Commission and serving the Applicants with a copy of the request, personally or by mail. Hearing requests must be received by the Commission by 5:30 p.m. on July 26, 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 requester'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 Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090. Applicants, c/o Nationwide Life Insurance Company, One Nationwide Plaza 01–34–201, Columbus, Ohio 43215, Attn: Jamie Casto, Esq.

FOR FURTHER INFORMATION CONTACT: Michelle Roberts, Senior Counsel, or Joyce M. Pickholz, Branch Chief, Office of Insurance Products, Division of Investment Management, at (202) 551–6795.

SUPPLEMENTARY INFORMATION: The following is a summary of the complete 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. NWL is a stock life insurance company organized under the laws of the State of Ohio.[1] NWL offers traditional group and individual life insurance products as well as group and individual variable and fixed annuity contracts. NWL is wholly owned by Nationwide Financial Services, Inc.

2. On October 7, 1981, the Nationwide Spectrum Variable Account was established under Ohio law for the purpose of funding variable annuity contracts. On April 1, 1987, the Board of Directors for NWL changed the name of the Nationwide Spectrum Variable Account to Nationwide Variable Account-II. The Separate Account is registered with the Commission as a unit investment trust (File No. 811–3330). The Separate Account is divided into subaccounts. Each subaccount invests exclusively in shares of one of several series-type open-end management investment companies. The assets of the Separate Account support various variable annuity contracts, including the Current Contract. The Current Contract was filed with the Commission on February 12, 2010 (File No. 333–164886). NWL may in the future issue Contracts through Other Accounts of NWL.

3. NISC is a wholly owned subsidiary of NWL. It serves as the general distributor and principal underwriter of the Current Contract, as well as a number of other NWL variable annuity contracts and variable life insurance policies. NISC is registered as a broker-dealer under the Securities Exchange Act of 1934 and is a member of FINRA. NISC may, in the future, act as the general distributor and principal underwriter for Future Contracts. Additionally, Other Underwriters may act as general distributor and principal underwriter of Future Contracts.

4. The Current Contract is an individual flexible premium deferred

[1] Successors in interest to NWL is defined as any entity or entities that result from a reorganization into another jurisdiction, a merger, a change in control or a change in the type of business organization.

variable annuity contract that NWL may issue to individuals on a "non-qualified" basis or in connection with employee benefit plans that receive favorable Federal income tax treatment under the Internal Revenue Code of 1986, as amended (the "Code"). The Current Contract requires an initial purchase payment of $10,000. If the Contract owner elects to make subsequent purchase payments, they must be at least $1,000 each ($150 each if submitted via automatic electronic transfer).

5. The Current Contract makes available a number of subaccounts of the Separate Account to which a Contract Owner may allocate purchase payments and associated bonus credits (described below) and to which an owner may transfer contract value. The Current Contract also offers fixed-interest allocation options under which NWL credits guaranteed rates of interest for various periods. Subject to certain restrictions, a Contract Owner may make transfers of contract value at any time among and between the subaccounts, and among and between the subaccounts and the fixed-interest allocation options.

6. The Current Contract offers a variety of annuity payment options. The Contract Owner may annuitize at any time following the second contract anniversary. In the event of a Contract Owner's (or the Annuitant's, if any Contract Owner is not an individual) death prior to annuitization, the beneficiary may elect to receive the death benefit in the form of one of the annuity payment options instead of a lump sum. The Current Contract also offers living benefits that guarantee a minimum income benefit or lifetime withdrawals.

7. The Current Contract assesses a Mortality and Expense Risk Charge equal to an annualized rate of 1.65% of the daily net assets of the Separate Account for the first eight contract years. Beginning with the ninth contract year, the Mortality and Expense Risk Charge is equal to an annualized rate of 1.30% of the daily net assets of the Separate Account. Also, the Current Contract assesses an Administrative Charge equal to an annualized rate of 0.20% of the daily net assets of the Separate Account.

8. The Current Contract assesses a Contingent Deferred Sales Charge ("CDSC") upon certain surrenders from the contract. The CDSC schedule is as follows:

Number of completed years from date of purchase payment	0	1	2	3	4	5	6	7	8+
CDSC Percentage	8%	8%	8%	7%	6%	5%	4%	3%	0%

9. The Current Contract permits a certain amount of CDSC-free withdrawals each year. This annual "free-out" amount is equal to 10% of purchase payments that are subject to a CDSC (such amount being net of any purchase payments previously withdrawn that were already subject to the CDSC). Additionally, no CDSC is assessed: upon the annuitant's death, upon annuitization of the contract, when distributions are necessary in order to meet minimum distribution requirements under the Code, and under an age-based "free-withdrawal" program that allows Contract Owners to take systematic withdrawals of certain contract value percentages at specified ages without incurring a CDSC. Finally the Current Contract includes a Long-Term Care/Nursing Home and Terminal Illness Waiver at no additional charge that allows a Contract Owner to withdraw value from their contract free of CDSC if, under certain circumstances, the Contract Owner is confined to a long-term care facility or hospital, or if the Contract Owner is diagnosed with a terminal illness.

10. At the time of application, an owner may purchase one of two optional living benefit riders described below, subject to state availability. The Applicants may add other optional living benefit riders to the Current Contract in the future.

(a) The 5% Lifetime Income Option ("5% L.Inc Option") provides for lifetime withdrawals, up to a certain amount each year, even after the contract value is zero, for the duration of the Contract Owner's lifetime. The 5% L.Inc Option calculates the benefit base using a 5% simple interest calculation. In exchange for the 5% L.Inc Option, NWL assesses an annual charge not to exceed 1.00% (currently, 0.85%) of the current benefit base.

(b) NWL also offers a 5% Spousal Continuation Benefit whereby the spouse of a deceased Contract Owner can continue to receive the benefits associated with the 5% L.Inc Option for the rest of his or her lifetime. In exchange for the 5% Spousal Continuation Option Benefit, NWL assesses an annual charge equal to 0.15% of the current benefit base. The charges for the 5% L.Inc Option and the 5% Spousal Continuation Benefit are taken via redemption of accumulation units. The 5% L.Inc Option and the 5% Spousal Continuation Benefit are only available for Current Contracts issued in the State of New York.

(c) The 10% L.Inc Option is substantially the same as the 5% L.Inc Option except that it calculates the benefit base using a 10% simple interest calculation. In exchange for the 10% L.Inc Option, NWL assesses an annual charge not to exceed 1.20% (currently, 1.00%) of the current benefit base.

(d) NWL also offers a 10% Spousal Continuation Benefit whereby the spouse of a deceased Contract Owner can continue to receive the benefits associated with the 10% L.Inc Option for the rest of his or her lifetime. In exchange for the 10% Spousal Continuation Benefit, NWL assesses an annual charge not to exceed 0.30% (currently, 0.20%) of the current benefit base. The charges for the 10% L.Inc Option and the 10% Spousal Continuation Benefit are taken via redemption of accumulation units. The 10% Spousal Continuation Benefit is not available for Current Contracts issued in the State of New York.

11. The Current Contract provides for a death benefit to be paid to the designated beneficiary(ies) upon the death of the annuitant prior to annuitization. The death benefit will be the greater of the contract value or the total of all purchase payments, less an adjustment for amounts surrendered. There is no charge for this death benefit. In lieu of the standard death benefit, the Contract Owner can elect one of three available death benefit options, each of which assesses an additional charge.

(a) One-Year Enhanced Death Benefit Option—For Current Contracts with total purchase payments equal to or less than $3 million at the time of death, the amount of the death benefit will be the greatest of: (1) The contract value; (2) the total of all purchase payments, less an adjustment for amounts surrendered; or (3) the highest contract value on any contract anniversary before the annuitant's 86th birthday, less an adjustment for amounts subsequently surrendered, plus purchase payments received after that contract anniversary. For Current Contracts with total purchase payments greater than $3 million at the time of death, the amount of the death benefit will be calculated using the following formula: $(A \times F) + B(1 - F)$ where A equals the death

benefit described above, B equals the contract value, and F equals the ratio of $3,000,000 to the total of all purchase payments made to the contract. In no event will the beneficiary receive less than the contract value. This rider option is only available for Current Contracts where the annuitant is age 80 or younger at the time of application. An annualized charge equal to 0.20% of the daily net assets of the Separate Account is assessed for the election of this rider option.

(b) One-Month Enhanced Death Benefit Option—For Current Contracts with total purchase payments equal to or less than $3 million at the time of death, the amount of the death benefit will be the greatest of: (1) The contract value; (2) the total of all purchase payments, less an adjustment for amounts surrendered; or (3) the highest contract value on any monthly contract anniversary before the annuitant's 81st birthday, less an adjustment for amounts subsequently surrendered, plus purchase payments received after that contract anniversary. For Current Contracts with total purchase payments greater than $3 million at the time of death, the amount of the death benefit will be calculated using the following formula: $(A \times F) + B(1 - F)$ where A equals the death benefit described above, B equals the contract value, and F equals the ratio of $3,000,000 to the total of all purchase payments made to the contract. In no event will the beneficiary receive less than the contract value. This rider option is only available for Current Contracts where the annuitant is age 75 or younger at the time of application. An annualized charge equal to 0.35% of the daily net assets of the Separate Account is assessed for the election of this rider option.

(c) Combined Enhanced Death Benefit Option—For Current Contracts with total purchase payments equal to or less than $3 million at the time of death, the amount of the death benefit will be the greatest of: (1) The contract value; (2) the total of all purchase payments, less an adjustment for amounts surrendered; (3) the highest contract value on any contract anniversary before the annuitant's 81st birthday, less an adjustment for amounts subsequently surrendered, plus purchase payments received after that contract anniversary; or (4) the 5% interest anniversary value, which is equal to purchase payments minus amounts surrendered, accumulated at 5% compound interest until the last contract anniversary prior to the annuitant's 81st birthday. Such total accumulated amount shall not exceed 200% of the net of purchase payments and amounts surrendered. For Current Contracts with total purchase payments greater than $3 million at the time of death, the amount of the death benefit will be calculated using the following formula: $(A \times F) + B(1 - F)$ where A equals the death benefit described above, B equals the contract value, and F equals the ratio of $3,000,000 to the total of all purchase payments made to the contract. In no event will the beneficiary receive less than the contract value. This rider option is only available for Current Contracts where the annuitant is age 75 or younger at the time of application. An annualized charge equal to 0.45% of the daily net assets of the Separate Account is assessed for the election of this rider option.

(d) Spousal Protection Feature—The standard death benefit and each of the death benefit riders include a Spousal Protection Feature at no additional charge. This feature allows a surviving spouse to continue the contract while receiving the economic benefit of the death benefit upon the death of the other spouse.

12. The Beneficiary Protector Option II—The Current Contract offers the Beneficiary Protector Option II as an optional rider. This option provides that upon the death of the annuitant, and in addition to any death benefit payable, NWL will credit an additional amount to the contract equal to either 40% (if the annuitant is age 70 or younger at the time of application) or 25% (if the annuitant is age 71 to 75 at the time of application) of adjusted earnings. If no co-annuitant is named, the optional benefit and its associated charge will terminate after the application of the earnings enhancement. If a co-annuitant is named and such surviving co-annuitant is 75 or younger at the time of the first annuitant's death, the option will "reset" upon the death of the first co-annuitant and a second earnings enhancement will be applied upon the death of the second annuitant. If the surviving co-annuitant is older than 75 at the time of the first annuitant's death, the optional benefit and its associated charge will terminate. This rider option is not available for Current Contracts where the annuitant is older than age 75 at the time of application. Earnings enhancements applied under this option are considered earnings, not purchase payments. An annualized charge of 0.35% of the daily net assets of the Separate Account is assessed for election of this rider option. Additionally, allocations made to the fixed account are assessed a charge of 0.35% by means of a decreased interest crediting rate.

13. For the first contract year, NWL will apply a credit (the "Credit") to each Current Contract equal to 5% of each purchase payment made to that contract. The Credit, which is funded by NWL's general account, will be allocated among the subaccounts and the fixed account in the same proportion and at the same time that the purchase payment is allocated to the Current Contract. For purposes of all benefits and taxes under the Current Contract, Credits are considered earnings, not purchase payments.

14. NWL would recapture Credits in several circumstances. First, NWL would recapture Credits in the event that the Contract Owner exercises his or her "free look" right. Second, NWL would recapture Credits applied after or within 12 months prior to the Contract Owner's death (unless the deceased Contract Owner's spouse chooses to continue the Current Contract) (the "Death Caveat"). Third, NWL would recapture Credits upon a surrender or withdrawal of purchase payments where the CDSC is waived under the terms of the Long-Term Care/Nursing Home and Terminal Illness Waiver, as defined in the Current Contract, in which event NWL would recapture all Credits applied during the 12 months prior to receipt of long-term care, confinement to a nursing home, or date of diagnosis of a terminal illness, as applicable (the "Long-term Care Caveat").

15. Credits vest after the end of the free look period, with two exceptions. After the end of the free look period, NWL would recapture subject to the Death and Long-term Care Caveats. All Credits are fully vested 12 months after the date NWL applies them to the Contract Owner's contract value.

16. The Applicants represent that NWL provides the Credit from its general account on a guaranteed basis. The Current Contract is designed to be a long-term investment vehicle and, consistent with this design, NWL contemplates that a Contract Owner would retain his or her Current Contract over an extended period. NWL designed the Current Contract so that it would recover its costs (including the Credits) over an anticipated duration while a Current Contract is in force. The Applicants contend that if NWL pays a death benefit or the Contract Owner takes a withdrawal or surrender before the end of this anticipated period, or if a Contract Owner withdraws his or her money during the free look period, NWL would not have had sufficient time to recover the costs associated with providing the Credits, and will incur a loss.

17. The Applicants previously received orders for exemptive relief to permit, with respect to an earlier class of contracts (the "Prior Contracts"), the recapture of certain bonus credits. Those orders encompassed relief for future contracts substantially similar to the Prior Contracts. Applicants assert that the Current Contract differs from the Prior Contracts in the following respects: (1) The bonus credits are part of the base contract, as opposed to being optional riders; (2) the CDSC in the Current Contract is slightly higher; (3) the Current Contract offers two optional guaranteed lifetime withdrawal riders, which were not contemplated in the Prior Contracts; and (4) the circumstances under which NWL will recapture the bonus credits is different than contemplated in previous applications. Because the Applicants believe the Commission may view these differences as material, the Applicants are seeking an additional order as set forth in the amended application.

Legal Analysis

1. Subsection (i) of section 27 of the act provides that section 27 does not apply to any registered separate account supporting variable annuity contracts, or to the sponsoring insurance company and principal underwriter of such account, except as provided in paragraph (2) of the subsection. Paragraph (2) provides that it shall be unlawful for a registered separate account funding variable insurance contracts or a sponsoring insurance company of such account to sell a contract funded by the registered separate account unless, among other things, such contract is a redeemable security.

2. Section 2(a)(32) of the act defines a "redeemable security" as any security, other than short-term paper, under the terms of which the holder, upon presentation to the issuer, is entitled to receive approximately his or her proportionate share of the issuer's current net assets, or the cash equivalent thereof.

3. Section 22(c) of the act authorizes the Commission to make rules and regulations applicable to registered investment companies and to principal underwriters of, and dealers in, the redeemable securities of any registered investment company to accomplish the same purposes as contemplated by section 22(a) of the act. Rule 22c–1 thereunder imposes requirements with respect to both the amount payable on redemption of a redeemable security and the time as of which such amount is calculated. Specifically, rule 22c–1, in pertinent part, prohibits a registered investment company issuing any redeemable security, a person designated in such issuer's prospectus as authorized to consummate transactions in any such security, and a principal underwriter of, or dealer in, such security from selling, redeeming, or repurchasing any such security, except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption, or of an order to purchase or sell such security.

4. Section 6(c) of the act authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from the provisions of the act and the rules promulgated thereunder if and to the extent that 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.

5. To the extent that the recapture of the Credits could be seen as resulting in the redemption of a security at a price other than at the security's current net asset value, or could be viewed as resulting in the payment to a Contract Owner of less than his or her proportional share of the issuer's net assets in violation of section 2(a)(32) or 27(i)(2)(A) of the act, NWL's recapture of Credits would trigger the need for relief absent some exemption from the act. Consequently, the Applicants request an exemption from the provisions of sections 2(a)(32), 22(c), and 27(i)(2)(A) of the act and Rule 22c–1 thereunder to the extent deemed necessary to permit them to recapture Credits under the Contracts issued in conjunction with the Separate Account and any Other Accounts.

6. The Applicants contend that the recapture of the Credit would not result in a violation of section 22(c) and rule 22c–1, which prohibit, among other things, the redemption of a security at a price other than the security's current net asset value. The Applicants contend that the recapture procedures described herein do not involve either of the evils or harmful events that rule 22c–1 was intended to eliminate or reduce, namely: (1) The dilution of the value of outstanding redeemable securities of registered investment companies through their sale at a price below net asset value or their redemption or repurchase at a price above it; and (2) other unfair results, including speculative trading practices. Applicants submit that these evils were the result of backward pricing, the practice of pricing a mutual fund share based on the per share net asset value determined as of the close of the market on the previous day. Backward pricing diluted the value of outstanding mutual fund shares by allowing investors to take advantage of increases or decreases in net asset value that were not yet reflected in the mutual fund share price.

7. The Applicants submit that recapturing the Credits will not deprive a Contract Owner of his or her proportionate share of the Separate Account's current net assets. After the end of the free look period, the Credits are fully vested with two exceptions. NWL will recapture: (1) All Credits applied within 12 months prior to the Contract Owner's death, and also any Credits applied after the Contract Owner's death (unless the deceased Contract Owner's spouse chooses to continue the Current Contract); and (2) all Credits applied within 12 months prior to receipt of long-term care, confinement to a nursing home, or date of diagnosis of a terminal illness, as applicable. The purpose of these exceptions is to allow enough time to pass after application of a Credit for NWL to recoup a sufficient portion of the expense it incurred in providing the Credit. The Applicants submit that until the Credits are fully vested, NWL retains the right to and interest in each Contract Owner's contract value in an amount equal to the dollar amount of any unvested Credits. Therefore, if NWL recaptures any Credits in the circumstances described herein, it would merely be retrieving its own assets. To the extent that NWL recaptures any Credits in connection with the Current Contract, it would not deprive any Contract Owner of his or her proportionate share of the Separate Account's assets, and thus would not violate the act.

8. The Applicants also submit that the second harm that rule 22c–1 was designed to address, namely, speculative trading practices calculated to take advantage of backward pricing, will not occur as a result of the recapture of the Credit. Variable annuities are designed for long-term investment, and by their nature do not lend themselves to the kind of speculative short-term trading that rule 22c–1 was designed to prevent. Furthermore, the Applicants contend that the process of recapturing Credits does not create the opportunity for speculative trading.

9. Even if the Credit provisions arguably conflict with sections 2(a)(32) or 27(i)(2)(A) of the act or rule 22c–1 thereunder, the Applicants submit that the Commission should grant the exemptions requested in the application

on equitable grounds. The Applicants contend that the Credit provisions are generally beneficial to the Contract Owner. The recapture provisions of the Current Contracts temper this benefit somewhat, but unless the Contract Owner dies, the Contract Owner retains the ability to avoid the Credit recapture in the circumstances described in the application. The Applicants state that the Credit recapture provisions are necessary for NWL to offer the Credits and avoid anti-selection against it. No CDSC would be imposed in any of the circumstances under which a Credit would be recaptured.

10. The Applicants submit that it would be inequitable to NWL to permit a Contract Owner to keep his or her Credits upon his or her exercise of the Current Contract's free look provision. Because no CDSC applies to the exercise of the free look right, the Contract Owner could obtain a quick profit in the amount of the Credit at NWL's expense by exercising that right immediately after the Credits were applied to the Current Contract.

11. Likewise, the Applicants submit that it would be inequitable to permit a Contract Owner or beneficiary to keep Credits in those situations where the annuitant dies within 12 months of applying a Credit, where Credits are applied after the Contract Owner's death, or where the Contract Owner takes a surrender or withdrawal from the Current Contract without a CDSC under the terms of the Long-Term Care/Nursing Home and Terminal Illness Waiver within 12 months of applying a Credit. In these situations, NWL would be unable to recover the cost of granting the Credits because they would be redeemed out of the Current Contract before enough time passed for NWL to recoup a sufficient portion of the associated costs through the assessment of charges, particularly the daily Mortality and Expense Risk Charge and the daily Administrative Charge. The Applicants state that NWL cannot offer the proposed Credits without the ability to recapture those Credits in the circumstances described herein.

12. The Applicants state, based on the grounds presented below, that their exemptive request meets the standards set out in section 6(c) of the act, namely, that the exemptions requested are 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 and that, therefore, the Commission should grant the requested order.

13. The Applicants submit that their request for an Order that is applicable to the Contracts and Other Accounts, as well as Other Underwriters, is appropriate in the public interest. The Applicants also contend that such Order would promote competitiveness in the variable annuity market by eliminating the need to file redundant exemptive applications, thereby reducing administrative expenses and maximizing the efficient use of the Applicants' resources. The Applicants further assert that investors would not receive any benefit or additional protection by requiring the Applicants to repeatedly seek exemptive relief that would present no issue under the act that has not already been addressed in the Amended Application described herein. The Applicants submit that filing additional applications would impair their ability to effectively take advantage of business opportunities as they arise. Furthermore, the Applicants state that if they were repeatedly required to seek exemptive relief with respect to the same issues addressed in the Amended Application described herein, investors would not receive any benefit or additional protection thereby.

Conclusion

Applicants submit that based on the analysis presented above, the provisions for recapture of the Credit under the Contracts does not violate sections 2(a)(32) and 27(i)(2)(A) of the act and rule 22c–1 thereunder. Applicants further submit that there are equitable grounds for granting the requested relief and the exemptions requested meet the standards of section 6(c) of the act and respectfully request that the Commission issue an order of approval pursuant to section 6(c) of the act to exempt the Applicants with respect to: (1) The Contracts; (2) the Separate Account and Other Accounts that support the Contracts; and (3) NISC and Other Underwriters, from the provisions of sections 2(a)(32) and 27(i)(2)(A) of the act and rule 22c–1 thereunder, to the extent necessary to permit the recapture of all or a portion of the Credits in the circumstances described above.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010–16754 Filed 7–8–10; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold an Open Meeting on July 14, 2010 at 10 a.m., in the Auditorium, Room L–002.

The Commission will consider whether to issue a concept release to solicit public comment as to whether the Commission should consider revisions to its rules to promote greater efficiency and transparency in the U.S. proxy system and enhance the accuracy and integrity of the shareholder vote.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551–5400.

Dated: July 7, 2010.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010–16888 Filed 7–7–10; 4:15 pm]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62420; File No. SR–Phlx–2010–72]

Self-Regulatory Organizations; NASDAQ OMX PHLX, Inc.; Order Granting Approval of Proposed Rule Change To Expand Its $1 Strike Program to 150 Classes

June 30, 2010.

I. Introduction

On May 7, 2010, NASDAQ OMX PHLX, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and rule 19b–4 thereunder,[2] a proposed rule change to expand the Exchange's $1 Strike Price Program [3] (the "$1 Strike Program" or "Program") to allow the Exchange to select 150 individual stocks on which options may be listed at $1 strike price intervals. The proposed rule change was published for comment in

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Phlx Rule 1012, Commentary .05(a)(i).

the **Federal Register** on May 28, 2010.[4] The Commission received no comment letters on the proposal. This order approves the proposed rule change.

II. Description of the Proposals

The $1 Strike Program was established as a pilot program on June 11, 2003.[5] The Program was subsequently made permanent in 2008,[6] and was last expanded in 2009.[7] The $1 Strike Program currently allows the Exchange to select a total of 55 individual stocks on which option series may be listed at $1 strike price intervals. To be eligible for inclusion in the Program, an underlying stock must close below $50 in its primary market on the previous trading day. For each stock selected for the Program, the Exchange may list strike prices at $1 intervals from $1 to $50, but no $1 strike price may be listed that is greater than $5 from the underlying stock's closing price in its primary market on the previous day. The Exchange also may list $1 strikes on any other option class designated by another securities exchange that employs a similar program under that exchange's rules.

The Exchange may not list long-term option series with $1 strike price intervals for any class selected for the program, except as specifically permitted by Exchange rules.[8] The Exchange is restricted from listing any series that would result in strike prices being $0.50 apart, except that series with strike prices of $2, $3, and $4 are permitted within $0.50 of an existing series for classes also selected to participate in the $0.50 strike program.[9]

The Program includes a delisting policy that requires the Exchange, on a monthly basis, to review series that were originally listed under the Program with strike prices that are more than $5 from the current underlying values of the options classes in the Program. The Exchange shall delist series with no open interest in both the put and the call series having either: (i) A strike higher than the highest strike price with open interest in the put and/or call series for a given expiration month; or (ii) a strike lower than the lowest strike price with open interest in the put and/or call series for a given expiration month.[10]

The Exchange has proposed to amend its rules to expand the $1 Strike Program to allow each Exchange to select a total of 150 individual stocks on which option series may be listed at $1 strike price intervals. The existing restrictions on listing series with $1 strikes, as outlined above, will continue. The provision that each Exchange may also list series with $1 strikes on any other option class designated by another securities exchange that employs a similar program under that exchange's rules will remain unchanged.

The Exchange represented that it and the Options Price Reporting Authority have the necessary systems capacity to handle the additional traffic associated with the listing and trading of an expanded number of options series as proposed by this filing. In addition, the Exchange noted that, since the inception of the Program in 2003, the Exchange has not had any substantive problems, related to capacity or otherwise, attributed to the Program or the listing and trading of options at $1 strike intervals.

III. Discussion

After careful review, 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.[11] In particular, the Commission finds that the proposal is consistent with section 6(b)(5) of the Act[12] in that it is designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, and, in general, to protect investors and the public interest.

Currently, the maximum number of classes on which $1 strike intervals may be listed is 440 (8 × 55), as there are eight exchanges that offer a $1 strike program. Phlx has represented in its filing that market conditions have led to an increase in the number of securities trading below $50, and that there are currently more than 2,000 options classes for which the underlying stock trades below $50. The Exchange reports that it has, therefore, received repeated requests from its members to expand the $1 Strike Program to a greater number of classes. However, the Exchange is constrained from doing so because it has listed $1 strike options on the maximum number of 55 classes under its current rule.

The Commission believes that, as the price of an underlying stock declines, narrower strike price intervals on options overlying the stock may be appropriate. In this case, the Commission believes that the proposal to have $1 strike price intervals in a limited number of active options series priced between $1 and $50 is consistent with the Act. The expanded $1 Strike Program appears reasonably designed to allow investors to establish equity options positions that are better tailored to meet their investment objectives, particularly given current market conditions. The Commission also believes that continued adherence to the delisting policy should ensure the Exchange's expanded $1 Strike Program maintains a reasonable balance between the Exchange's desire to accommodate market participants by offering a wider array of products and the need to avoid unnecessary proliferation of options series and the corresponding increase in quotes or a significant dispersal of liquidity across multiple series.

In approving the proposed rule change, the Commission has relied on the Exchange's representation that it has the necessary systems capacity to support the new options series that will be listed under this proposal. Further, the Commission expects that the Exchange will continue to monitor the trading volume associated with the additional options series listed as a result of this proposal and the effect of these additional series on market fragmentation and on the capacity of the Exchange's, OPRA's, and vendors' automated systems.

IV. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[13] that the proposed rule changes (SR–Phlx–2010–72) be, and they hereby are, approved.

[4] Securities Exchange Act Release No. 62151 (May 21, 2010), 75 FR 30078 ("Notice").

[5] *See* Securities Exchange Act Release No. 48013 (June 11, 2003), 68 FR 35933 (June 17, 2003) (SR–Phlx–2002–55) (approval of pilot program). The Strike Program was then extended several times until June 5, 2008. *See* Securities Exchange Act Release Nos. 49801 (June 3, 2004), 69 FR 32652 (June 10, 2004) (SR–Phlx–2004–38); 51768 (May 31, 2005), 70 FR 33250 (June 7, 2005) (SR–Phlx–2005–35); 53938 (June 5, 2006), 71 FR 34178 (June 13, 2006) (SR–Phlx–2006–36); and 55666 (April 25, 2007), 72 FR 23879 (May 1, 2007) (SR–Phlx–2007–29).

[6] *See* Securities Exchange Act Release No. 57111 (January 8, 2008), 73 FR 2297 (January 14, 2008) (SR–Phlx–2008–01).

[7] *See* Securities Exchange Act Release No. 59590 (March 17, 2009), 74 FR 12412 (March 24, 2009) (SR–Phlx–2009–21).

[8] *See* Securities Exchange Act Release No. 61277 (January 4, 2010), 75 FR 1442 (January 11, 2009) (SR–Phlx–2009–108) (notice of filing and immediate effectiveness of a rule change permitting the Exchange to list up to 200 option classes on individual stocks with $1 strike prices up to $5 in LEAPS®).

[9] *See* Phlx Rule 1012, Commentary .05(a)(ii).

[10] Notwithstanding the delisting policy, the Exchange may grant member requests to add strikes and/or maintain strikes in series of options classes traded pursuant to the Program that are eligible for delisting.

[11] In approving these proposed rule changes, the Commission notes that it has considered the proposed rules' impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78s(b)(2).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010–16682 Filed 7–8–10; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-62377; File No. SR-NYSEArca-2010-55]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by NYSE Arca, Inc. To Amend the Bylaws of NYSE Euronext To Adopt a Majority Voting Standard in Uncontested Elections of Directors

Correction

In notice document 2010–16106 beginning on page 38576 in the issue of July 2, 2010, make the following correction:

On page 38579, in the final line of the first paragraph, "June 23, 2010" should read "July 23, 2010".

[FR Doc. C1–2010–16106 Filed 7–8–10; 8:45 am]

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62444; File No. SR–ISE–2010–72]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by the International Securities Exchange, LLC To Expand and Permanently Establish Its Short Term Option Series Program

July 2, 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 July 1, 2010, the International Securities Exchange, LLC (the "Exchange" or the "ISE") 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 has filed the proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] 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 its rules to regarding the Short Term Option Series Program. The text of the proposed rule change is available on the Exchange's Web site *http://www.ise.com*, at the principal office of the Exchange, 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 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 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 July 12, 2005, the Commission approved the Short Term Option Series Program (the "Program") on a pilot basis that allows ISE to list and trade Short Term Option Series.[5] The Program was subsequently extended[6] and the current Program is set to expire on July 12, 2010.[7] The Commission has also approved permanent establishment of the Program in 2009 on behalf of the Chicago Board Options Exchange ("CBOE").[8] Thereafter, CBOE amended its rules to permit opening Short Term Options Series not just on Friday but also on Thursday.[9]

The Purpose of this proposed rule change is to amend ISE rules to (1) make the Program permanent, (2) increase to twenty the number of series the Exchange may open for each expiration date in a class, and (3) permit the Exchange to open a Short Term Options Series for trading on any Thursday or Friday. The Exchange's proposal is based on the short term options program currently in place at the CBOE.[10] The Exchange also proposes to make non-substantive changes to reorganize the rule text related to the Program so that applicable terms are located within a single section. These non-substantive changes do not change the substance of the Program.

Under the terms of the Program currently in place, after an option class has been approved for listing and trading on the Exchange, ISE may open for trading on any Friday that is a business day ("Short Term Option Opening Date") series of options on that class that expire on the next Friday that is a business day ("Short Term Option Expiration Date"). If the Exchange is not open for business on a Friday, the Short Term Option Opening Date is the first business day immediately prior to that Friday. Similarly, if the Exchange is not open for business on a Friday, the Short Term Option Expiration Date is the first business day immediately prior to that Friday. Further, the Exchange can select up to five options classes on which Short Term Option Series may be opened on any Short Term Option Series Opening Date. The Exchange is also allowed to list Short Term Option Series on any option class that is selected by other securities exchanges that employ a similar program under their respective rules. Further, for each option class eligible for participation in the Program, the Exchange may open up to five Short Term Option Series for each expiration date in that class. The strike price of each Short Term Option Series is fixed at a price per share, with at least two strike prices above and two strike prices below the value of the underlying security at about the time that Short Term Option Series is opened for trading on the Exchange.

As noted above, pursuant to Commission approval, CBOE has made its short term options program permanent. On the basis of the CBOE's approval, the Exchange proposes to also make permanent its short term options series program.

Additionally, the Exchange also proposes to amend its rules such that after an options class has been approved for listing and trading on the Exchange, the Exchange may open for trading on any Thursday or Friday that is a business day series of options on that

[14] 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* Securities Exchange Act Release No. 52012 (July 12, 2005), 70 FR 41246 (July 18, 2005).

[6] *See* Securities Exchange Act Release Nos. 54117 (July 12, 2006), 71 FR 40564 (July 17, 2006); 56047 (July 11, 2007), 72 FR 39106 (July 17, 2007); and 58020 (June 25, 2008), 73 FR 38000 (July 2, 2008).

[7] *See* Securities Exchange Act Release No. 60281 (July 10, 2009), 74 FR 34811 (July 17, 2009).

[8] *See* Securities Exchange Act Release No. 59824 (April 27, 2009), 74 FR 20518 (May 4, 2009).

[9] *See* Securities Exchange Act Release No. 62170 (May 25, 2010), 75 FR 30889 (June 2, 2010).

[10] *See* CBOE Rules 5.5 and 24.9.

class that expire on the Friday of the following business week that is a business day. If the Exchange is not open for business on the respective Thursday or Friday, the Exchange may open for a Short Term Option Series for trading on the business day immediately prior to that respective Thursday or Friday. Similarly, if the Exchange is not open for business on the Friday of the following week, the Short Term Option Series will expire on the business day immediately prior to that Friday.

Finally, the Exchange proposes to modify the terms of the Program to provide that up to twenty (as opposed to five) Short Term Option Series may be opened for each expiration date. The strike price of each Short Term Option Series will be fixed at a price per share, with approximately the same number of strike prices above and below the value of the underlying security or calculated index at about the time that the Short Term Option Series is opened. If the Exchange opens less than twenty Short Term Option Series for a given expiration date, additional series may be opened for trading on the Exchange when the Exchange deems it necessary to maintain an orderly market, to meet customer demand or when the current value of the underlying security or index moves substantially from the exercise price or prices of the series already opened. In any event, the total number of series for a given expiration date will not exceed twenty series. The Exchange believes this increase in the number of series would provide investors with greater flexibility in the trading of Short Term Option Series by allowing investors to establish options positions that are better tailored to meet their investment objectives. ISE also believes that allowing for the increased number of series would allow the Exchange to better maintain an orderly market, meet customer demand and respond to scenarios when the market price of the underlying moves substantially from the exercise price or prices of the series already opened.

The Exchange believes that Short Term Option Series provides investors with a flexible and valuable tool to manage risk exposure, minimize capital outlays, and be more responsive to the timing of events affecting the securities that underlie option contracts. The Exchange also believes providing the flexibility to list as many as twenty series for each expiration date and to list all Short Term Option Series on any Thursday or Friday will help the Exchange to institute its Program more effectively without causing investor confusion.

The Commission has requested, and the Exchange has agreed for the purposes of this filing, to submit one report to the Commission providing an analysis of the Exchange's Program ("Program Report").[11] The Program Report will cover the period from the date the Exchange first begins to list a short term option series class through the first quarter of 2011, and will describe the experience of the Exchange with respect to the options classes included by the Exchange in its Program.[12] The Program Report will be submitted no later than May 1, 2011, under separate cover and will seek confidential treatment under the Freedom of Information Act.

Finally, the Exchange represents that it has the necessary systems capacity to support the listing of Short Term Options Series under the Program.

2. Statutory Basis

The Exchange believes that Short Term Option Series increases the variety of listed options available to investors and provides investors with a valuable tool to manage risk exposure, minimize capital outlays and be more responsive to the timing of events affecting the securities that underlie options contracts. For these reasons, the Exchange believes the proposed rule change is consistent with Section 6(b) of the Act. Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(5) requirements that the rules of an exchange be designed to promote just and equitable principles of trade, serve 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. Further, the Exchange believes that permanent approval of the Program will result in an ongoing benefit to investors in carrying out their investment objectives.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not 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

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. 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

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[13] and Rule 19b–4(f)(6) thereunder.[14] 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) 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) of the Act[15] and Rule 19b–4(f)(6)(iii) thereunder.[16]

The Exchange has requested that the Commission waive the 30-day operative delay. The Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest because the proposal is substantially similar to that of another exchange that was approved by the Commission.[17] Therefore, the Commission designates the proposal operative upon filing.[18]

[11] The Commission made a similar request in a recent filing by NASDAQ OMX PHLX, Inc. to establish a short term option series program at that exchange. *See* Securities Exchange Act Release No. 62296 (June 15, 2010), 75 FR 35115 (June 21, 2010).

[12] The Program Report would include the following: (1) Data and written analysis on the open interest and trading volume in the classes for which Short Term Option Series were opened; (2) an assessment of the appropriateness of the option classes selected for the Program; (3) an assessment of the impact of the Program on the capacity of the Exchange, OPRA, and market data vendors (to the extent data from market data vendors is available); (4) any capacity problems or other problems that arose during the operation of the Program and how the Exchange addressed such problems; (5) any complaints that the Exchange received during the operation of the Program and how the Exchange addressed them; and (6) any additional information that would assist in assessing the operation of the Program.

[13] 15 U.S.C. 78s(b)(3)(A)(iii).

[14] 17 CFR 240.19b–4(f)(6).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's 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 has waived the five-day pre-filing requirement in this case.

[17] *See* Securities Exchange Act Release No. 59824 (April 27, 2009), 74 FR 20518 (May 4, 2009) (SR–CBOE–2009–018).

[18] 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).

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–ISE–2010–72 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–ISE–2010–72. 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–ISE–2010–72 and should be submitted on or before July 30, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010–16749 Filed 7–8–10; 8:45 am]

BILLING CODE 8010–01–P

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62442; File No. SR–ISE–2010–64]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Expand Its $1 Strike Program

July 2, 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 June 24, 2010, the International Securities Exchange, LLC (the "Exchange" or the "ISE") 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 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 ISE proposes to expand the $1 Strike Program. The text of the proposed rule change is available on the Exchange's Web site (*http://www.ise.com*), at the principal office of the Exchange, 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 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

The purpose of this proposed rule change is to expand the $1 Strike Program.[3] The $1 Strike Program currently allows ISE to select a total of 55 individual stocks on which option series may be listed at $1 strike price intervals. In order to be eligible for selection into the $1 Strike Program, the underlying stock must close below $50 in its primary market on the previous trading day. If selected for the $1 Strike Program, the Exchange may list strike prices at $1 intervals from $1 to $50, but no $1 strike price may be listed that is greater than $5 from the underlying stock's closing price in its primary market on the previous day. The Exchange may also list $1 strikes on any other option class designated by another securities exchange that employs a similar $1 Strike Program under their respective rules. The Exchange may not list long-term option series ("LEAPS")[4] at $1 strike price intervals for any class selected for the $1 Strike Program, except as specified in subparagraph (c) to Supplementary Material .01 to Rule 504.[5] The Exchange is also restricted from listing series with $1 intervals within $0.50 of an existing strike price in the same series, except that strike

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Commission approved the $1 Strike Program as a pilot on June 16, 2003. *See* Securities Exchange Act Release No. 48033 (June 16, 2003), 68 FR 37036 (June 20, 2003) (SR–ISE–2003–17). The $1 Strike Program was subsequently extended through June 5, 2008. *See* Exchange Act Release Nos. 49827 (June 8, 2004), 69 FR 33966 (June 17, 2004) (SR–ISE–2004–21); 50060 (July 22, 2004), 69 FR 45864 (July 30, 2004) (SR–ISE–2004–26); 51769 (May 31, 2005), 70 FR 33232 (June 7, 2005) (SR–ISE–2005–22); 53806 (May 15, 2006), 71 FR 29694 (SR–ISE–2006–20); and 55715 (May 7, 2007), 72 FR 26854 (May 11, 2007) (SR–ISE–2007–26). The $1 Strike Program was subsequently expanded and permanently approved in 2008. *See* Securities Exchange Act Release No. 57169 (January 18, 2008), 73 FR 4654 (January 25, 2008) (SR–ISE–2007–110). The $1 Strike Program was last expanded in 2009. *See* Securities Exchange Act Release No. 59587 (March 17, 2009), 74 FR 12414 (March 24, 2009) (SR–ISE–2009–04).

[4] LEAPS are long-term options that generally have up to thirty-nine months from the time they are listed until expiration. See Rule 506, Long-Term Options Contracts.

[5] Supplementary Material .01(c) to Rule 504 states that the Exchange may list $1 strike prices up to $5 in LEAPS in up to 200 option classes in individual stocks. *See* Securities Exchange Act Release No. 61102 (December 3, 2009), 74 FR 65191 (December 9, 2009) (SR–ISE–2009–102).

prices of $2, $3, and $4 shall be permitted within $0.50 of an existing strike price for classes also selected to participate in the $0.50 Strike Program.[6]

The Exchange now proposes to expand the $1 Strike Program to allow ISE to select a total of 150 individual stocks on which option series may be listed at $1 strike price intervals. The existing restrictions on listing $1 strikes would continue, *i.e.,* no $1 strike price may be listed that is greater than $5 from the underlying stock's closing price in its primary market on the previous day, and ISE is restricted from listing any series that would result in strike prices being $0.50 apart (unless an option class is selected to participate in both the $1 Strike Program and the $0.50 Strike Program).

As stated in the Commission order that initially approved ISE's Program and in subsequent extensions and expansions of the $1 Strike Program,[7] ISE believes that $1 strike price intervals provide investors with greater flexibility in the trading of equity options that overlie lower price stocks by allowing investors to establish equity options positions that are better tailored to meet their investment objectives.

During the time that the $1 Strike Program was a pilot, the Exchange submitted three pilot reports to the Commission in which the Exchange discussed, among other things, the strength and efficacy of the Program based upon the steady increase in volume and open interest of options traded on the Exchange at $1 strike price intervals; and that the Program had not and, in the future, should not create capacity problems for ISE or the Options Price Reporting Authority ("OPRA") systems.[8] This has not changed. Moreover, the number of $1 strike options traded on the Exchange has continued to increase since the inception of the $1 Strike Program such that these options are now among some of the most popular products traded on the Exchange.

The Exchange believes that market conditions have led to an increase in the number of securities trading below $50 warranting the proposed expansion of the $1 Strike Program. In addition, the Exchange notes that this filing is based on a filing previously submitted by NASDAQ OMX PHLX, Inc ("PHLX") that the Commission recently noticed.[9] With regard to previous expansions of the $1 Strike Program, the Commission has approved proposals from the options exchanges that employ a $1 Strike Program in lockstep.

With regard to the impact of this proposal on system capacity, ISE has analyzed its capacity and represents that it and OPRA have the necessary systems capacity to handle the potential additional traffic associated with the listing and trading of an expanded number of series in the $1 Strike Program.

The Exchange believes that the $1 Strike Program has provided investors with greater trading opportunities and flexibility and the ability to more closely tailor their investment and risk management strategies and decisions to the movement of the underlying security. Furthermore, the Exchange has not detected any material proliferation of illiquid options series resulting from the narrower strike price intervals. For these reasons, the Exchange requests an expansion of the current $1 Strike Program and the opportunity to provide investors with additional strikes for investment, trading, and risk management purposes.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder and, in particular, the requirements of section 6(b)[10] of the Act. Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(5)[11] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, 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. The Exchange believes that expanding the current $1 Strike Program will result in a continuing benefit to investors by giving them more flexibility to closely tailor their investment decisions in greater number of securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not 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

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. 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

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) of the Act[12] and Rule 19b–4(f)(6) thereunder.[13]

The Exchange has requested that the Commission waive the 30-day operative delay. The Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest because the proposal is substantially similar to a rule of another exchange that has been approved by the Commission.[14] Therefore, the Commission designates the proposal operative upon filing.[15]

At any time within 60 days of the filing of the proposed rule change, the

[6] Regarding the $0.50 Strike Program, which allows $0.50 strike price intervals for options on stocks trading at or below $3.00, *see* Supplementary Material .05 to Rule 504 and Securities Exchange Act Release No. 60696 (September 18, 2009), 74 FR 49053 (September 25, 2009) (SR–ISE–2009–65). *See also* Securities Exchange Act Release No. 61737 (March 18, 2010), 75 FR 14225 (March 24, 2010) (SR–ISE–2010–22) (allowing concurrent listing of $3.50 and $4 strikes for classes that participate in both the $0.50 Strike Program and the $1 Strike Program).

[7] *See* supra note 3.

[8] *See* Exchange Act Release Nos. 49827 (June 8, 2004), 69 FR 33966 (June 17, 2004) (SR–ISE–2004–21); 50060 (July 22, 2004), 69 FR 45864 (July 30, 2004) (SR–ISE–2004–26); 51769 (May 31, 2005), 70 FR 33232 (June 7, 2005) (SR–ISE–2005–22); 53806 (May 15, 2006), 71 FR 29694 (SR–ISE–2006–20); and 55715 (May 7, 2007), 72 FR 26854 (May 11, 2007) (SR–ISE–2007–26).

[9] *See* Securities Exchange Act Release No. 62151 (May 21, 2010), 75 FR 30078 (May 28, 2010) (SR–Phlx–2010–72).

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 C.F.R. 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's 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 the pre-filing requirement.

[14] *See* Securities Exchange Act Release No. 62420 (June 30, 2010) (SR–Phlx–2010–72) (order approving expansion of $1 Strike Program to 150 classes).

[15] 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).

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–ISE–2010–64 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–ISE–2010–64. 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–ISE–2010–64 and should be submitted on or before July 30, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010–16748 Filed 7–8–10; 8:45 am]

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[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62437; File No. SR–EDGX–2010–06]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing of Proposed Rule Change To Amend EDGX Fee Schedule To Impose Fees for Physical Ports Used To Connect to EDGX Exchange

July 1, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act" or "Exchange Act") [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 1, 2010, EDGX Exchange, Inc. ("EDGX" 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

The Exchange proposes to amend its fee schedule applicable to Members [3] and non-members of the Exchange pursuant to EDGX Rule 15.1(a) and (c). Pursuant to the proposed rule change, the Exchange will commence charging fees for Members and non-members for certain physical ports used to connect to the Exchange's systems. The Exchange intends to implement this rule proposal effective upon Securities and Exchange Commission ("Commission") approval.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.directedge.com,* on the Commission's Web site at *http://www.sec.gov,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A Member is any registered broker or dealer that has been admitted to membership in the Exchange.

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 the proposed rule change is to begin charging an annual fee to Members and non-members for physical ports used to connect to the Exchange's systems for purposes including order entry and the receipt of Exchange data. A physical port is a port used by a Member or non-member [4] to connect into the Exchange at the data centers where Exchange servers are located. Physical port connections can occur either through an external telecommunication circuit or a cross-connection. Currently, Members and non-members have a number of alternative methods available to them for connecting to the Exchange without the need to obtain an independent physical connection, including the use of financial extranets or service bureaus. However, some Members and non-members may wish to connect directly with their own dedicated circuit connection. In order to support their requirements and the associated infrastructure costs related to direct circuit connectivity, EDGX proposes to charge Members and non-members the following annual fees based on the connectivity service type:

Connection service type	Annual fee per physical port
1 Gb Copper	$5,000
1 Gb Fiber	7,500
10 Gb Fiber	10,000

Only one physical port is required to access all services for EDGX. However, Members and non-members may choose more than one physical port and

[4] Non-members can include non-member service bureaus that act as a conduit for orders entered by Exchange Members that are their customers as well as sponsored participants and market data recipients.

different connection service types based on their needs. The Exchange notes that other market centers provide similar services to their Members and non-members.[5]

The Exchange believes that the service will offer market participants additional EDGX connectivity choices, providing for greater access into the market while allowing the market participant to choose the method of connectivity based on their specific needs.

The Exchange will implement the proposed rule change following Commission approval.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[6] in general, and furthers the objectives of Section 6(b)(4),[7] in particular, as 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. Members and other persons using the Exchange facilities also have the ability to obtain access to these services without the need for an independent physical port connection, such as through alternative means of financial extranets and service bureaus, as described above. In addition, Members and non-members also have the ability to choose lower cost connection service types and still obtain access to all EDGX services. Furthermore, the fees associated with physical ports will be equitably allocated to all constituents as the fees will be uniform in application to all Members and non-members. Finally, the Exchange believes that the fees obtained will enable it to cover its infrastructure costs associated with allowing Members and non-members to establish physical ports to connect to the Exchange's systems and continue to maintain and improve its infrastructure, market technology, and services.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not 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

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. 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 self-regulatory organization 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–EDGX–2010–06 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–EDGX–2010–06. 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–EDGX–2010–06 and should be submitted on or before July 30, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010–16747 Filed 7–8–10; 8:45 am]

BILLING CODE 8011–01–P

[5] *See* Securities Exchange Act Release Nos. 61545 (February 19, 2010), 75 FR 8769 (February 25, 2010) (order approving file no. SR–BATS–2009–032); and 62392 (June 28, 2010) (notice of filing file no. SR–Nasdaq–2010–077).

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(4).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62436; File No. SR–EDGA–2010–06]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing of Proposed Rule Change To Amend EDGA Fee Schedule To Impose Fees for Physical Ports Used To Connect to EDGA Exchange

July 1, 2010.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act" or "Exchange Act")[1] and rule 19b–4 thereunder,[2] notice is hereby given that on July 1, 2010, EDGA Exchange, Inc. ("EDGA" 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

The Exchange proposes to amend its fee schedule applicable to Members [3] and non-members of the Exchange pursuant to EDGA rule 15.1(a) and (c). Pursuant to the proposed rule change, the Exchange will commence charging fees for Members and non-members for certain physical ports used to connect to the Exchange's systems. The Exchange intends to implement this rule proposal effective upon Securities and Exchange Commission ("Commission") approval.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.directedge.com,* on the Commission's Web site at *http://www.sec.gov,* at the principal office of the Exchange, 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 the proposed rule change is to begin charging an annual fee to Members and non-members for physical ports used to connect to the Exchange's systems for purposes including order entry and the receipt of Exchange data. A physical port is a port used by a Member or non-member [4] to connect into the Exchange at the data centers where Exchange servers are located. Physical port connections can occur either through an external telecommunication circuit or a cross-connection. Currently, Members and non-members have a number of alternative methods available to them for connecting to the Exchange without the need to obtain an independent physical connection, including the use of financial extranets or service bureaus. However, some Members and non-members may wish to connect directly with their own dedicated circuit connection. In order to support their requirements and the associated infrastructure costs related to direct circuit connectivity, EDGA proposes to charge Members and non-members the following annual fees based on the connectivity service type:

Connection service type	Annual fee per physical port
1 Gb Copper	$5,000
1 Gb Fiber	7,500
10 Gb Fiber	10,000

Only one physical port is required to access all services for EDGA. However, Members and non-members may choose more than one physical port and different connection service types based on their needs. The Exchange notes that other market centers provide similar services to their Members and non-members.[5]

The Exchange believes that the service will offer market participants additional EDGA connectivity choices, providing for greater access into the market while allowing the market participant to choose the method of connectivity based on their specific needs.

The Exchange will implement the proposed rule change following Commission approval.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of section 6 of the Act,[6] in general, and furthers the objectives of section 6(b)(4),[7] in particular, as 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. Members and other persons using the Exchange facilities also have the ability to obtain access to these services without the need for an independent physical port connection, such as through alternative means of financial extranets and service bureaus, as described above. In addition, Members and non-members also have the ability to choose lower cost connection service types and still obtain access to all EDGA services. Furthermore, the fees associated with physical ports will be equitably allocated to all constituents as the fees will be uniform in application to all Members and non-members. Finally, the Exchange believes that the fees obtained will enable it to cover its infrastructure costs associated with allowing Members and non-members to establish physical ports to connect to the Exchange's systems and continue to maintain and improve its infrastructure, market technology, and services.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not 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

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. 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 self-regulatory organization 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–EDGA–2010–06 on the subject line.

[3] A Member is any registered broker or dealer that has been admitted to membership in the Exchange.

[4] Non-members can include non-member service bureaus that act as a conduit for orders entered by Exchange Members that are their customers as well as sponsored participants and market data recipients.

[5] *See* Securities Exchange Act Release Nos. 61545 (February 19, 2010), 75 FR 8769 (February 25, 2010) (order approving file no. SR–BATS–2009–032); and 62392 (June 28, 2010) (notice of filing file no. SR–Nasdaq–2010–077).

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(4).

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–EDGA–2010–06. 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–EDGA–2010–06 and should be submitted on or before July 30, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010–16746 Filed 7–8–10; 8:45 am]

BILLING CODE 8010–01–P

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated: Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Reduce the Payments That CBOE Makes to CBOE Trading Permit Holders That Participate in a Program Under Which CBOE Subsidizes the Costs of Providing and/or Using Certain Order Routing Functionalities

July 1, 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 June 30, 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

CBOE proposes to reduce the payments that CBOE makes to CBOE Trading Permit Holders that participate in a program under which CBOE subsidizes the costs of providing and/or using certain order routing functionalities. This rule change does not provide for any modifications to the text of CBOE's rules. 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 Commissions 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, 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 Sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, Proposed Rule Change

1. Purpose

CBOE proposes to reduce the payments that CBOE makes to CBOE Trading Permit Holders that participate in a program under which CBOE subsidizes the costs of providing and/or using certain order routing functionalities.[3] If a Trading Permit Holder has elected not to have CBOE perform certain marketing services on its behalf, the payment would be reduced, with respect to orders routed to CBOE through a participating Trading Permit Holder's system, from $0.05 per contract to $0.04 per contract.[4] If a member has elected to have CBOE perform marketing services on its behalf, the payment with respect to such orders would be reduced from $0.04 per contract to $0.03 per contract. The Exchange intends to make the change effective commencing August 1, 2010.

CBOE is not proposing any other changes in the program. CBOE stated in SR–CBOE–2007–34, and affirmed in SR–CBOE–2008–27, that nothing about the subsidy program would relieve any CBOE Trading Permit Holder that is using an order routing functionality whose provider is participating in the program from complying with its best execution obligations.[5] Those statements remain true with respect to the program as CBOE is proposing to revise it.

2. Statutory Basis

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 CBOE Trading Permit Holders and other persons using its facilities.

[3] The order router subsidy program is described in SR–CBOE–2007–34 (*see* Securities Exchange Act Release No. 55629 (April 13, 2007), 72 FR 19992 (April 20, 2007) (SR–CBOE–2007–34)) as supplemented by SR–CBOE–2008–27 (*see* Securities Exchange Act Release No. 57498 (March 14, 2008), 73 FR 55 (March 20, 2008) (SR–CBOE–2008–27)).

[4] The marketing services that CBOE provides to Trading Permit Holders electing to have CBOE provide such services are described on page 5 of SR–CBOE–2007–34.

[5] SR–CBOE–2007–34, pp. 5–6; SR–CBOE–2008–27, p 4.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4).

B. 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.

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 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–2010–066 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–2010–066. 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–CBOE–2010–066 and should be submitted on or before August 9, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010–16686 Filed 7–8–10; 8:45 am]

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[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. 34–62434; File No. SR–FINRA–2009–089]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Approving Proposed FINRA Rule 6490 (Processing of Company-Related Actions) To Clarify the Scope of FINRA's Authority When Processing Documents Related to Announcements for Company-Related Actions for Non-Exchange Listed Securities and To Implement Fees for Such Services

July 1, 2010.

I. Introduction

On December 7, 2009, Financial Industry Regulatory Authority, Inc. ("FINRA") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] proposed FINRA Rule 6490 (Processing of Company-Related Actions), to clarify the scope of FINRA's regulatory authority and discretionary power when processing documents relating to announcements for company-related actions for non-exchange listed equity and debt securities (collectively "OTC Securities") and to implement fees for such services. The proposed rule change was published for comment in the **Federal Register** on December 28, 2009.[3] The Commission received two comment letters on the proposed rule change,[4] and a letter from FINRA responding to the comment letters.[5] This order approves the proposed rule change.

II. Background

FINRA performs several critical functions in the over-the-counter ("OTC") market. FINRA currently operates the OTC Bulletin Board ("OTCBB"), which provides a mechanism for FINRA members to quote certain registered OTC equity securities. FINRA also operates the OTC Reporting Facility, which provides a mechanism for FINRA members to report, for both regulatory and dissemination purposes, transactions in OTC equity securities. More broadly, FINRA also oversees the activities of broker-dealer member firms, and their associated persons, that quote and trade OTC Securities to ensure their compliance with the Federal securities laws and FINRA rules.

In addition to these functions, FINRA reviews and processes requests to announce or publish certain actions taken by issuers of OTC Securities. FINRA performs other more limited functions relating to the processing of certain actions by non-exchange listed companies whose securities are traded in the OTC market. In this regard, FINRA reviews and processes documents relating to announcements for company-related actions pursuant to Rule 10b–17 under the Act ("Rule 10b–

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 61189 (December 17, 2009), 74 FR 68648 ("Notice").

[4] *See* Letter to Elizabeth M. Murphy, Secretary, Commission, from Liz Heese, Managing Director, Issuer Services, Pink OTC Markets, Inc. ("Pink OTC"), dated January 20, 2010 ("Pink OTC Letter"), and Letter to Elizabeth M. Murphy, Secretary, Commission, from Stephen J. Nelson, The Nelson Law Firm, LLC ("Nelson Law Firm"), dated February 18, 2010 ("Nelson Law Firm Letter").

[5] *See* Letter from Kosha K. Dalal, Associate Vice President and Associate General Counsel, FINRA, to Elizabeth M. Murphy, Secretary, Commission, dated April 30, 2010 ("FINRA Response Letter").

17 Actions").[6] These documents include announcements of dividends or other distributions in cash or in kind, stock splits or reverse stock splits, or rights or other subscriptions offerings. FINRA also reviews requests to process documents relating to other company actions ("Other Company-Related Actions"), including the issuance or change to a trading symbol or company name, merger, acquisition, dissolution or other company control transactions, bankruptcy or liquidation.[7] In addition, FINRA maintains the symbols database for OTC Securities. Based on information it receives regarding Company-Related Actions, FINRA, in turn, provides notice to the marketplace of such events and adjusts names, symbols, and the issuers' stock prices, if necessary. According to FINRA, these functions are important both to the trading of securities in the OTC marketplace and to the settlement of transactions involving OTC Securities. FINRA notes that the issuer-related services it performs are aimed not only at facilitating trading and settlement, but also at promoting investor protection and market integrity.

Historically, FINRA has viewed its role in performing issuer-related functions as primarily ministerial, due in large part to its limited jurisdictional reach. FINRA does not impose listing standards for securities and maintains no formal relationship with, or direct jurisdiction over, issuers. FINRA's authority to perform issuer-related functions flows primarily from two sources: Rule 10b–17 under the Act and FINRA's Uniform Practice Code (NASD Rule 11000 Series) ("UPC").[8] Recently, there has been growing concern that FINRA's Company-Related Action processing services may potentially be used by certain parties to further fraudulent activities.[9] Accordingly, in furtherance of its authority to adopt rules to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, and protect investors and the public interest, FINRA proposes Rule 6490 to clarify the scope of its regulatory authority and to codify procedures that it will apply when reviewing requests to process Company-Related Actions. FINRA also proposes to establish fees for its review and processing of documentation relating to Rule 10b–17 Actions and Other Company-Related Actions, as well as a fee for appealing FINRA staff determinations.

III. Description of the Proposal

A. Processing Announcements of Company Related Actions

Rule 6490 would codify the authority of FINRA's Department of Operations ("Department") to conduct in-depth reviews of requests to process Company-Related Actions and to provide FINRA staff the discretion not to process incomplete requests and requests for which there are certain indicators of potential fraud. Specifically, the proposed rule would establish procedures for the submission, review, and determination of the sufficiency of requests made to FINRA to process Company-Related Actions. The proposed rule would permit the Department to prescribe the forms, supporting documentation and procedures necessary to conduct more in-depth reviews of requests to process Company-Related Actions. The proposed rule would require that an issuer or other duly authorized representative of the issuer ("Requesting Party") submit a request for FINRA to review and process documentation related to a Rule 10b–17 Action or Other Company-Related Action within the time frames specified by either Rule 10b–17, in the event of a Rule 10b–17 Action, or no later than ten calendar days prior to the effective date of the Company-Related Action in the event of Other Company-Related Actions. The proposed rule would require all such requests to be accompanied by proof of payment of a non-refundable fee specified in the fee table that would be included in Rule 6490, as more fully described below. In addition, the proposed rule would provide that initial symbol set up requests may be submitted by FINRA members or their associated persons in order to comply with regulatory reporting requirements.

In recognition of FINRA's lack of privity with issuers of OTC Securities, FINRA is proposing to adopt Supplementary Material .02 (Requests by Third-Parties) to Rule 6490, which would permit FINRA, in its discretion, to announce a Company-Related Action when it is contacted by a third party, such as The Depository Trust & Clearing Corporation ("DTC"), foreign exchanges or regulators, or members or associated persons. FINRA would request that the third party contact the issuer in question regarding the issuer's obligations under Rule 10b–17 or other rules and regulations, as applicable, and instruct the issuer to contact FINRA directly to provide notice and complete the requisite forms. However, FINRA would, in its discretion, be permitted to review and process a Company-Related Action based on information from a third party when it believes that such action is necessary for the protection of investors and the public interest and to maintain fair and orderly markets, and/or FINRA has been unable to obtain notification of the Company-Related Action from the issuer.

The proposed rule would permit the Department to request additional information or documentation as may be necessary for the Department to verify the accuracy of the information submitted by the Requesting Party. If the Requesting Party does not sufficiently respond within 90 calendar days of the date the Department requests additional information or documentation, the request would be deemed "lapsed" and then closed. The proposed rule also would provide that if a request to process a Company-Related Action is deficient, and the Department determines that it is necessary for the protection of investors and the public interest and to maintain fair and orderly markets, the Department may determine

[6] 17 CFR 240.10b–17. Rule 10b–17 requires issuers to give FINRA, in a timely fashion, information relating to: (1) A dividend or other distribution in cash or in kind; (2) a stock split or reverse split; and (3) a rights or other subscription offering. Under Rule 10b–17, the issuer is required to provide this information to FINRA no later than 10 days prior to the record date or, in case of a rights subscription or other offering if such 10 days advance notice is not practical, on or before the record date, and in no event later than the effective date of the registration statement to which the offer relates. Pursuant to Rule 10b–17(b)(3), comparable notice given by the issuer of an exchange-listed security in accordance with the procedures of the national securities exchange upon which a security of such issuer is registered satisfies this requirement.

[7] Rule 10b–17 Actions and Other Company-Related Actions collectively are referred to herein as "Company-Related Actions." FINRA publishes Company-Related Actions pursuant to requests from issuers and their agents on its Web site in a document known as the "Daily List." Publication of Company-Related Actions in the Daily List effectively announces the Company-Related Action to the OTC market.

[8] The UPC sets forth a basic framework of rules governing broker-dealers with respect to the settlement of OTC Securities.

[9] *See, e.g.,* Commission Order of Suspension of Trading In the Matter of Andros Isle, Corporation, *et al.,* dated March 13, 2008 (File No. 500–1), in which the Commission suspended trading pursuant to Section 12(k) of the Act, 15 U.S.C. 78l(k), in the securities of approximately 26 Pink Sheet securities, stating "[c]ertain persons appear to have usurped the identity of a defunct or inactive publicly traded corporation, initially by incorporating a new entity using the same name, and then by obtaining a new CUSIP number and ticker symbol based on the apparently false representation that they were duly authorized officers, directors and/or agents of the original publicly traded corporation." *See also SEC* v. *Irwin Boock, Stanton B.J. DeFreitas, Nicolette D. Loisel, Roger L. Shoss, and Jason C. Wong, Birte Boock, and 1621566 Ontario, Inc.,* Civil Action No. 09 CV 8261 (S.D.N.Y.) (DLC), Litigation Release No. 21243 (October 8, 2009) (Commission Charges Five With Dozens of Fraudulent Corporate Hijackings and Unregistered Offerings of Securities and Names Two Relief Defendants).

that documentation related to a Company-Related Action shall not be processed.

The proposal sets forth five factors that the Department can consider in determining whether a request to process documentation is deficient: (1) FINRA staff reasonably believes the forms and all supporting documentation, in whole or in part, may not be complete, accurate or with proper authority; (2) the issuer is not current in its reporting obligations, if applicable, to the Commission or other regulatory authority; (3) FINRA has actual knowledge that parties related to the Company-Related Action are the subject of pending, adjudicated or settled regulatory action or investigation by a regulatory body, or civil or criminal action related to fraud or securities laws violations; [10] (4) a government authority or regulator has provided information to FINRA, or FINRA has actual knowledge, indicating that persons related to the Company-Related Action may be potentially involved in fraudulent activities related to the securities market and/or pose a threat to public investors; and/or (5) there is significant uncertainty in the settlement and clearance process for the security.

Following a Department determination that a request to process a Company-Related Action is deficient, the Department would be required to provide written notice to the Requesting Party. Such written notice would be required to state the specific factor(s) that caused the request to be deemed deficient. The proposal permits a Requesting Party to appeal a deficiency determination to a three-member subcommittee comprised of current or former industry members of FINRA's UPC Committee in writing within seven calendar days after service of the notice. Any written request for an appeal would be required to: (1) Be accompanied by proof of payment of a non-refundable Action Determination Appeal Fee; and (2) specifically set forth any and all defenses to the Department's deficiency determination. Under the proposal, an appeal would stay the processing of the Company-Related Action (*i.e.,* the requested Company-Related Action would not be processed during the period that the Requesting Party requests an appeal or while any such appeal is pending).

Under the proposal, the subcommittee would convene once each calendar month to consider all appeals received during the prior month and would render a determination within three business days following the day the subcommittee considered the appeal. The subcommittee's determination would constitute final FINRA action. If a Requesting Party fails to file a written request for an appeal within seven calendar days after service of notice, the Department's deficiency determination would constitute final FINRA action.

B. Fees

FINRA also proposes to establish fees in connection with its review and processing of Company-Related Actions. The proposed fees would include late fees for Requesting Parties that fail to provide timely notice of and requests to process Company-Related Actions. According to FINRA, the proposed late fees would help encourage issuers of OTC Securities to meet deadlines, including those associated with Rule 10b–17, which are critical to enabling FINRA to process such requests in a timely fashion in order to provide adequate notice to market participants. Further, FINRA states that the proposed fees would be beneficial because they would offset some of the significant costs that FINRA currently bears for the benefit of issuers of OTC Securities that are not otherwise paying to support the OTC symbol database and the processing of Company-Related Actions.

Specifically, FINRA proposes to charge the following non-refundable fees for the review and processing of documentation related to Rule 10b–17 Actions and Other Company-Related Actions:

	Fee
Rule 10b–17 Action:	
Timely Rule 10b–17 Notification	$200
Late Rule 10b–17 Notification Submitted at least 5 calendar days prior to Corporate Action Date	1,000
Late SEA Rule 10b–17 Notification Submitted at least 1 calendar day prior to Corporate Action Date	2,000
Late SEA Rule 10b–17 Notification Submitted on or after Corporate Action Date	5,000
Other Company-Related Action:	
Voluntary Symbol Request Change	500
Initial Symbol Set Up	(*)
Symbol Deletion	(*)
Appeals:	
Action Determination Appeal Fee	4,000

* No charge.

FINRA also proposes Supplementary Material .01, which would permit FINRA to process documentation for Company-Related Actions, absent a determination that the action is deficient, even if the required fee is not paid. Proposed Supplementary Material .01 provides that unpaid Rule 10b–17 Action fees associated with a specific issuer would be accumulated, and further, that FINRA would not process Voluntary Symbol Request Changes until all accumulated fees are paid. According to FINRA, this accumulation authority would create incentives for issuers that are not otherwise subject to FINRA's direct jurisdiction to comply with the proposed rule's requirements without compromising FINRA's investor protection mission. FINRA states further that acceptance and processing of untimely Company-Related Action requests and related fees by FINRA will not act to relieve an issuer of potential violations of Rule 10b–17 or other Federal or State rules or self-regulatory organization rules.

In addition, the Voluntary Symbol Request Change Fee would not apply to mandatory symbol set ups or changes. Specifically, FINRA would not charge a Voluntary Symbol Request Change Fee in connection with a mandatory symbol change that results from a Rule 10b–17 Action (*i.e.,* a mandatory symbol change required because of a CUSIP number change or otherwise in direct connection with a Rule 10b–17 Action

[10] According to FINRA, this factor would include instances when FINRA has actual knowledge of a Commission Order pursuant to Section 12(k) of the Act, 15 U.S.C. 78l(k), temporarily suspending the issuer's securities or pursuant to Section 12(j) of the Act, 15 U.S.C. 78l(j), revoking registration of the issuer's securities.

would not require the payment of the Voluntary Symbol Request Change Fee). However, the request (and its granting, subject to symbol availability) of a specific symbol in connection with a Rule 10b–17 Action would result in assessment of such a fee in addition to the requisite Rule 10b–17 Action fee.

IV. Discussion and Commission's Findings

The Commission has reviewed carefully the proposed rule change, the comment letters received, and the FINRA Response Letter and finds that the proposal is consistent with the Act and the rules and regulations thereunder applicable to a national securities association, including the provisions of Section 15A(b)(6) of the Act,[11] which requires, among other things, that FINRA rules 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 transactions in securities, and, in general, to protect investors and the public interest; and Section 15A(b)(5) of the Act,[12] which requires, among other things, that FINRA rules provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system that FINRA operates or controls.[13]

The Commission believes that FINRA's proposal to codify procedures for the submission, review, and determination of the sufficiency of requests to process Company-Related Actions will benefit the OTC marketplace and investors in OTC Securities. The proposal clarifies FINRA's authority to conduct reviews of requests to process Company-Related Actions and reserves to FINRA the right to process Rule 10b–17 Actions and Other Company-Related Actions when, notwithstanding the failure of an issuer to timely submit a notice or pay the applicable processing fee, such processing is necessary for the protection of investors and the public interest and to maintain fair and orderly markets. Accordingly, the Commission believes that the proposal is designed to encourage issuers and their agents to provide complete, accurate and timely information to FINRA concerning Company-Related Actions involving OTC Securities, and thereby to prevent fraudulent and manipulative acts and practices with respect to these securities.

The Commission notes that the proposal sets forth five factors that FINRA can look to as a basis for denying a request to process documentation concerning a Company-Related Action: (1) FINRA staff reasonably believes the forms and all supporting documentation, in whole or in part, may not be complete, accurate or with proper authority; (2) the issuer is not current in its reporting obligations, if applicable, to the Commission or other regulatory authority; (3) FINRA has actual knowledge that parties related to the Company-Related Action are the subject of pending, adjudicated or settled regulatory action or investigation by a regulatory body, or civil or criminal action related to fraud or securities laws violations; [14] (4) a government authority or regulator has provided information to FINRA, or FINRA has actual knowledge, indicating that persons related to the Company-Related Action may be potentially involved in fraudulent activities related to the securities market and/or pose a threat to public investors; and/or (5) there is significant uncertainty in the settlement and clearance process for the security. The Commission also notes that the proposal includes provisions pursuant to which an aggrieved party may appeal the denial of a request to process a Company-Related Action.

As noted above, the Commission received two comment letters in response to the proposal.[15] Both commenters generally supported the goals of the proposal, but questioned certain aspects of it. One commenter requested that FINRA provide additional guidance on two of the factors FINRA would consider when determining whether a request to process documentation related to a Company-Related Action is deficient, namely, whether an issuer is not current in its reporting obligations, if applicable, to the Commission or other regulatory authority, and whether there is significant uncertainty in the clearance and settlement process.[16] Specifically, this commenter inquired whether delinquent issuers would automatically have their requests to process a Company-Related Action determined to be deficient, and also whether issuers that are not designated as eligible for the DTC's FAST systems would have their requests viewed as raising significant uncertainty in the clearance and settlement process.[17]

In response to this commenter, FINRA explained that when the Department reasonably believes that an issuer submitting a request to process documentation related to a Company-Related Action has triggered one of the explicitly enumerated factors, the Department would generally conduct an in-depth review of the Company-Related Action and seek additional information or documentation from the issuer.[18] FINRA noted that it would have the discretion not to process any such actions that are incomplete or when it determines that not processing such an action is necessary for the protection of investors and the public interest and to maintain fair and orderly markets.[19] FINRA stated that the failure of an issuer to remain current it its reporting obligations is one of five factors that FINRA "may" consider in making a deficiency determination.[20] FINRA further noted that the proposal does not mandate any particular mechanism of clearance and settlement for an issuer's securities, including FAST designation by DTC.[21]

The Commission believes that the proposed factors are reasonably designed to allow FINRA to deny a request to process a Company-Related Action based on the above-noted objective criteria. As FINRA pointed out, if FINRA believes that one of the enumerated factors has been triggered, FINRA staff would conduct an in depth review and follow up with the issuer to seek additional information or documentation. The Commission believes that the proposal furthers FINRA's goal to assure that documents supporting a request to process a Company-Related Action are complete and correct and that its facilities are not misused in furtherance of fraudulent or manipulative acts and practices. At the same time, the proposal recognizes the interests of a Requesting Party in receiving fair consideration from FINRA in connection with a request to process a Company-Related Action and in having a fair process for an appeal in the event a request to process a Company-Related Action is denied. The Commission therefore finds the proposal to be consistent with Section 15A(b)(6) of the Act.[22] The Commission

[11] 15 U.S.C. 78*o*–3(b)(6).

[12] 15 U.S.C. 78*o*–3(b)(5).

[13] In approving the proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] *See supra* note 10.

[15] *See* Pink OTC Letter and Nelson Law Firm Letter, *supra* note 4.

[16] *See* Pink OTC Letter.

[17] *Id.*

[18] *See* FINRA Response Letter, *supra* note 5 at 3–4.

[19] *Id.*

[20] *Id.*

[21] *Id.*

[22] 15 U.S.C. 78*o*–3(b)(6).

notes that FINRA's administration of its proposed rule is subject to continuing Commission oversight, and that FINRA, as a registered national securities association, remains bound by its obligations as a self-regulatory organization under the Act and all relevant rules and regulations thereunder.

Two commenters questioned the effects of the proposed fees.[23] Specifically, one commenter expressed concern that the proposal would permit FINRA to decline to set an ex-dividend date for distributions of "Liquidating OTC Securities" if an issuer failed to timely notify FINRA of an upcoming distribution, as required by Rule 10b–17, and pay the required processing fee.[24] According to this commenter, a failure by FINRA to set an ex-dividend date for these securities would "burden transactions in Liquidating OTC Securities with wholly unnecessary risks and transaction costs" and potentially permit FINRA to "escape from its responsibilities under Section 15A" of the Act when the required fee is not paid.[25]

In response to this concern, FINRA clarified that the proposal expressly permits FINRA to set ex-dividend dates, as well as process other Company-Related Actions, in certain circumstances even if FINRA fails to receive the required notice and accompanying fee from the issuer. In particular, FINRA noted that the text of proposed Supplementary Material .01 (SEA Rule 10b–17 Fee Accumulations) states that "notwithstanding the timeliness of the SEA Rule 10b–17 Action submission or the failure to pay applicable fees, FINRA will make its best efforts to process documentation related to SEA Rule 10b–17 Actions that are not otherwise deemed incomplete or otherwise deficient by FINRA because of the critical nature of this information to the marketplace."[26] Similarly, FINRA noted that the rule text of proposed Supplementary Material .02 (Requests by Third-Parties) provides that when FINRA is unable to obtain notification from an issuer, it may in its discretion review and process a Rule 10b–17 Action or Other Company-Related Action based on information from a third-party, such as DTC, foreign exchanges or regulators, or members or associated persons, when it believes such action is necessary under its statutory obligations.[27]

One commenter noted that issuers of OTC Liquidating Securities may believe that they are not obligated to provide a Rule 10b–17 notice to FINRA, particularly, if, for example a bankruptcy trustee views its obligations to maximize the value of the issuer's estate to be in conflict with payment of processing fees to FINRA.[28] In response to this comment, FINRA remarked that an issuer that files for bankruptcy, or a trustee acting on its behalf, faces numerous fees and charges in an effort to discharge the issuer's obligations and stated that it saw no reason why its proposed fees should not apply to these issuers.[29]

The other commenter questioned whether the proposed fees for providing Company-Related Action processing services might cause issuers to effect corporate actions without notifying FINRA.[30] In response to this point, FINRA noted that an issuer that fails to notify FINRA of a proposed corporate action, as required by Rule 10b–17 is potentially violating an anti-fraud rule of the Federal securities laws and stated that where it has actual knowledge of issuer non-compliance with Rule 10b–17, FINRA will use its best efforts to notify the Commission.[31] According to FINRA, non-compliance with Rule 10b–17 has been an ongoing concern, and it suggested that heightened awareness of Rule 10b–17 that could result from adoption of the proposal, graduated fees for delayed compliance with Rule 10b–17, and the potential for referral to the Commission for non-compliance may lead issuers to proceed more cautiously in this area.[32]

The Commission finds that FINRA's proposed fees to review requests to process Company-Related Actions are consistent with the Act. The Commission believes that the proposed fees are reasonable because they are intended to offset some of the significant costs FINRA currently incurs in processing Company-Related Actions and that they are equitably allocated because they apply to any Requesting Party that submits a request to process a Company-Related Action (other than those enumerated actions for which no fees would be charged). The Commission believes that FINRA has adequately responded to commenters' concerns about the impact of the proposed fees.

Finally, one commenter offered suggestions relating to the operation of the proposed rule.[33] In response to the comment that FINRA should limit intra-day processing of Company-Related Actions to emergency situations such as security revocations and quotation and trading halts, FINRA explained that, with the exception of security revocations, quotation and trading halts, and cancellation of securities pursuant to an effective bankruptcy court order, its general policy is to announce actions on the Daily List published on OTCBB.com with a future effective date, but that in some cases, often because of failure to receive timely notification, setting a future effective date is not possible.[34] This commenter also suggested that FINRA coordinate processing of Company-Related Actions across FINRA departments and ensure information regarding Company-Related Actions is disseminated accurately and consistently on the Daily List on the OTCBB.com and NasdaqTrader Web sites.[35] In response to these comments, FINRA noted that, although FINRA departments work closely in this regard, not all systems and platforms used by market participants to access such data are controlled by FINRA, and there could be a lag in the dissemination of certain information.[36] FINRA also noted that because the NasdaqTrader Web site simply provides a hyperlink to the OTCBB.com Daily List, there should be no inconsistencies in information on these two Web sites.[37] The Commission believes that FINRA has adequately responded to the commenters' suggestions relating to the operation of the proposed rule.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (SR–FINRA–2009–89), be, and it hereby is, approved.

[23] *See* Pink OTC Letter and Nelson Law Firm Letter, *supra* note 4.

[24] *See* Nelson Law Firm Letter. This commenter defines "Liquidating OTC Securities" as securities whose issuers are "bankrupt, in liquidation, or involved in various forms of reorganization."

[25] *Id.*

[26] *See* FINRA Response Letter, *supra* note 5 at 2–3.

[27] *Id.*

[28] *See* Nelson Law Firm Letter *supra* note 4 at 3.

[29] *See* FINRA Response Letter, *supra* note 5 at 2.

[30] *See* Pink OTC Letter, *supra* note 4 at 2.

[31] *See* FINRA Response Letter, *supra* note 5 at 5.

[32] *See id* at 6. FINRA also stated that if its proposal is approved, it (i) will notify issuers of the proposed rule and fees by issuing a Regulatory Notice, sending out alerts through electronic platforms used by market participants, and posting this information on its dedicated Web page for OTC Actions; (ii) will reach out to industry groups involved in issuer corporate actions to notify parties that will be impacted by the proposal; and (iii) expects the percentage of late notifications will decline over time.

[33] *See* Pink OTC Letter, *supra* note 4.

[34] *See* FINRA Response Letter, *supra* note 5.

[35] *See* Pink OTC Letter, *supra* note 4.

[36] *See* FINRA Response Letter, *supra* note 5.

[37] *Id.*

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[38]

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010–16687 Filed 7–8–10; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62443; File No. SR–CBOE–2010–064]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Expand Its $1 Strike Program

July 2, 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 July 1, 2010, the Chicago Board Options Exchange, Incorporated (the "Exchange" or "CBOE") 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 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

CBOE proposes to amend Rule 5.5.01 to expand the Exchange's $1 Strike Price Program (the "$1 Strike Program" or "Program") to allow the Exchange to select 150 individual stocks on which options may be listed at $1 strike price intervals. The text of the rule proposal is available on the Exchange's website (*http://www.cboe.org/legal*), 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 proposed rule change is to expand the $1 Strike Program.[3]

The $1 Strike Program currently allows CBOE to select a total of 55 individual stocks on which option series may be listed at $1 strike price intervals. In order to be eligible for selection into the Program, the underlying stock must close below $50 in its primary market on the previous trading day. If selected for the Program, the Exchange may list strike prices at $1 intervals from $1 to $50, but no $1 strike price may be listed that is greater than $5 from the underlying stock's closing price in its primary market on the previous day. The Exchange may also list $1 strikes on any other option class designated by another securities exchange that employs a similar Program under their respective rules. The Exchange may not list long-term option series ("LEAPS") [4] at $1 strike price intervals for any class selected for the Program, except as specified in subparagraph (2) to Interpretation and Policy .01 to Rule 5.5.[5] The Exchange is also restricted from listing series with $1 intervals within $0.50 of an existing strike price in the same series, except that strike prices of $2, $3, and $4 shall be permitted within $0.50 of an existing strike price for classes also selected to participate in the $0.50 Strike Program.[6]

The Exchange now proposes to expand the Program to allow CBOE to select a total of 150 individual stocks on which option series may be listed at $1 strike price intervals. The existing restrictions on listing $1 strikes would continue, *i.e.,* no $1 strike price may be listed that is greater than $5 from the underlying stock's closing price in its primary market on the previous day, and CBOE is restricted from listing any series that would result in strike prices being $0.50 apart (unless an option class is selected to participate in both the $1 Strike Program and the $0.50 Strike Program).

As stated in the Commission order that initially approved CBOE's Program and in subsequent extensions and expansions of the Program,[7] CBOE believes that $1 strike price intervals provide investors with greater flexibility in the trading of equity options that overlie lower price stocks by allowing investors to establish equity options positions that are better tailored to meet their investment objectives.

During the time that the $1 Strike Program was a pilot, the Exchange submitted three pilot reports to the Commission in which the Exchange discussed, among other things, the strength and efficacy of the Program based upon the steady increase in volume and open interest of options traded on the Exchange at $1 strike price intervals; and that the Program had not and, in the future, should not create capacity problems for CBOE or the Options Price Reporting Authority ("OPRA") systems.[8] This has not changed. Moreover, the number of $1 strike options traded on the Exchange has continued to increase since the inception of the Program such that these options are now among some of the

[38] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Commission approved the Program as a pilot on June 5, 2003. *See* Securities Exchange Act Release No. 47991 (June 5, 2003), 68 FR 35243 (June 12, 2003). The Program was subsequently extended through June 5, 2008. *See* Securities Exchange Act Release No. 49799 (June 3, 2004), 69 FR 32642 (June 10, 2004) (SR–CBOE–2004–34); SEC Release No. 51771 (May 31, 2005), 70 FR 33228 (June 7, 2005) (SR–CBOE–2005–37); SEC Release No. 53805 (May 15, 2006), 71 FR 29690 (May 23, 2006) (SR–CBOE–2006–31); and SEC Release No. 55673 (April 26, 2007), 72 FR 24646 (May 3, 2007) (SR–CBOE–2007–38). The Program was subsequently expanded and permanently approved in 2007. *See* Exchange Act Release No. 57049 (December 27, 2007), 73 FR 528 (January 3, 2008) (SR–CBOE–2007–125). The Program was last expanded in 2009. *See* Securities Exchange Act Release No. 59587 (March 17, 2009), 74 FR 12414 (March 24, 2009) (SR–CBOE–2009–01).

[4] LEAPS are long-term options that generally have up to thirty-nine months from the time they are listed until expiration. *See* Rule 5.8, *Long-Term Equity Option Series (LEAPS®).* Long-term FLEX options and index options are considered separately in Rules 24A.4, 24B.4 and 24.9(b), respectively.

[5] Interpretation and Policy .01(a)(3) states that the Exchange may list $1 strike prices up to $5 in LEAPS in up to 200 option classes in individual stocks. *See* Securities Exchange Act Release No. 60978 (November 10, 2009), 74 FR 59296 (November 17, 2009) (SR–CBOE–2009–068).

[6] Regarding the $0.50 Strike Program, which allows $0.50 strike price intervals for options on stocks trading at or below $3.00, *see* Interpretation and Policy .01(b) to Rule 5.5 and Securities Exchange Act Release No. 60695 (September 18, 2009), 74 FR 49055 (September 25, 2009) (SR–CBOE–2009–069). *See also* Securities Exchange Act Release No. 61331 (January 12, 2010), 75 FR 2911 (January 19, 2010) (SR–CBOE–2010–002) (allowing concurrent listing of $3.50 and $4 strikes for classes that participate in both the $0.50 Strike Program and the $1 Strike Program).

[7] *See* supra note 1.

[8] *See* Securities Exchange Act Release Nos. 49799 (June 3, 2004), 69 FR 32642 (June 10, 2004) (SR–CBOE–2004–34); 51771 (May 31, 2005), 70 FR 33228 (June 7, 2005) (SR–CBOE–2005–37); 53805 (May 15, 2006), 71 FR 29690 (May 23, 2006) (SR–CBOE–2006–31); and 55673 (April 26, 2007), 72 FR 24646 (May 3, 2007) (SR–CBOE–2007–38).

most popular products traded on the Exchange.

The Exchange believes that market conditions have led to an increase in the number of securities trading below $50 warranting the proposed expansion of the $1 Strike Program.[9] In addition, the Exchange notes that this filing is based on a filing previously submitted by NASDAQ OMX PHLX, Inc ("PHLX") that the Commission recently noticed.[10] With regard to previous expansions of the Program, the Commission has approved proposals from the options exchanges that employ a $1 Strike Program in lockstep.

The Exchange notes that, in addition to options classes that are trading pursuant to the $1 strike programs of options exchanges, there are also options trading at $1 strike intervals on approximately 282 exchange-traded fund shares ("ETFs"),[11] ETF options trading at $1 intervals has not, however, negatively impacted the system capacity of the Exchange or OPRA.

With regard to the impact of this proposal on system capacity, CBOE has analyzed its capacity and represents that it and OPRA have the necessary systems capacity to handle the potential additional traffic associated with the listing and trading of an expanded number of series in the $1 Strike Program.

The Exchange believes that the $1 Strike Program has provided investors with greater trading opportunities and flexibility and the ability to more closely tailor their investment and risk management strategies and decisions to the movement of the underlying security. Furthermore, the Exchange has not detected any material proliferation of illiquid options series resulting from the narrower strike price intervals. For these reasons, the Exchange requests an expansion of the current Program and the opportunity to provide investors with additional strikes for investment, trading, and risk management purposes.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of Section 6(b) of the Act. Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) Act[12] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest. The Exchange believes that expanding the current $1 Strike Program will result in a continuing benefit to investors by giving them more flexibility to closely tailor their investment decisions in a greater number of securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE 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

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) of the Act[13] and Rule 19b–4(f)(6) thereunder.[14]

The Exchange has requested that the Commission waive the 30-day operative delay. The Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest because the proposal is substantially similar to a rule of another exchange that has been approved by the Commission.[15] Therefore, the Commission designates the proposal operative upon filing.[16]

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–2010–064 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–2010–064. 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

[9] *See, e.g.,* Securities Exchange Act Release No. 59590 (March 17, 2009), 74 FR 12412 (March 24, 2009) (SR–CBOE–2009–21) (more than five-fold increase in the number of individual stocks on which options may be listed at $1 intervals).

[10] *See* Securities Exchange Act Release No. 62151 (May 21, 2010), 75 FR 30078 (May 28, 2010) (SR–Phlx–2010–72).

[11] Options on ETFs have been trading for more than a decade. *See* Securities Exchange Act Release Nos. 37340 (July 2, 1998), 63 FR 37430 (July 10, 1998) (SR–CBOE–97–03) (original filing to list options on ETFs); and 46507 (September 25, 2002), 67 FR 60266 (September 25, 2002) (SR–CBOE005–54) ($1 strike price intervals for ETF options). *See also* Interpretation and Policy .08 to Rule 5.5 allowing $1 strike price intervals for ETF options where the strike price is $200 or less.

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's 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 the pre-filing requirement.

[15] *See* Securities Exchange Act Release No. 62420 (June 30, 2010) (SR–Phlx–2010–72) (order approving expansion of $1 strike program to 150 classes).

[16] 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).

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–CBOE–2010–064 and should be submitted on or before July 30, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010–16688 Filed 7–8–10; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62429; File No. SR–FINRA–2010–031]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Financial Industry Regulatory Authority, Inc. Online Form NMA

July 1, 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 June 24, 2010, Financial Industry Regulatory Authority, Inc. ("FINRA") (f/k/a National Association of Securities Dealers, Inc. ("NASD")) 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 "constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule" under Section 19(b)(3)(A)(i) of the Act [3] and Rule 19b–4(f)(1) 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 online Form NMA, the standardized membership application form applicants must file pursuant to NASD Rule 1013 (New Member Application and Interview) as part of their new membership application. The proposed change would amend Form NMA's hyperlink reference to SEC Form D (Notice of Exempt Offering of Securities) from "high net worth," to "accredited investor," the term used in SEC Form D.

The proposed rule change does not propose amendments to existing 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, 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

Form NMA is the standardized online membership application form applicants must file pursuant to NASD Rule 1013 (New Member Application and Interview) as part of their new membership application. Form NMA assists applicants by identifying the information and supporting documentation required by Rule 1013. To that end, Form NMA Section I, Question 8a requires an applicant to identify (by indicating all that apply) the following types of customers the applicant will service: (1) Retail excluding high net worth; (2) high net worth; (3) institutional excluding high net worth; or (4) other (as described by the applicant). Form NMA does not provide a definition of a "high net worth" retail or institutional customer; rather, the form provides guidance to applicants responding to the question by providing a hyperlink for the term "high net worth" to SEC Form D (Notice of Exempt Offering of Securities), which references the term "accredited investor" as defined in Rule 501(a) of the Securities Act of 1933 ("Securities Act").[5]

The proposed rule change will replace the hyperlink reference "high net worth" with "accredited investor," thereby conforming the terminology used in Question I, Section 8a to SEC Form D.[6]

The effective date will be the date of filing; FINRA anticipates implementing the proposed rule change as part of a software release scheduled for July 31, 2010.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[7] 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 is consistent with the provisions stated above, as it updates a hyperlink reference in online Form NMA, providing greater clarity to applicants for FINRA membership.

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.

[17] 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)(i).

[4] 17 CFR 240.19b–4(f)(1).

[5] 17 CFR 230.501(a). Securities Act Rule 501(a) defines the term "accredited investor" to mean any person who comes within certain categories, as specified in the definition, at the time of the sale of the securities to that person. Those categories include, among others, institutions, such as banks, insurance companies, and employee benefit plans; trusts with total assets in excess of $5,000,000; and any natural persons with either an individual income for the past two years over $200,000 (or joint income over $300,000 if married) or an individual net worth (or joint net worth if married) exceeding $1,000,000.

[6] The proposed rule change also will update the nonworking hyperlink address to SEC Form D with the current hyperlink address, *http://www.sec.gov/about/forms/formd.pdf.*

[7] 15 U.S.C. 78*o*–3(b)(6).

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 paragraph (f)(1) 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–FINRA–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–FINRA–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 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–2010–031 and should be submitted on or before July 30, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010–16685 Filed 7–8–10; 8:45 am]

BILLING CODE 8010–01–P

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law (Pub. L.) 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes extensions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, e-mail, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Director to the following addresses or fax numbers.

(OMB) Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, E-mail address: *OIRA_Submission@omb.eop.gov.*

(SSA) Social Security Administration, DCBFM, Attn: Reports Clearance Officer, 1333 Annex Building, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–965–6400, E-mail address: *OPLM.RCO@ssa.gov.*

The information collection below is pending at SSA. SSA will submit it to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than September 7, 2010. Individuals can obtain copies of the collection instruments by calling the SSA Director for Reports Clearance at 410–965–0454 or by writing to the above e-mail address.

1. *Beneficiary Recontact Report—20 CFR 404.703 and 404.705—0960–0536.* Studies show that payees of children receiving Social Security benefits who marry fail to report the marriage. Therefore, SSA periodically determines eligibility for benefits for children ages 15 through 17 by asking for information about marital status using Form SSA–1587–OCR–SM. SSA uses the information to detect overpayments and avoid continuing payment to those no longer entitled. Respondents are representative payees for children ages 15 through 17.

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 982,357.

Frequency of Response: 1.

Average Burden per Response: 3 minutes.

Estimated Annual Burden: 49,118 hours.

2. *Request for Proof(s) from Custodian of Records—20 CFR 404.703, 404.704, 404.720, 404.721, 404.723, 404.725, & 404.728—0960–0766.* SSA sends records custodians the SSA–L707 on behalf of individuals who need help obtaining evidence of death, marriage, or divorce in connection with claims for benefits. SSA uses the information from the SSA–L707 to determine eligibility for benefits. The respondents are records custodians including statistics and religious entities, coroners, funeral directors, attending physicians, and state agencies.

Type of Request: Revision of an OMB-approved information collection.

Type of respondents	Number of respondents	Frequency of response	Average burden per response (minutes)	Total annual burden (hours)
State or Local Government	501	1	10	84

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(1).

[10] 17 CFR 200.30–3(a)(12).

Type of respondents	Number of respondents	Frequency of response	Average burden per response (minutes)	Total annual burden (hours)
Private Sector	99	1	10	17
Totals	600			101

Dated: July 2, 2010.

Faye Lipsky,

Reports Clearance Officer, Center for Reports Clearance, Social Security Administration.

[FR Doc. 2010–16735 Filed 7–8–10; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice: 7083]

IJC Will Review Bi-National Management of the Lake of the Woods and Rainy River Basin

By letters dated June 17, 2010, the Governments of Canada and the United States asked the International Joint Commission (IJC) to examine and make recommendations regarding the bi-national management of the Lake of the Woods and Rainy River system and the IJC's potential role in this management.

This review would serve to complement government activities that foster trans-jurisdictional coordination and collaboration on science and management activities to enhance and restore water quality in the basin. It would also contribute to any future approach to addressing new and emerging water quality issues and water management needs. A final report is expected to be released by the end of 2011. In the meantime, the IJC will make periodic reports to the governments that will include plans for engaging with federal governments and relevant provinces, First Nations, tribes and states, as well as the wider body of stakeholders and the public. The IJC anticipates holding public consultations on this matter at dates and locations to be announced in the local news media and on the IJC's Web site.

In addition to the public hearings, the IJC invites all interested parties to submit written comment over the course of this review to the addresses below: Secretary, Canadian Section, 234 Laurier Avenue West, 22nd Floor, Ottawa, Ontario K1P 6K6, Fax (613) 993–5583, E-mail *Commission@ottawa.ijc.org.* Secretary, United States Section, 2000 L Street, Suite 615, Washington, DC 20440, Fax (202) 632–2007, E-mail *Commission@washington.ijc.org.*

The International Joint Commission is a binational Canada-U.S. organization established by the Boundary Waters Treaty of 1909. It assists the governments in managing waters along the border for the benefit of both countries in a variety of ways including examining issues referred to it by the two federal governments.

More information, including the full text of the governments' letters of reference, may be found on the Commission's Web site, at *http://www.ijc.org.*

Dated: July 2, 2010.

Charles A. Lawson,

Secretary, U.S. Section, International Joint Commission, Department of State.

[FR Doc. 2010–16825 Filed 7–8–10; 8:45 am]

BILLING CODE 4710–14–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Allocation of Second Additional Fiscal Year (FY) 2010 In-Quota Volume for Raw Cane Sugar

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The Office of the United States Trade Representative (USTR) is providing notice of country-by-country allocations of a second additional fiscal year (FY) 2010 in-quota quantity of the tariff-rate quota (TRQ) for imported raw cane sugar.

DATES: *Effective Date:* July 9, 2010.

ADDRESSES: Inquiries may be mailed or delivered to Leslie O'Connor, Director of Agricultural Affairs, Office of Agricultural Affairs, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Leslie O'Connor, Office of Agricultural Affairs, 202–395–6127.

SUPPLEMENTARY INFORMATION: Pursuant to Additional U.S. Note 5 to chapter 17 of the Harmonized Tariff Schedule of the United States (HTS), the United States maintains TRQs for imports of raw cane and refined sugar.

Section 404(d) (3) of the Uruguay Round Agreements Act (19 U.S.C. 3601(d)(3)) authorizes the President to allocate the in-quota quantity of a TRQ for any agricultural product among supplying countries or customs areas. The President delegated this authority to the United States Trade Representative under Presidential Proclamation 6763 (60 FR 1007).

On July 6, 2010, the Secretary of Agriculture announced a second additional in-quota quantity of the FY 2010 TRQ for imported raw cane sugar for the remainder of FY 2010 (ending September 30, 2010) in the amount of 272,155 metric tons* raw value (MTRV). This quantity is in addition to the minimum amount to which the United States is committed pursuant to the World Trade Organization (WTO) Uruguay Round Agreements (1,117,195 MTRV) and the previous additional in-quota quantity announced by the Secretary of Agriculture on April 23, 2010. The total amount of in-quota quantity raw cane sugar authorized thus far in FY 2010 is 1,570,787 MTRV. Based on additional consultations with quota holders, USTR is allocating the 272,155 MTRV to the following countries in the amounts specified below:

Country	Second additional FY 2010 allocation
Argentina	16,953
Australia	32,723
Belize	4,337
Bolivia	3,154
Brazil	57,166
Colombia	9,462
Costa Rica	5,914
Dominican Republic	21,200
Ecuador	4,337
El Salvador	10,251
Guatemala	18,924
Guyana	4,731
Honduras	3,943
India	3,154
Jamaica	4,337
Malawi	3,943
Mauritius	1,000
Mozambique	5,125
Nicaragua	8,279
Panama	11,433
Peru	16,164
South Africa	9,068
Swaziland	6,308

* Conversion factor: 1 metric ton = 1.10231125 short tons.

Country	Second additional FY 2010 allocation
Thailand	5,520
Zimbabwe	4,731

These allocations are based on the countries' historical shipments to the United States. The allocations of the raw cane sugar TRQ to countries that are net importers of sugar are conditioned on receipt of the appropriate verifications of origin and certificates for quota eligibility must accompany imports from any country for which an allocation has been provided.

Ronald Kirk,

United States Trade Representative.

[FR Doc. 2010–16823 Filed 7–8–10; 8:45 am]

BILLING CODE 3190–W0–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Proposals To Accelerate Tariff Elimination and Modify the Rules of Origin Under the United States-Chile Free Trade Agreement

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of opportunity to file proposals requesting accelerated tariff elimination and changes to the rules of origin under the United States-Chile Free Trade Agreement ("the Agreement" or "USCFTA").

SUMMARY: This notice requests that interested persons submit proposals seeking accelerated tariff elimination under the USCFTA and describes the procedures for filing proposals. This notice also requests proposals on appropriate changes that the Office of the U.S. Trade Representative (USTR) should consider for liberalizing the USCFTA's rules of origin.

DATES: Proposals must be submitted to USTR no later than 5 p.m., August 6, 2010.

ADDRESSES: Proposals should be submitted electronically via the Internet at *http://www.regulations.gov.* For alternatives to on-line submissions please contact Gloria Blue, Executive Secretary, Trade Policy Staff Committee, at (202) 395–3475.

FOR FURTHER INFORMATION CONTACT: For procedural questions, contact Gloria Blue, Executive Secretary, Trade Policy Staff Committee, at (202) 395–3475. All other questions should be directed to Kent Shigetomi, Office of the Americas, Office of the United States Trade Representative, 600 17th Street, NW., Room 523, Washington, DC 20508. His telephone number is (202) 395–3412.

SUPPLEMENTARY INFORMATION: Article 3.3(4) of the USCFTA provides that the United States and Chile may agree to accelerate the elimination of customs duties set out in their respective tariff schedules. Section 201(b) of the United States-Chile Free Trade Agreement Implementation Act ("the FTA Act" or "the Act") authorizes the President to proclaim modifications in the staging of duty treatment set out in the Agreement, subject to the Act's consultation and layover requirements.

The USCFTA requires each government to provide preferential tariff treatment to goods that meet the Agreement's origin rules. In the United States, those rules are implemented through the FTA Act. Under the Act, goods imported into the United States qualify for preferential treatment if they meet the requirements of the general USCFTA rules of origin set out in section 202 of the Act, and the USCFTA product-specific rules set out in the HTS. The Agreement allows the Parties to amend the Agreement's rules of origin. Section 202(o)(2) of the USCFTA Act authorizes the President to proclaim modifications to the USCFTA's product-specific origin rules, subject to the consultation and layover provisions of section 103(a) of the Act. In 2008, the United States and Chile agreed on a set of goods for which the parties would eliminate tariffs ahead of schedule. Those tariffs were eliminated on January 1, 2009. In 2010, the United States and Chile reached agreement on proposed changes to the rules of origin, but have not yet implemented these changes. The United States and Chile have now agreed to consider further acceleration of the elimination of USCFTA tariffs and further liberalization of the agreement's rules of origin.

Additional Information

In considering whether to accelerate the elimination of tariffs or to make further changes to the agreement's rules of origin and, if such changes were made, the scope or extent of such changes, the United States and Chile expect to take into account several factors in considering whether to make such changes, including: (1) The extent that any such changes may reduce transaction and manufacturing costs or increase trade between Chile and the United States; (2) the feasibility of devising, implementing, and monitoring modified rules of origin; and (3) the level and breadth of interest that manufacturers, processors, traders, and consumers in the United States and Chile express for making particular changes. The United States and Chile expect to make only those changes that are broadly supported by stakeholders in both countries.

Requirements for Proposals

Submissions should indicate whether the subject of the proposal has been discussed with representatives of the relevant sector in Chile and, if such discussions have taken place, the result of those discussions. Submissions should indicate if representatives of the relevant sector in Chile do not support the proposal. USTR encourages interested parties to consider submitting proposals jointly with interested parties in Chile.

Scope and Coverage of Proposals: USTR encourages interested parties to review the broadest appropriate range of items and to submit proposals that reflect a consensus reached after such a broad-based review. A single proposal can thus include requests covering multiple tariff headings. Entire 8-digit tariff subheadings should be covered, but proposals may also be submitted at the 6, 4, or 2 digit level where the intent is to cover all subsidiary duties.

Requirements for Submissions. Persons submitting proposals must do so in English and must specify (on the first page of the submission) the "Chile FTA Tariff Acceleration," "Chile FTA Rules of Origin Liberalization," or both. Proposals must be received by August 6, 2010.

In order to ensure the most timely and expeditious receipt and consideration of proposals, USTR has arranged to accept on-line submissions via *http://www.regulations.gov.* To submit proposals via *http://www.regulations.gov,* enter docket number USTR–2010–0016 on the home page and click "search". The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting "Notice" under "Document Type" on the left side of the search-results page, and click on the link entitled "Submit Comment." (For further information on using the *http://www.regulations.gov* Web site, please consult the resources provided on the Web site by clicking on the "Help" link at the top of the home page.)

The *http://www.regulations.gov* Web site provides the option of providing comments by filling in a "Type Comment and Upload File" field, or by attaching a document. It is expected that most comments will be provided in an attached document. If a document is attached, it is necessary and sufficient to type "See attached" in the "Type

Comment and Upload File" field. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application other than those two, please indicate the name of the application in the "Comments" field.

For any proposals submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters "BC". Any page containing business confidential information must be clearly marked "BUSINESS CONFIDENTIAL" on the top of that page. Filers of submissions containing business confidential information must also submit a public version of their proposals. The file name of the public version should begin with the character "P". The "BC" and "P" should be followed by the name of the person or entity submitting the proposal. Filers submitting proposals containing no business confidential information should name their file using the character "P", followed by the name of the person or entity submitting the comment or proposal.

Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the proposals themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the submission itself, not as separate files.

USTR strongly urges submitters to file proposals through *http://www.regulations.gov,* if at all possible. Any alternative arrangements must be made with Ms. Blue in advance of transmitting a proposal. Ms. Blue should be contacted at (202) 395–3475. General information concerning the Office of the United States Trade Representative may be obtained by accessing its Internet Web site (*http://www.ustr.gov*).

Carmen Suro-Bredie,

Chairman, Trade Policy Staff Committee.

[FR Doc. 2010–16756 Filed 7–8–10; 8:45 am]

BILLING CODE 3190–W0–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35385]

Oregon International Port of Coos Bay—Acquisition Exemption—Rail Line of Union Pacific Railroad Company in Coos County, OR

The Oregon International Port of Coos Bay (Port), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire approximately 22.37 miles of rail line, known as the Coquille Branch,[1] from Union Pacific Railroad Company in Coos County, Or. The line extends between milepost 763.13, in Cordes, where it connects to track currently owned by the Port, and milepost 785.5, in Coquille, the end of the line.

The Port certifies that its projected annual revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier and further certifies that its projected annual revenue will not exceed $5 million.

The earliest this transaction may be consummated is July 23, 2010, the effective date of the exemption (30 days after the exemption was filed).

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 transaction. Petitions for stay must be filed no later than July 16, 2010 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. 35385, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Sandra L. Brown, 1920 N Street, NW., Suite 800, Washington, DC 20036.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: July 2, 2010.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Kulunie L. Cannon,

Clearance Clerk.

[FR Doc. 2010–16593 Filed 7–8–10; 8:45 am]

BILLING CODE 4915–01–P

[1] The Port states that rail operations are currently suspended because the previous operator, Central Oregon & Pacific Railroad, Inc. (CORP), issued an embargo in 2007 and later obtained discontinuance authority over the line. *See Central Oregon & Pacific Railroad, Inc.—Abandonment and Discontinuance of Service—in Coos, Douglas, and Lane Counties, Or.,* Docket No. AB 515 (Sub-No. 2) (served Oct. 31, 2008). The Port further states that the line is not currently in operable condition, and thus significant repairs are required. Once the line becomes operational, the Port plans to have a third-party operator in place to provide service.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program for Modesto City-County Airport, Modesto, CA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the City of Modesto under the provisions of Title I of the Aviation Safety and Noise Abatement Act, as amended, (Pub. L. 96–193) (hereinafter referred to as "the Act") and 14 CFR Part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96–52 (1980). On January 9, 2009, the FAA determined that the noise exposure maps submitted by the City of Modesto under Part 150 were in compliance with applicable requirements.

DATES: *Effective Date:* The effective date of the FAA's approval of the Noise Compatibility Program for Modesto City-County Airport is June 2, 2010.

FOR FURTHER INFORMATION CONTACT: Camille Garibaldi, Environmental Protection Specialist, FAA Western-Pacific Region, San Francisco Airports District Office, 831 Mitten Road, Suite 210, Burlingame, California, telephone number (650) 876–2778 extension 613. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the Noise Compatibility Program for Modesto City-County Airport, effective June 2, 2010. Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979, as amended (herein after referred to as the "Act") [recodified as 49 U.S.C. 47504], an airport operator who has previously submitted a Noise Exposure Map may submit to the FAA a Noise Compatibility Program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the Noise Exposure

Maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act, and is limited to the following determinations:

a. The Noise Compatibility Program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land uses around the airport and preventing the introduction of additional non-compatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, State, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA under the Airport and Airway Improvement Act of 1982, as amended. Where Federal funding is sought, requests for project grants must be submitted to the FAA Western-Pacific Region, San Francisco Airports District Office in Burlingame, California.

The City of Modesto submitted to the FAA on October 2, 2008, the Noise Exposure Maps for evaluation. The FAA determined that the Noise Exposure Maps were in compliance with applicable requirements on January 9, 2009. Notice of this determination was published in the **Federal Register** on January 26, 2009.

The Modesto City-County Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions. It was requested that the FAA evaluate and approve this material as a Noise Compatibility Program as described in 49 U.S.C. 47504 (formerly Section 104(b) of the Act). The FAA began its review of the program on December 9, 2009 and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new or modified flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The Noise Compatibility Program recommended two noise abatement elements, four land use management elements and one program management element. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program was approved, by the Manager of the Airports Division, Western-Pacific Region, effective June 2, 2010.

Approval was granted for one Noise Abatement Element, four Land Use Management Elements and one Program Management Element. The approved measures included: Designate a commercial service hold area near midfield; Adopt the Modesto City-County Airport Part 150 Noise Compatibility Program by reference in the cities of Modesto and Ceres, and Stanislaus County General Plans; Consistently designate the area northwest of the airport within the City of Modesto and Stanislaus County General Plan; The City of Modesto should consider adopting an airport compatibility checklist for discretionary review of projects within its vicinity; Adopt a Noise Overlay Zone; and Update Noise Exposure Maps and Noise Compatibility Program.

The Noise Abatement Element—Pursue a change to the Department of Defense's Instrument Flight Rule Supplement was disapproved for purposes of Part 150. The FAA disapproved the element due to lack of supporting analysis in the Noise Compatibility Plan. However, the disapproval does not prohibit the City of Modesto from working with the Department of Defense to revise the recommended operational hours in the Instrument Flight Rule Supplement on a voluntary basis.

The FAA determinations are set forth in detail in the Record of Approval signed by the Manager of the Airports Division, Western-Pacific Region, on June 2, 2010. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the Modesto City-County Airport. The Record of Approval also will be available on-line at: *http://www.faa.gov/airports/environmental/airport_noise/part_150/states/.*

Issued in Hawthorne, California, on June 18, 2010.

Brian Q. Armstrong,

Acting Manager, Airports Division, Western-Pacific Region, AWP–600.

[FR Doc. 2010–16751 Filed 7–8–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with part 211 of title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance from certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Orange Empire Railway Museum

[Waiver Petition Docket Number FRA–2010–0102]

The Orange Empire Railway Museum (OERM) seeks a waiver of compliance from certain provisions of the Railroad Freight Car Safety Standards, 49 CFR 215.303, which requires stenciling of restricted cars; as well as 49 CFR 224.3, which requires Reflectorization for freight cars.

OERM owns 66 rail cars that are older than 50 years, and are restricted by the provision of 49 CFR 215.203(a). OERM is seeking special approval to continue to use these cars under proceeding according to 49 CFR 215.203(b).

OERM states that the cars subject to this waiver are used for educational, historical and interpretive purposes as part of the ongoing museum activities of Southern California Railway Museum, Inc, d.b.a. Orange Empire Railway Museum, a California non-profit education corporation. OERM is a historical museum tourist railroad operation located in the City of Perris, California. Continued operation of these cars is central to the education mission and economic survival of the museum.

OERM further states that applying the required stenciling and reflective material would destroy the historical appearance of the cars. The cars will be operated in captive service and will never be interchanged. These cars are rarely, if at all, operated at times other than daylight hours. On the rare occasions when the cars are operated at night and across a public grade crossing, the crossings in question are fully equipped with automatic crossing protection and, by virtue of their locations within an urban area, there is adequate light at the grade crossing to illuminate the cars.

The crossing at 7th street on the Jacinto Industrial Spur is not protected by gates and flashers; however, on the rare occurrence, if ever, when such equipment is moved across said crossing, the museum provides a flagman and speeds will not exceed 5 miles per hour. The 7th Street crossing is scheduled to receive gates, flashers and islands with the introduction of Metrolink service. There have never been any train/vehicle accidents at these grade crossings involving OERM trains.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.,* Waiver Petition Docket Number FRA–2010–0102) and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://www.regulations.gov.*

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, 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) or at *http://www.dot.gov/privacy.html.*

Issued in Washington, DC, on July 2, 2010.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2010–16725 Filed 7–8–10; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with part 211 of title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance from certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Pan Am Railways

[Waiver Petition Docket Number FRA–2010–0107]

The Pan Am Railways (Pan Am) seeks a waiver of compliance with the Locomotive Safety Standards, 49 CFR 229.129(b)(2), which requires that the sound level of horns of locomotives manufactured before September 18, 2006, be tested before June 24, 2010. Pan Am states in their request that difficulties in meeting the horn requirements for tests made at the rear of their locomotives, even after reconfiguring the existing horns, has created a need to replace horns on the majority of their locomotives, which cannot be done by June 24, 2010. Pan Am requests that the requirement to complete testing of horns on locomotives built prior to September 18, 2006, be extended 130 days, to November 1, 2010.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–2010–0107) and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 30 days of the date of this notice will be considered by FRA. FRA reserves the right to grant relief in response to this request prior to the expiration of the comment period. Any relief provided will be contingent upon FRA's consideration of any relevant comments submitted to the docket before the close of the comment period. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the

docket facility's Web site at *http://www.regulations.gov.*

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, 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) or at *http://www.dot.gov/privacy.html.*

Issued in Washington, DC, on July 2, 2010.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2010–16715 Filed 7–8–10; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with part 211 of title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance from certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Middletown & Hummelstown Railroad

[Waiver Petition Docket Number FRA–2010–0105]

The Middletown & Hummelstown Railroad (MIDH) has petitioned FRA for a waiver of compliance with the requirements of 49 CFR 215.203(a)(1) "Restricted Cars" (more than 50 years old) for 2 cars, RPCX 1987 and CNJ91537. Both of these cars are cabooses built in 1956, and 1942, respectively. MIDH is also requesting a waiver of compliance with 49 CFR 223.13, "Glazing requirements for existing cabooses" because of the high costs of FRA Type I and Type II Glazing, as opposed to the very low incidences of vandalism. MIDH operates its own rail line between Middletown and Hummelstown, Pennsylvania, a distance of approximately 7 miles. The maximum passenger train speed is 15 mph, and these cabooses will be used on this trackage.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–2010–0105) and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://www.regulations.gov.*

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, 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; Page 19477) or at *http://www.dot.gov/privacy.html.*

Issued in Washington, DC, on July 2, 2010.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2010–16722 Filed 7–8–10; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with part 211 of title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance from certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Southeastern Pennsylvania Transportation Authority

[Waiver Petition Docket Number FRA–2010–0113]

The Southeastern Pennsylvania Transportation Authority (SEPTA) seeks a waiver of compliance with the Locomotive Safety Standards, 49 CFR 229.129(b)(2), which requires that the sound level of horns of locomotives manufactured before September 18, 2006, be tested before June 24, 2010. SEPTA operates approximately 332 pieces of equipment (locomotives) with train horns that were manufactured before the September 18, 2006, date. SEPTA states in their request that lack of a site meeting the requirements of the horn test regulation has caused SEPTA to be unable to perform any of the required horn tests. SEPTA has recently realized that removal of trees at their Frazier Facility will allow the horn testing to be performed there. SEPTA requests that the requirement to complete testing of horns on locomotives built prior to September 18, 2006, be extended 6 months, to December 24, 2010.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.,* Waiver Petition Docket Number FRA–2010–0113) and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.

- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 30 days of the date of this notice will be considered by FRA. FRA reserves the right to grant relief in response to this request prior to the expiration of the comment period. Any relief provided will be contingent upon FRA's consideration of any relevant comments submitted to the docket before the close of the comment period. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://www.regulations.gov.*

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, 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) or at *http://www.dot.gov/privacy.html.*

Issued in Washington, DC, on July 2, 2010.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2010–16727 Filed 7–8–10; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1999–6156; FMCSA–1999–6480; FMCSA–2001–10578; FMCSA–2001–11426; FMCSA–2005–22727; FMCSA–2005–23099; FMCSA–2005–23238; FMCSA–2006–23773; FMCSA–2006–24015; FMCSA–2007–0071; FMCSA–2008–0021]

Qualification of Drivers; Exemption Renewals; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA previously announced its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 18 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemptions will provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The statute also allows the Agency to renew exemptions at the end of the 2-year period. The comment period ended on June 16, 2010 (75 FR 27622).

Discussion of Comments

FMCSA received no comments in this proceeding.

Conclusion

The Agency has not received any adverse evidence on any of these drivers that indicates that safety is being compromised. Based upon its evaluation of the 18 renewal applications, FMCSA renews the Federal vision exemptions for Paul D. Crouch, John M. Doney, Curtis N. Fulbright, Joshua G. Hansen, Daniel W. Henderson, Edward W. Hosier, Craig T. Jorgensen, Jose A. Lopez, Earl E. Martin, Bobby L. Mashburn, Brian E. Monaghan, William P. Murphy, Roy J. Oltman, Albert L. Remsburg, III, Antonio A. Ribeiro, Justin T. Richman, Darwin J. Thomas and Frankie A. Wilborn.

In accordance with 49 U.S.C. 31136(e) and 31315, each renewal exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: July 6, 2010.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. 2010–16831 Filed 7–8–10; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0317]

Proposed Information Collection (Request for Identifying Information Re: Veteran's Loan Records) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to complete a claimant's application.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 7, 2010.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *http://www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail *nancy.kessinger@va.gov.* Please refer to "OMB Control No. 2900–0317" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461–9769 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA. With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Request for Identifying Information Re: Veteran's Loan Records, VA Form 26–626.

OMB Control Number: 2900–0317.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 26–626 is used to notify a correspondent that additional information is needed to determine if a veteran's loan guaranty benefits are involved and if so, to obtain the necessary information to identify and associate the correspondence with the correct veteran's loan application or record. If such information is not received within one year from the date of such notification, benefits will not be paid or furnished by reason of an incomplete application.

Affected Public: Individuals or households.

Estimated Annual Burden: 200 hours.

Estimated Average Burden Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 2,400.

Dated: July 6, 2010.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2010–16788 Filed 7–8–10; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0099]

Proposed Information Collection (Dependent's Request for Change of Program or Place of Training) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to request a change of education program or place of training.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 7, 2010.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *http://*.www.Regulations.gov or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail *nancy.kessinger@va.gov*. Please refer to "OMB Control No. 2900–0099" in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461–9769 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Dependent's Request for Change of Program or Place of Training, (Under Provisions of Chapter 35, Title 38, U.S.C.).

OMB Control Number: 2900–0099.

Type of Review: Extension of a currently approved collection.

Abstract: Spouses, surviving spouses, or children of veterans who are eligible for Dependent's Educational Assistance, complete VA Form 22–5495 to change their program of education and/or place of training. VA uses the information collected to determine if the new program selected is suitable to their abilities, aptitudes, and interests and to verify that the new place of training is approved for benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 13,034 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 52,135.

Dated: July 6, 2010.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2010–16787 Filed 7–8–10; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0051]

Proposed Information Collection (Quarterly Report of State Approving Agency) Activities Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of

1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to accurately reimburse State Approving Agencies (SAAs) for expenses incurred in the approval and supervision of education and training programs.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 7, 2010.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *http://www.Regulations.gov;* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail to *nancy.kessinger@va.gov.* Please refer to "OMB Control No. 2900–0051" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461–9769 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Quarterly Report of State Approving Agency Activities.

OMB Control Number: 2900–0051.

Type of Review: Extension of a currently approved collection.

Abstract: VA reimburses SAAs for expenses incurred in the approval and supervision of education and training programs. SAAs are required to report their activities to VA quarterly and provide notices regarding which courses, training programs and tests were approved, disapproved or suspended.

Affected Public: State, Local or Tribal Government.

Estimated Annual Burden: 228 hours.

Estimated Average Burden per Respondent: 1 hour.

Frequency of Response: Quarterly.

Estimated Number of Respondents: 57.

Estimated Number of Responses: 228.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2010–16789 Filed 7–8–10; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0703]

Proposed Information Collection (Dependents' Educational Assistance (DEA) Election Request) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine dependents of veterans beginning date to start their DEA benefits.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 7, 2010.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *http://www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail *nancy.kessinger@va.gov.* Please refer to "OMB Control No. 2900–0703" in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461–9769 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Dependents' Educational Assistance (DEA) Election Request, VA Form Letter 22–909.

OMB Control Number: 2900–0703.

Type of Review: Extension of a currently approved collection.

Abstract: VA must notify eligible dependents of veterans' receiving DEA benefits of their option to elect a beginning date to start such benefits. VA will use the data collected on VA Form Letter 22–909 to determine the appropriate amount of benefit is payable to the claimant.

Affected Public: Individuals or households.

Estimated Annual Burden: 188 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One-time.

Estimated Annual Responses: 753.

Dated: July 6, 2010.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2010–16786 Filed 7–8–10; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0696]

Proposed Information Collection (Availability of Educational, Licensing, and Certifications Records) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine whether payments provided to educational institutions and licensing and certification organizations are correct.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 7, 2010.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *http://www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail *nancy.kessinger@va.gov.* Please refer to "OMB Control No. 2900–0696" in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461–9769 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Availability of Educational, Licensing, and Certifications Records; 38 CFR 21.4209.

OMB Control Number: 2900–0696.

Type of Review: Extension of a currently approved collection.

Abstract: Educational institutions offering approved courses and licensing and certification organizations offering approved tests are required to make their records and accounts pertaining to eligible claimants available to VA. The data collected will be used to ensure benefits paid under the education programs are correct.

Affected Public: Not-for-profit institutions.

Estimated Annual Burden: 6,000 hours.

Frequency of Response: On occasion.

Estimated Average Burden per Respondents: 5 hours.

Estimated Annual Responses: 3,000.

Dated: July 6, 2010.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2010–16782 Filed 7–8–10; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0002]

Proposed Information Collection (Income-Net Worth and Employment Statement) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to determine a claimant's entitlement to disability pension.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 7, 2010.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *http://www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail *nancy.kessinger@va.gov.* Please refer to "OMB Control No. 2900–0002" in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461–9769 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Income-Net Worth and Employment Statement.

OMB Control Number: 2900–0002.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21–527 is completed by claimants who previously filed a claim for compensation and/or pension and wish to file a new claim for disability pension or reopen a previously denied claim for disability pension.

Affected Public: Individuals or households.

Estimated Annual Burden: 104,440.

Estimated Average Burden Per Respondent: 60 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 104,440.

Dated: July 6, 2010.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2010–16784 Filed 7–8–10; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0652]

Proposed Information Collection (Request for Nursing Home Information in Connection with Claim for Aid and Attendance) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine eligibility for aid and attendance for claimants who are patients in nursing home.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 7, 2010.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *http://www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail *nancy.kessinger@va.gov.* Please refer to "OMB Control No. 2900–0652" in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461–9769 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Request for Nursing Home Information in Connection with Claim for Aid and Attendance, VA Form 21–0779.

OMB Control Number: 2900–0652.

Type of Review: Extension of a currently approved collection.

Abstract: The data collected on VA Form 21–0779 is used to determine veterans residing in nursing homes eligibility for pension and aid and attendance. Parents and surviving spouses entitled to service-connected death benefits and spouses of living veterans receiving service connected compensation at 30 percent or higher are also entitled to aid and attendance based on status as nursing home patients.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 8,333 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 50,000.

Dated: July 6, 2010.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2010–16785 Filed 7–8–10; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–New (10–0505)]

Proposed Information Collection (Health Resource Center Medical Center Payment Form) Activity: Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Health Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 9, 2010.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to "OMB Control No. 2900–New (10–0505)."

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–7485, fax (202) 273–0443 or e-mail *denise.mclamb@va.gov.* Please refer to "OMB Control No. 2900–New (10–0505)."

Title: Health Resource Center Medical Center Payment Form, VA Form 10–0505.

OMB Control Number: 2900–New (10–0505).

Type of Review: Existing collection in used without an OMB control number.

Abstract: Data collected on VA Form 10–0505 will be used to allow claimants with medical care copayment debts to pay online with a credit card or Automated Clearing House transaction.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on April 28, 2010, at page 22438.

Affected Public: Individuals or households.

Estimated Total Annual Burden: 48,000.

Estimated Average Burden per Respondent: 4 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 60,000.

Estimated Number of Responses: 720,000.

Dated: July 6, 2010.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2010–16783 Filed 7–8–10; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Women Veterans; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that the Advisory Committee on Women Veterans will conduct a site visit on July 27–30, 2010, in the fourth floor auditorium at the Washington DC VA Medical Center (VAMC), 50 Irving Street, NW., Washington, DC, and in Room 542, at the Veterans Benefits Administration (VBA), 1800 G Street, NW., Washington, DC. The Committee will also participate in the Women Veterans' Forum at the Women in Military Service for America, at Arlington National Cemetery, Washington, DC. The meeting is open to the public. Those wishing to attend must have proper identification to enter the Federal facilities. Participation in the Women Veterans' Forum is by registration only.

The purpose of the Committee is to advise the Secretary of Veterans Affairs regarding the needs of women Veterans with respect to health care, rehabilitation, compensation, outreach, and other programs and activities administered by VA designed to meet such needs. The Committee makes recommendations to the Secretary regarding such programs and activities.

On July 27, the Committee will meet at the Veterans Benefits Administration Office and receive briefings focusing on claims processing, the appeals process, benefits outreach and assistance, and the function of the Board of Veterans Appeals. The meeting will begin at 9 a.m. and will end at 3 p.m. On July 28, the Committee will participate in the Women Veterans' Forum. On July 29–30, the Committee will convene at the Washington DC VA Medical Center and receive briefings on services available for women Veterans residing in Veterans Integrated Service Network (VISN) 5, and will include comments from VISN and VAMC leadership. The meeting will begin at 8:30 a.m. and will end at 4:30 p.m.

Any member of the public wishing to attend should contact Ms. Shannon L. Middleton at the Department of Veterans Affairs, Center for Women Veterans (00W), 810 Vermont Avenue, NW., Washington, DC 20420, or by phone at (202) 461–6193, or fax at (202) 273–7092, or e-mail at *00W@mail.va.gov*. Members of the press planning to attend the briefings at the VAMC should notify Michelle Spivak, Director, Public Relations and Public Affairs, at (202) 745–4037. Members of the press planning to attend briefings at VBA should contact Laurie Tranter, Public Affairs Officer, at (202) 461–7551. No time will be allocated for receiving oral comments from the public. However, interested persons may file statements with the Committee before the meeting, or within 10 days after the meeting. Comments should be sent to Ms. Middleton.

Dated: July 2, 2010.

By Direction of the Secretary.

Vivian Drake,

Acting Committee Management Officer.

[FR Doc. 2010–16703 Filed 7–8–10; 8:45 am]

BILLING CODE P

Federal Register

Friday,
July 9, 2010

Part II

Securities and Exchange Commission

17 CFR Part 242

Elimination of Flash Order Exception From Rule 602 of Regulation NMS; Proposed Rule

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 242

[Release No. 34–62445; File No. S7–21–09]

RIN 3235–AK40

Elimination of Flash Order Exception From Rule 602 of Regulation NMS

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Securities and Exchange Commission ("Commission") is reopening the period for public comment on a proposal to eliminate the flash order exception with respect to listed options from Rule 602 of Regulation NMS under the Securities Exchange Act of 1934 ("Exchange Act"). The proposal originally was published in Securities Exchange Act Release No. 60684 (September 18, 2009), 74 FR 48632 (September 23, 2009).

DATES: Comments should be received on or before August 9, 2010.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/proposed.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File No. S7–21–09 on the subject line; or
- Use the Federal eRulemaking Portal (*http://www.regulations.gov*). Follow the instructions for submitting comments.

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. S7–21–09. This file number should be included on the subject line if e-mail is used. To help us 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/proposed.shtml*). Comments are also 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. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Theodore S. Venuti, Special Counsel, at (202) 551–5658, Arisa Tinaves, Special Counsel, at (202) 551–5676, Gary M. Rubin, Attorney, at (202) 551–5669, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–7010.

SUPPLEMENTARY INFORMATION:

I. Introduction

Rule 602 of Regulation NMS [1] and Rule 301(b) of Regulation ATS [2] require exchanges and alternative trading systems ("ATSs"), respectively, to provide their best-priced quotations to the consolidated quotation data that is widely disseminated to the public.[3] In September 2009, the Commission proposed to amend Rule 602(a)(1)(i)(A) to eliminate an exception for the use of flash orders with respect to trading in both NMS stocks and listed options ("Proposal").[4] The exception applies to quotations that are executed immediately after communication, or cancelled or withdrawn if not executed immediately after communication. Flash orders are exposed to some market participants for a brief period of time (generally less than one second), but are not included in the consolidated quotation data pursuant to the Rule 602 exception. Moreover, flash orders generally are immediately executable at prices that equal (or "lock") the best displayed quotations on the contra side of the market, yet the orders are flashed rather than being immediately routed away to another market to execute against the quotations that establish the best prices.

With respect to listed options, the Commission is reopening the comment period to invite additional comment on the issues set forth in this release, as well as any other issues that the public wishes to address with respect to the Proposal as it would affect the listed options markets.

Of the 93 commenters that submitted views on the Proposal to the Commission, 67 generally supported the Proposal, 12 generally opposed the Proposal, and another 9 opposed the Proposal specifically for trading in listed options.[5] Supporters generally believed that eliminating the flash order exception would address the potential for two-tiered access to information concerning the best available prices for a security, encourage the public display of liquidity, and enhance the fairness of the markets for investors.[6] Those opposing the Proposal generally believed that flash orders can benefit investors by attracting additional liquidity and by helping to minimize trading fees.[7]

Specifically with respect to listed options, those opposing the Proposal focused on the differences between the cash equity and the listed options markets. For example, four commenters addressing the Proposal for listed options emphasized that there is no regulatory cap on the fees charged by listed options exchanges to access their best displayed quotations,[8] in contrast to access fees in the cash equity markets which generally are capped at $0.003 cents per share by Rule 610(c) of Regulation NMS. Moreover, a commenter emphasized that access fees are significantly higher in the options markets than in the cash equity markets, on both an absolute basis ($0.003 per share for cash equities and $0.0045 (per share equivalent) for options on one exchange) and a percentage basis (0.0176% of the average stock price for retail investors and 0.266% of the average option price for retail investors).[9] Commenters also were concerned that, in the absence of a fee cap for options, elimination of the flash

[1] 17 CFR 242.602.

[2] 17 CFR 242.301(b).

[3] Consolidated quotation data captures the best-priced quotations from exchanges, ATSs, and other trading centers for listed cash equities and options. This core data for a security is consolidated and distributed to the public by a single central processor pursuant to Commission rules.

[4] Securities Exchange Act Release No. 60684 (September 18, 2009), 74 FR 48632 (September 23, 2009) ("Proposing Release"). The Proposing Release contains a detailed description of a flash order. *See* Proposing Release at 48633–48634.

[5] In addition to the supporting and opposing commenters, five commenters neither supported nor opposed the Proposal. Copies of comments received on the Proposal are available on the Commission's Internet Web site, located at *http://www.sec.gov/comments/s7-21-09/s72109.shtml,* and in the Commission's Public Reference Room at its Washington, DC headquarters.

[6] Supporting commenters included individuals, industry groups, exchanges, and broker-dealers.

[7] Opposing commenters included 6 individuals, exchanges, an electronic communication network ("ECN"), a broker-dealer, and two academics.

[8] Letter from John C. Nagel, Managing Director and Deputy General Counsel, Citadel Investment Group, Inc. ("Citadel") dated November 20, 2009 ("Citadel Letter") at 2; Letter from Peter Bottini, EVP Trading and Customer Service, and Hillary Victor, Associate General Counsel, optionsXpress, Inc. ("optionsXpress") dated November 25, 2009 ("optionsXpress Letter") at 3; Letter from Thomas F. Price, Managing Director, Securities Industry and Financial Markets Association ("SIFMA") dated December 1, 2009 ("SIFMA Letter") at 5; Letter from Christopher Nagy, Managing Director Order Strategy, TD Ameritrade, Inc. ("TD Ameritrade"), dated November 23, 2009 ("TD Ameritrade Letter") at 2.

[9] Citadel Letter at 5.

order exception could lead to even higher access fees.[10]

To assess further these commenter concerns and other issues, the Commission is reopening the comment period for the proposed elimination of the flash order exception with respect to listed options. Additional comment is requested below on, among other things the effect of a proposed cap on access fees for listed options,[11] and on the execution quality that flash orders receive in the options markets. The Commission is particularly interested in the extent to which flash orders, if they fail to receive an execution in the flash process, "miss the market" by either receiving an inferior price through an execution against a displayed quotation or no execution at all. No useful data was provided on this crucial execution quality issue during the initial comment period. Two exchanges that use flash order mechanisms indicated that their fill rates for flash orders were in the range of 60–70%.[12] They did not, however, provide data on the execution quality, including implementation shortfall, of orders that failed to receive an execution in the flash process.

II. Requests for Comment

1. Commenters argued that flash orders were necessary in the options markets to avoid the access fees that otherwise would be charged if the orders were routed to other exchanges. If the Commission adopted a cap on access fees for listed options, would the change remove the need for exchanges to use flash orders to prevent their customers from incurring high access fees? Would the reduction in benefits of flash orders for listed options go beyond the direct effect of the reduction in access fees, such as through an impact on spreads or order book liquidity? If so, how much weight should be given to this net reduction in benefits of flash orders in the Commission's analysis of the costs and benefits of the Proposal to eliminate the flash order exception for listed options?

2. Comment and data are requested on the execution quality, including implementation shortfall of latency or nonexecution, received by investor orders in listed options that are placed in a flash mechanism.[13] What percentage of such orders are executed in the flash mechanism (that is, by execution against a flash responder)? How do the average access fees paid by these flashed orders compare to the average access fees the orders would have paid if they had been routed to an exchange posting the best quote? For orders that do not receive an execution in the flash mechanism, what percentage are routed to other exchanges, and what percentage of orders routed to other exchanges receive an execution? What proportions of flashed orders that received a flash execution, or that were executed at other markets, respectively, received an execution at a price better than, equal to, or worse than the national best bid or offer ("NBBO") at the time of order receipt at the exchange that flashed the order? Are flash orders used more often in certain market conditions, such as at times with wider bid-ask spreads? If so, please divide the statistics above by those market conditions.

3. Comment and data are requested on the execution quality received by investor orders in listed options that are not flashed. To what extent do marketable orders receive executions at prices that are better than, equal to, or worse than the NBBO at the time of order receipt at the exchange that initially receives the order? We understand that execution quality statistics comparable to those requested above are not widely available to investors and brokers in the listed options markets. Are they available to any investors or brokers to assess the execution quality of flashed orders? To the extent that they are not available, how are investors and brokers able to assess execution quality for flashed orders? For example, if investors and brokers do not have execution quality statistics for non-flashed orders in the options markets, how would they be able to compare the execution quality of flashed orders with the execution quality of orders that are not flashed?

4. What steps do brokers take to assess whether flashed orders in listed options "miss the market" by failing to receive either any execution or an execution at the NBBO price when the flashing exchange initially received the order? What data or other objective evidence do brokers use to assess whether flashed orders receive best execution?[14]

5. One commenter suggested that only in "rare" instances do flashed orders that are routed away "miss the NBBO market," and that in those rare instances the brokers typically honor the NBBO for their customers.[15] Do commenters agree with this statement? Does your answer depend on whether the NBBO benchmark that is honored is understood to be the NBBO at the time of order receipt at the flashing exchange, or the NBBO at some other time? Do commenters have any data to support their conclusion?

6. Several commenters stated that liquidity providers at "maker/taker" options exchanges quote more aggressively—that is, by displaying quotations that either improve the NBBO or are alone at the NBBO—because of the rebates paid to liquidity providers that are funded from the access fees charged to liquidity takers.[16] Do commenters agree that liquidity providers on maker/taker exchanges quote more aggressively than other exchanges once their displayed quotations are adjusted to account for the effect of access fees on the "all in" cost to the investor? If so, are liquidity rebates the only reason that liquidity providers on maker/taker exchanges are willing to quote aggressively? For example, does the absence of order flow captured by payments to routing brokers and the absence of guaranteed allocations for liquidity providers also contribute significantly to aggressive

[10] Citadel Letter at 6; TD Ameritrade Letter at 4.

[11] *See* Securities Exchange Act Release No. 61902 (April 14, 2010), 75 FR 20738 (April 20, 2010) ("Access Fee Release") (proposing a new rule relating to access to quotations for listed options that would cap access fees). Commenters on this release and on the Access Fee Release should be aware that the flash order and access fee issues, though related, are not necessarily linked. In formulating their views, commenters should recognize that the Commission will assess each proposal individually and could decide to take further action on one or both.

[12] Letter from Tony McCormick, Chief Executive Officer, Boston Options Exchange Group, LLC ("BOX"), dated November 23, 2009 ("BOX Letter") at 1; Letter from Michael J. Simon, General Counsel, Secretary and Chief Regulatory Officer, International Securities Exchange, LLC ("ISE"), dated November 23, 2009 ("ISE Letter") at 4.

[13] Implementation shortfall measures two components of order execution quality for marketable flash orders. First, for orders that are executed (whether at the flashing exchange or after routing to another exchange), it measures the difference between the trade price and the relevant quotation at the time of order receipt at the flashing exchange (the national best offer for buy orders and the national best bid for sell orders). Second, for orders that are cancelled without any execution or with only a partial execution, implementation shortfall measures the difference between the relevant quotation (as described for executed orders) and an imputed price based on the relevant quotation when the order is cancelled.

[14] The Commission notes that the "Recommendations for Quality of Execution Reports for Options Exchanges" issued by the SIFMA Equity Options Trading Committee on July 17, 2008 ("SIFMA Recommendations") do not appear to provide relevant information on whether flashed orders miss the market. The SIFMA Recommendations specifically exclude orders that an exchange routes away for execution elsewhere from the exchange's execution quality statistics. The SIFMA Recommendations are available at *http://www.sifma.org/assets/0/232/234/274/bbc1f723-af5b-45ed-b2f2-1ae7d2f2127d.pdf.*

[15] CBOE Letter at 5 n. 5.

[16] ISE Letter at 8; Letter from Larry Harris, Professor of Finance and Business Economics, USC Marshall School of Business, dated December 4, 2009 ("Harris Letter") at 2.

quoting by liquidity providers on maker/taker exchanges?

7. The Commission notes the distinction between "aggressive" quotations and "matching" quotations. Aggressive quotations are price leaders and help narrow the NBBO spread (by either improving the NBBO or remaining alone at the NBBO). Matching quotations follow prices set elsewhere and add size to the NBBO, but do not narrow the spread. To what extent do liquidity providers on payment for order flow options exchanges quote aggressively rather than merely matching the NBBO set elsewhere? Would eliminating the flash order exception lead one or both types of options exchange to quote more aggressively and thereby narrow NBBO spreads for listed options? Does your answer change depending on whether the Commission adopts a cap on access fees in the options markets that is substantially less than the access fees currently charged?

8. Does the availability of the flash mechanism at payment for order flow options exchanges play a significant role in enabling such exchanges to compete for order flow through broker payments, rather than through offering better prices for the execution of investor orders? Would eliminating the flash order exception lead payment for order flow options exchanges to respond competitively by more aggressive quoting or through greater use of price improvement mechanisms targeted at non-professional customer order flow?[17]

9. One commenter noted that there is no over-the-counter ("OTC") trading in listed options and that, as a result, more "good" order flow (that is, order flow relatively uninformed about future prices) reaches the options exchanges than the cash equity exchanges.[18] Another noted that, because quotations must be available for execution to all incoming order flow—both informed and uninformed—the quotations must be wider than the prices that could be offered exclusively to uninformed order flow.[19] (Prices that could be offered exclusively to uninformed order flow could incorporate tighter spreads because the market maker does not need to protect itself from adverse selection by informed traders by building in a wider spread.) Do commenters agree with these statements? If so, do mechanisms that offer price improvement attract a large percentage of customer order flow in listed options? Why or why not?

In this regard, what percentage of order flow in listed options participates in the price improvement mechanisms offered by exchanges? Is it less than 1% of order flow at most exchanges? Would the figure be higher if the Commission eliminated the flash order exception? Are there other reasons why price improvement mechanisms do not attract significant order flow? Do exchanges need more flexibility in distinguishing between informed and uninformed order flow as a means to offer better prices to customers that are not professional traders? Must price improvement mechanisms guarantee the NBBO to attract order flow?

10. What is the effect on order execution quality, as well as on the nature of competition in the options markets, of the absence of publicly available order execution quality data comparable to the data that is available for cash equities under Rule 605 of Regulation NMS? How do investors and customers assess best execution issues for flash orders in the absence of mandatory execution quality statistics?

III. Conclusion

The Commission requests comment and data on the issues discussed above, as well as reiterating its discussion and all requests for comment in the Proposing Release with respect to listed options. It is reopening the comment period on the Proposal to obtain the advantage of the public's views on all these issues.

Dated: July 2, 2010.

By the Commission.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010–16698 Filed 7–8–10; 8:45 am]

BILLING CODE 8010–01–P

[17] In general, a price improvement mechanism exposes incoming marketable orders to a competitive auction that provides an opportunity for the orders to be executed at better prices than the NBBO.

[18] ISE Letter, Appendix B at 2.

[19] Harris Letter at 4.

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